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Chapter 17.04
Offenses Against Public Peace

Article I. Protection of Peace and Safety

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Article I. Protection of Peace and Safety

17.04.010 Purpose.

The Board of Trustees has determined that this article is necessary to preserve the safety, health and general welfare of the Town of Hotchkiss and the citizens thereof.

17.04.020 Reserved.

17.04.030 Unlawful assembly.

It shall be unlawful for any multiple number of persons to assemble within the Town for the purpose of threatening, coercing or intimidating any person, individual or public officer by other than peaceable

means. Nothing contained in this Section shall prohibit peaceable assembly, picketing or advertising of a cause.

17.04.040 Blocking streets and sidewalks.

It shall be unlawful for any person or group of persons to block a public street or in any way restrict foot or vehicular traffic on public streets or sidewalks or to trample upon or injure or usurp the rights or property of other persons without a permit.

17.04.050 Trespass on private property.

It shall be unlawful for any person to trespass upon private property.

17.04.060 Trespass on business property.

It shall be unlawful for any person to trespass upon business property within the Town, which business property is generally open to the public, after the proprietor, manager, owner or other person having a managerial right has requested said offending person to leave the premises or has otherwise withdrawn the privilege of said offending person to remain upon the premises.

17.04.065 Definition of Property.

As used in sections 17.04.050 and 17.04.060, “property” means real property, buildings, and other improvements thereon, and the stream banks and beds of any nonnavigable fresh water streams flowing through such real property.

17.04.070 Unlawful to disobey official.

It shall be unlawful to disobey the order of any policeman, fireman, trustee or the Mayor or any other public official who is then engaged in quelling any riot, insurrection or disturbance of the public peace.

17.04.080 Enforcement authority.

The Mayor, any trustee, the Marshal or any officer of the Town shall be empowered and shall have the right to call upon the sheriff of Delta County or any of his or her deputies, or any other local law enforcement agencies for the enforcement or assistance in the enforcement of this article or any other ordinance of the Town designed for the preservation of the public peace. When called into the service of the Town by the Mayor, any trustee, the Marshal or any Deputy Marshal of the Town, the sheriff of Delta County or any of his or her deputies or any other local law enforcement agencies shall have the status of a town marshal or town officers.

Article II. Misdemeanors Designated

17.04.100 Assault.

It is unlawful for any person or persons to knowingly or recklessly strike, fight or cause bodily injury to another person, or with criminal negligence to strike, fight or cause bodily injury to another person.

17.04.110 Disorderly conduct.

It is unlawful for any person or persons to willfully commit disorderly conduct. A person commits disorderly conduct by:

- A. Making, causing or permitting to be made or caused unreasonably loud or offensive noises;
- B. In any manner, encouraging or permitting, by verbal or physical action, another person to engage in a fight or physical combat or by engaging in a fight or physical combat;
- C. Unless done with a deadly weapon, knowingly placing or attempting to place another person in fear of imminent serious bodily injury by any threat or physical action; or
- D. Abusing or threatening a person in a public place in an obviously offensive manner.

17.04.115 Urination and defecation in public.

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.

17.04.120 Harassment.

It is unlawful for any person to commit harassment. A person commits harassment if, with intent to harass, annoy or alarm another person he or she:

- A. Follows a person in or about a public place;
- B. Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose;
- C. Initiates communication with a person anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request, suggestion or proposal which is obscene; or
- D. Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

17.04.125 Resisting arrest.

A. It is unlawful and a person commits resisting arrest if he or she knowingly prevents or attempts to prevent a Marshal or Deputy Marshal, acting under color of his or her official authority, from effecting an arrest of the actor or another by:

1. Using or threatening to use physical force or violence against the law enforcement officer or another; or
2. Using any other means which creates a substantial risk of causing bodily injury to the law enforcement officer or another.

B. It is no defense to a prosecution under this Section that the law enforcement 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. A law enforcement officer acts "under color of his or her official authority" when, in the regular course of assigned duties or special duties, he or she is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by him or her.

C. The term *law enforcement* as used in this Section means a law enforcement officer in uniform or, if out of uniform, one who has identified himself or herself by exhibiting his or her credentials as such law enforcement officer to the person whose arrest is attempted.

17.04.130 Obstructing the duties of public officials.

A. Obstructing. It is unlawful for any person or persons to obstruct the activities of any law enforcement officer, any member of the Marshal's Department, any person duly empowered with Marshal's authority, or any personnel of the fire district while in the discharge or apparent discharge of his or her duty. *Obstruct* means any act or conduct which opposes, obstructs, prevents or attempts to prevent, interferes with, hinders or impedes the actions of another.

B. False Information. It is unlawful for any person or persons to furnish or otherwise provide false information to or file a false report with a law enforcement officer, a member of the Marshal's Department or personnel of the fire district while said law enforcement officer, member of the Marshal's Department or fire district personnel is acting in the discharge or apparent discharge of his or her official duties.

17.04.135 Interference with Police dogs.

It is unlawful for any person to willfully, maliciously or wantonly torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Marshal's Department of the Town in the performance of the functions or duties of such Department or to interfere with or meddle with any such dog while being used by the Department or any officer or member thereof in the performance of any of the duties or functions of the Department or of such officer or member.

17.04.140 Impeding Marshal Officers or firemen at scene of disaster.

A. Driving or Parking. It is unlawful for any person to drive a vehicle to or close by, or to park a vehicle at or within one hundred (100) yards of the scene of a fire, explosion, traffic accident, flood or other disaster in such manner as to obstruct or impede the arrival or departure of any fire truck, ambulance or any other emergency vehicle, or in such manner as to obstruct or impede any policeman, fireman, emergency personnel or military personnel in the performance of their duties in coping with such disaster.

B. Loitering. No person shall loiter or congregate in the vicinity of any fire, explosion, traffic accident, flood or other disaster in such a way as to impede or obstruct the arrival or departure of any fire truck, ambulance or any other emergency vehicle or in such a manner as to obstruct or impede any policeman, fireman, emergency personnel or military personnel in the performance of their duties in coping with such disaster. The Marshal or his or her designee is authorized to take all steps necessary to carry out the terms of these provisions.

17.04.150 Obstructing public ways, property.

A. Obstructing Traffic. It is unlawful for any person to obstruct in any manner any sidewalk, public highway, street or alley in the Town, or to place in any doorway or driveway or on any sidewalk, public highway, street or alley in the Town any item or article which may cause or tend to cause the obstruction thereof or any part thereof.

B. Interfering with the Use of Streets or Sidewalks. It is unlawful for any person or assemblage of persons, whose standing, remaining or congregating on any public highway, street, alley or sidewalk in

the Town shall obstruct, interfere with or prevent the free, unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley or sidewalk, or to fail or refuse to move on, disperse or cease such obstruction or interference immediately on being so ordered by any Marshal Officer of the Town or other authorized peace officer.

17.04.160 Discharging weapons.

A. It is unlawful for any person, except law enforcement officers in the performance of their duties, to fire or discharge within the Town, without reasonable cause therefore, shotgun or rifle, a revolver, pistol or other firearm of any description, or any air gun, gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth in this Chapter or by any other name.

B. Exceptions. The Town Council may license or permit certain persons from time to time to discharge firearms or other ballistic devices for ceremonial or demonstration purposes. This Section shall not prohibit the discharge of weapons with an approved target or shooting range or gallery or inside a slaughterhouse, provided that applicable zoning and other restrictions are met.

17.04.165 Open carry of firearms.

It is unlawful for any person, except law enforcement officers in the performance of their duties, to openly carry a firearm in any Town-owned or Town-operated building, or on any Town-owned or Town-operated park, recreation area or property upon which the Town has directed to be posted a notification that the carrying of firearms is prohibited.

17.04.170 Forfeiture of deadly weapons.

Every person convicted of a violation of this Chapter may, in addition to other penalties provided by this Code, be required to forfeit to the Town such dangerous or deadly weapons so concealed or displayed.

17.04.180 General theft.

A. A person commits general theft when he or she knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, 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; or
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.

B. If any person willfully conceals un-purchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft.

C. If any person conceals upon his or her person or otherwise carries away any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any peace officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may detain and question such person in a reasonable manner for the purpose of ascertaining whether the person is guilty of theft. Such questioning of a person by a merchant, merchant's employee or peace or law enforcement officer does not render the merchant, merchant's employee or peace or law enforcement officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention.

D. This Section shall not apply when the aggregate value of the item(s) taken in any one (1) criminal episode is valued at five hundred dollars (\$500.00) or more, nor where the item taken is a motor vehicle, trade secret or credit device.

17.04.190 Theft by check.

A. It is unlawful for any person to issue, pass or negotiate a check as payment of any goods, services or other thing of value, or in exchange for cash when that person knew that, at the time of the issuance of the check, insufficient funds existed in the account being drawn upon to cover this and all other checks outstanding at the time of issuance.

B. It is unlawful for any person to issue or pass a check as payment for goods, service or other thing of value, or in exchange for cash when that person, having been notified in writing, either by the drawee upon which the check was drawn, the person or firm to which the check was originally issued or the Marshal's Office, on behalf of the person or firm to which the check was originally issued, that the check has been twice refused for insufficiency of funds, and fails to make good the check within ten (10) days of that notification. Said notification shall be sent to the address listed in subparagraph 2 below by the way of the U.S. Postal Service, certified mail, return receipt requested. Said return receipt, or the letter, envelope or return receipt marked "unclaimed" shall be conclusive proof of compliance with the notice requirements of this Section. It shall constitute a prima facie violation of this subsection that the person or firm to which the check was originally issued:

1. Obtained at least two (2) forms of non-photographic identification or one (1) form of identification bearing a photograph from the drawer, at the time of acceptance of the check;
2. Obtained an address of drawer of the check, at the time of acceptance of the check;
3. Presented the check to the drawee for acceptance or refusal for the first time within thirty (30) days of the date of issuance of the check; and
4. Eleven (11) days following the date of delivery, or attempted delivery, of said letter of notification, the drawer has failed to respond and make payment in full for the amount owed on the check and all reasonable charges incurred as a result of the return of the check.

C. It is unlawful for any person to stop payment or cause payment to be stopped on any check issued or passed as payment for any goods, service or other thing of value, or in exchange for cash, when that person does so with the intent to defraud.

D. It is unlawful for any person to open a checking account, negotiable order of withdrawal account or share account using false identification or an assumed name, for the purpose of and with the intent of committing theft by check.

E. Nothing in this Section shall apply where the value of the check is five hundred dollars (\$500.00) or greater, or where the offender is under accusation or formal criminal filing involving the issuance of two (2) or more checks within any sixty-day period in the State with an aggregate value of five hundred dollars (\$500.00) or more, nor shall this Section apply where the offender has been previously convicted under this Section or under any existing or former statute of the State involving the issuance of bad checks or theft or fraud by check.

F. A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to any police authority or officer of the court of this municipality, the release of which is for the purpose of investigating or prosecuting a violation of this Section.

G. In imposing a penalty for violation of this Section, the Municipal Court is specifically authorized and empowered to require restitution in full to the person or entity to whom any such check described herein was issued as a portion of, and/or in addition to, any other penalty deemed appropriate by the court.

17.04.200 Theft of rental property.

It is unlawful for any person knowingly to obtain or exercise control over the personal property of another, which is available only for hire, by means of threat or deception, or knowing that such use is without consent of the person providing the personal property or having obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fails to reveal the whereabouts of or to return said property to the owner thereof or his or her representatives or to the person from whom he or she received it within seventy-two (72) hours after the time at which he or she agreed to return it. This Section shall not apply where the aggregate value of the items taken in any one (1) criminal episode is valued at five hundred dollars (\$500.00) or more.

17.04.210 Price switching.

It is unlawful for any person to willfully alter, remove or switch the indicated price of any unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment; provided, however, that this Section shall not apply to goods, wares or merchandise of value of five hundred dollars (\$500.00) or more.

17.04.220 Theft by receiving.

It shall be unlawful for any person knowingly to receive, retain or loan any money by pawn or pledge on, or dispose of anything having a value of less than five hundred dollars (\$500.00), belonging to another, knowing or believing that said thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value.

17.04.222 Possession of marijuana.

A. For the purpose of this Section, the terms *marijuana* or *cannabis* shall include all parts of the plant *cannabis sativa L.*, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its

seeds or its resins, but shall not include fiber produced from its stalks, oil or cake made from the seeds of such plant, or the sterilized seed of such plant which is incapable of germination, if these items exist apart from any other item defined as *cannabis* in this Section.

B. It is unlawful for any person to possess not more than one (1) ounce of marijuana. For the purposes of this Section, open and public display, consumption or use of not more than one (1) ounce of marijuana shall be deemed possession thereof. Transferring or dispensing not more than one (1) ounce of marijuana from one (1) person to another for no consideration shall be deemed possession and not dispensing or sale thereof.

17.04.224 Possession of drug paraphernalia.

A. For the purpose of this Section, *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, ingesting, inhaling or otherwise introducing a controlled substance into the human body in violation of Section 17.04.222 or the laws of the State. *Drug paraphernalia* includes, but is not limited to:

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

2. 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: pipes, tubes bowls, bongs, miniature cocaine spoons, cocaine vials and 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;

3. 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;

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

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

B. In determining whether an object is drug paraphernalia, the Municipal Court, in its discretion, may consider, in addition to all other relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. The existence of any residue of marijuana on the object;

3. The existence and scope of legal uses for the object in the community; and

4. Expert testimony concerning its use.

C. It is unlawful for any person to possess drug paraphernalia if such person knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of Section 17.04.222 or the laws of the State.

17.04.226 Use of recreation vehicles.

A. Definitions.

1. *Authorized use* means a use upon any land within the Town which has been authorized and approved in accordance with this Code.

2. *Motorized recreation vehicle* means a vehicle manufactured primarily for sport and recreation, utilizing, tracks or two (2), three (3), four (4) or more wheels such as a motorbike, motorcycle, all-terrain vehicle, four-wheel drive sport truck or snowmobile. Many such vehicles are not licensed for use on public streets and highways and are generally used by their owners for recreation purposes only. *Motorized recreation vehicle* shall not include Town-operated emergency vehicles.

B. Unlawful Use.

1. It shall be unlawful for any person to drive, ride upon or engage in the recreational use of any motorized recreation vehicle within the Town upon any private lands, other than his or her own, unless the use thereon has been specifically authorized by the Town, or unless written permission has been secured from the owner of the land allowing such use and such written permission is in the possession of the person so using the land. For the purposes of this Section, the maintenance, repair, transportation and other uses of such motorized recreation vehicles for purposes other than recreational use within the municipal limits of the Town shall not be unauthorized.

2. The use of any motorized recreation vehicle upon any public lands shall be limited to authorized travel upon the streets and roads of the Town only, and further conditioned upon such vehicle being properly licensed or otherwise properly permitted for such use.

17.04.227 Littering and dumping prohibited.

No person may dump, litter, deposit or dispose of trash upon public or private property within the Town.

17.04.228 Accumulation on private property.

No person shall permit an accumulation of trash or solid waste upon his or her own private residential or business property for more than fourteen (14) days. Useful, but unsightly, materials may be stored only upon the rear areas of lots, or be concealed from public view. Nothing in this article shall be construed to require the concealment of stock in trade or merchandise held for sale at retail in areas otherwise properly secured and maintained in a manner pleasing to the general public.

17.04.229 Duty to remove solid waste.

No person shall dump, deposit or leave any ashes, wastepaper, trash, garbage, or any other solid waste or refuse of any kind within the limits of the Town or on any property owned by the Town, wherever situate, except at such a solid waste disposal site as may be designated by the Town Council, nor shall any person cause any such ashes, wastepaper, trash, garbage or solid waste or refuse of any kind or type to accumulate for any period of time in excess of fourteen (14) days without proper removal thereof to such sites designated by the Town Council, or to any other properly designated solid waste disposal site within or without the Town.

Chapter 17.08

Offenses Against Property

17.08.010 Damaging public or private property

17.08.020 Suspension of fine

17.08.030 Civil liability

17.08.040 Parental control

17.08.010 Damaging public or private property.

Any person who damages, mars, destroys, paints, smears or defaces public or private property or who participates with others in marring, damaging, destroying, painting, smearing or defacing of public or private property within the Town without express permission of the owner or governing body having charge of the property may, upon conviction, be punished as provided in the general penalty of this Code.

17.08.020 Suspension of fine.

No fine levied under this Chapter shall be suspended or revoked, except upon the condition that the public or private property damaged shall be restored to its original condition, or substantially restored to its original condition by the person or persons who shall be so convicted.

17.08.030 Civil liability.

Nothing contained in this Chapter shall be deemed to affect the right of owners of property to recover damages to property in a civil suit.

17.08.040 Parental control.

Any parent or parents who shall suffer or permit his, her or their child to commit any act prohibited in Section 17.08.010 shall, upon conviction, be guilty of a misdemeanor and shall be subject to punishment as provided in the general penalty of this Code.

Chapter 17.10

Complicity, Attempt and Accessory Offenses

- 17.10.010 Complicity**
- 17.10.020 Attempted violations**
- 17.10.030 Conspiracy**
- 17.10.040 Accessory to ordinance violation**

17.10.010 Complicity.

A person is legally accountable and may be charged as principal for the behavior of another constituting a violation of this Code if, with the intent to promote or facilitate the commission of the violation, he or she aids, abets or advises the other person in planning or committing the violation.

17.10.020 Attempted violations.

A. A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of a violation of this Code, he or she engages in conduct constituting a substantial step toward the commission of the violation. 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 violation. Factual or legal impossibility of committing the violation 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 a violation commits criminal attempt if the conduct would establish his or her complicity under Section 17.10.010 of this Code were the violation committed by the other person, even if the other is not guilty of committing or attempting the violation.

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 his or her criminal intent.

D. Attempted violation under this Section is a lesser included violation of every violation of the provisions of this Title.

17.10.030 Conspiracy.

A. A person commits conspiracy to commit a violation of this Code if, with the intent to promote or facilitate its commission, he or she agrees with another person or persons that they, or one (1) or more of them, will engage in conduct which constitutes a violation of this Code or an attempt to commit a violation of this Code, or he or she agrees to aid the other person or persons in the planning or commission of a violation of this Code or of an attempt to commit such violation of this Code.

B. No person may be convicted of conspiracy to commit a violation of this Code, 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.

17.10.040 Accessory to ordinance violation.

It shall be unlawful for any person to be an accessory to an ordinance violation. A person is an accessory to an ordinance violation if, with intent to hinder, delay or prevent the discovery, detection, apprehension, prosecution, conviction or punishment of another for the commission of an ordinance violation, that person renders assistance to such other person. For the purpose of this Section, *render assistance* means to:

- A. Harbor or conceal such person;
- B. Warn such other person of impending discovery or apprehension, except that this does not apply to a warning given in an effort to bring such other person into compliance with the law;
- C. Provide such other person with money, transportation, weapon, disguise or other thing to be used in avoiding discovery or apprehension;
- D. By force, intimidation or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such other person;
or
- E. Conceal, destroy or alter, or assist in concealing, destroying or altering, any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such other person.

Chapter 17.12

Possession and Consumption of Alcoholic Beverages

17.12.010 Definitions

17.12.020 Prohibited possession or consumption of alcoholic beverages in any public place or park

17.12.030 Illegal possession or consumption of ethyl alcohol by underage persons

17.12.031 Illegal sale or giving of alcohol to underage persons

17.12.040 Enforcement

17.12.060 General provisions

17.12.010 Definitions.

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

- A. *Alcoholic beverage* means any intoxicating liquor, be it vinous, spirituous or malt liquor.
- B. *Container* means any decanter, flask, bottle, jar, can, paper cup, thermos bottle or jug.
- C. *Establishment* means a business, firm, enterprise, service or fraternal organization, club, institution, entity, group or residence, and any real property, including buildings and improvements, connected therewith, and shall also include any members, employees and occupants associated therewith.
- D. *Ethyl alcohol* means any substance which is or contains ethyl alcohol.
- E. *Possession of ethyl alcohol* means that a person has or holds any amount of ethyl alcohol anywhere on his or her person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his or her immediate presence and control.
- F. *Private property* means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public, and privately owned real property which is not open to the public. *Private property* shall not include:
 - 1. Any establishment which has or is required to have a license pursuant to Article 46, 47 or 48 of Title 12, C.R.S.;
 - 2. Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or
 - 3. Any establishment which leases, rents or provides accommodations to members of the public generally.
- G. *Public place* means, without limitation, any street, alley, sidewalk, public building, public parking area, playgrounds, parks, ball fields or any other property owned by the State, County or any other subdivision thereof, including the Town. For the purposes of this Chapter, it shall be illegal to do any of the acts enumerated in Section 17.12.020 while in the confines of any vehicle, whether private or public, while the vehicle is upon any public place enumerated in this Subsection.
- H. *Seal* means the regular and original seal applied by order of the United States government over the cap of each and every container of alcoholic beverage or any other state or governmental seal applied to any container of alcoholic beverage sold for consumption.
- I. *Underage person* means any person who is under twenty-one (21) years of age.

17.12.020 Prohibited possession or consumption of alcoholic beverages in any public place or park.

A. It shall be unlawful for any person under twenty-one (21) years of age to have in his or her possession alcoholic beverage in any store, in any public place or area open to the public, including alleys, highways, roads, streets and ways, or upon property owned by either the State or the Town, or inside vehicles while upon alleys, highways, roads, streets and ways.

B. It shall be unlawful for any person to consume or have in his or her possession any open container of an alcoholic beverage in any public place, or area open to the public, except on any premises licensed to sell such liquor by the drink or consumption thereon during such hours as the sale of such liquor is permitted.

C. In addition to the foregoing, it shall be unlawful for any person who is a spectator or participant at any scheduled athletic event in any park or recreation area within the Town, or any area designated or used for park or recreational purposes, to have in his or her possession any open container of alcoholic beverage. An athletic event shall be deemed to have been scheduled if either the time and location has been established by the Town Public Works Department, or the North Fork Pool Park and Recreation District area has been reserved by a private organization for an athletic event.

D. The terms of Subsections B and C above shall not apply where a special events permits has been granted pursuant to state law or by special permit granted by the Town (if applicable at the time) upon application no less than five (5) days prior to the date of the event. The permit shall designate the specific time and place of the exempted event, the purpose of the event, the anticipated number of persons attending and the name of the person responsible for compliance with the terms of the permit. Nothing in this Section shall be construed as a waiver of the enforcement of any other ordinance of the Town or state statute.

E. It shall be unlawful for any person under twenty-one (21) years of age to obtain or attempt to obtain any alcoholic beverage by misrepresentation of age or by any other method in any place where alcoholic beverages is sold.

F. It is unlawful for the parent, guardian or other adult person having the duty to care and custody of a person under the age of eighteen (18) years to knowingly allow or permit such juvenile to violate Subsections A or E of this Section.

17.12.030 Illegal possession or consumption of ethyl alcohol by underage persons.

A. Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol on private property anywhere within Town boundaries commits illegal possession or consumption of ethyl alcohol by an underage person.

B. It shall be an affirmative defense to the offense described in Subsection A of this Section that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:

1. While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption;

2. When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S., or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes, or solely from the ingestion of a beverage which contained less than one-half of one percent (.5%) of ethyl alcohol by weight; or

3. The possession or consumption of ethyl alcohol took place for religious purposes protected by the First Amendment to the United States Constitution.

C. Prima facie evidence of violation of Subsection A of this Section shall consist of:

1. Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed ethyl alcohol on private property 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 ethyl alcohol intoxication or impairment while present anywhere in the Town.

17.12.031 Illegal sale or giving of alcohol to underage persons.

A. It shall be unlawful for any person to sell, give or provide ethyl alcohol to any person under the age of twenty-one (21) years.

B. It shall be an affirmative defense to giving or providing ethyl alcohol as described in Subsection A above if the ethyl alcohol was given or provided to a person under twenty-one (21) years of age:

1. While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property; and

2. The ethyl alcohol was given or provided by the parent or legal guardian, or with the consent of the parent or legal guardian who was present.

17.12.040 Enforcement.

A. It shall be the duty of the officers of the Marshal's Office of the Town, or any other law enforcement officer so authorized, to enforce this Chapter within the corporate limits of the Town including, but not limited to, all public places, including the county fairgrounds and county courthouse property. The enforcement shall be by the issuance of a summons and complaint for appearance in the Municipal Court of the Town to any person found violating this Chapter.

B. No law enforcement officer shall enter upon any private property to investigate any violation of this Section without probable cause.

17.12.060 General provisions.

A. During any trial for a violation of Section 17.12.020, 17.12.030 or 17.12.031, 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 be admissible into evidence and shall not constitute hearsay. A jury or 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 ethyl alcohol. A label which identifies the contents of any bottle, can or other container as containing, but not limited to, "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "bourbon," "rum," "scotch," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.

B. Prohibited possession or consumption of ethyl alcohol by any underage person, as defined in Section 17.12.010G, under Section 17.12.020, 17.12.030 or 17.12.031 is a strict liability offense.

C. Immediately upon a plea of guilty or no contest (except when such plea is entered in conjunction with a deferred judgment), or a verdict of guilt by the court or jury, to a violation of Section 17.12.020A or 17.12.020E of this Code, in addition to any other penalty, the court may require the offender to immediately surrender that person's driver's, minor driver's or provisional driver's license to the court. The court shall forward to the Colorado Department of Revenue a notice of conviction, together with the offender's license, not later than ten (10) days after the conviction becomes final or the license is surrendered, whichever is later.

D. The court may, in its discretion and as a part of the sentence to be imposed, require a person convicted of violating any portion of this Section to complete court approved public service in an amount and of a nature to be established by the court.

E. It is unlawful for any person to fail to surrender that person's license to the court within five (5) days of a plea of guilty, no contest or a verdict of guilty to a violation of Section 17.12.020A or 17.12.020F of this Code.

Chapter 17.16

Noise Control

- 17.16.010 Legislative intent**
- 17.16.020 Definitions**
- 17.16.030 Prohibited acts**
- 17.16.040 Motor vehicle sound pressure levels**
- 17.16.050 Emergencies**
- 17.16.060 Penalties**
- 17.16.070 Defenses**
- 17.16.080 Abatement orders**
- 17.16.0170 Superseded by more stringent provisions**
- 17.16.100 Other remedies**
- 17.16.110 Special events permits**

17.16.010 Legislative intent.

The Town Council finds:

- A. Excessive sound and vibration are a serious hazard to the public health and welfare, safety and the quality of life;
- B. A substantial body of science and technology exists by which excessive sound and vibration may be substantially abated;
- C. The people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, welfare or safety or degrade the quality of life; and
- D. It is the policy of the Town to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

17.16.020 Definitions.

As used in this Chapter:

- A. Commercial area means:
 - 1. An area where offices, clinics and facilities needed to serve them are located;
 - 2. An area with local shopping and service establishments located within walking distance of the residents served;
 - 3. A tourist-oriented area where hotels, motels and gasoline stations are located;
 - 4. A large integrated regional shopping center;
 - 5. A business strip along a main street containing offices, retail businesses and commercial enterprises;
 - 6. A central business district;
 - 7. A commercially dominated area with multiple unit dwellings; or

8. Any property zoned commercial.

B. *Construction* means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. *Demolition* means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

D. *Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

E. *Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

F. *Noise control office* or NCO means the code enforcement officer or a Marshal Officer or any other person with enforcement authority under this Chapter.

G. *Gross vehicle weight rating (GVWR)* means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

H. *Industrial* means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activities, but shall not include agricultural operations.

I. *Industrial, light* means:

1. An area containing clean and quiet research laboratories;

2. An area containing light industrial activities which are clean and quiet;

3. An area containing warehousing; or

4. An area in which other activities are conducted where the general environment is free from concentrated industrial activity.

J. *Motor vehicle* means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.

K. *Motorcycle* means an unenclosed motor vehicle having a saddle for the use of the operator and two (2), three (3) or four (4) wheels in contact with the ground including, but not limited to, motor scooters and minibikes.

L. *Muffler or sound dissipative device* means a device for abating the sound of escaping gases of the internal combustion engine.

M. *Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

N. *Noise disturbance* means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property. Any noise level measuring in excess of fifty (50) decibels at or immediately adjacent to the property boundary upon which the noise originates, is a noise disturbance, unless a greater noise level, as measured decibally, is allowed under Chapters 17.52 and 17.56 of this Code.

O. *Person* means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

P. *Power model vehicle* means any self-propelled airborne, water borne, or land borne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

Q. *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

R. *Public space* means any real property or structures thereon which are owned or controlled by a governmental entity.

S. *Real property boundary* means an imaginary line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person, but not including intra-building real property divisions.

T. *Residential* means an area of single- or multi-family dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. *Residential zone* includes educational facilities, hospitals, nursing homes and similar institutions.

U. *Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

V. *Vibration* means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

W. *Weekday* means any day Monday through Friday which is not a legal holiday.

17.16.030 Prohibited acts.

A. **Noise Disturbances Prohibited.** No person shall make, continue or cause to made or continued, any noise disturbance, including, but not limited to, the specific noise disturbances prohibited in subsection B of this Section. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this Section.

B. **Specific Prohibitions.** The following acts, and the causing thereof, are prohibited.

1. Radios, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:

a. In such a manner as to be audible at one hundred (100) feet from such device or plainly audible through the walls common to two (2) parties within a building except for activities open to the public and for which a permit has been issued by the appropriate authority;

b. In such a manner as to be audible at fifty (50) feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space;

c. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;

d. Notwithstanding any other provisions of this Chapter, it is permissible for any senior high school or junior high school band to perform or practice prior to the hour of 7:00 a.m.

2. Loudspeakers/Public Address Systems.

a. Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary;

b. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a residential real property boundary.

3. Street Sales. Offering for sale or selling anything by shouting or outcry within any residential area of the Town.

4. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across residential real property boundary.

5. Construction. Operating or permitting the operation of any tools or equipment in connection with construction, drilling or demolition work between the hours of 10:00 p.m. and 7:00 a.m. the following day on weekdays and between the hours of 10:00 p.m. and 8:00 a.m. on weekends or holidays such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work, work exempted pursuant to Section 17.16.050 or by variance issued pursuant to Section 17.16.070.E.

6. Vehicle or Motorboat Repairs and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

7. Powered Model Vehicles. Operating or permitting the operation of a powered model vehicle so as to create a noise disturbance across a residential real property boundary or in a public space between the hours of 10:00 p.m. and 7:00 a.m. the following day.

8. Emergency Signaling Devices.

a. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, except for emergency purposes or for testing, subject to the following limitations.

i. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or later than 10:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds;

ii. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than one (1) in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in subsection B(8)(i) shall not apply to such complete system testing.

b. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically or manually terminated within fifteen (15) minutes of activation, with the exception for an actual crime occurring.

9. Internal Combustion Equipment. No person shall operate, or permit to be operated, any internal combustion equipment including but not limited to lawnmowers, weed trimmers, chain saws, compressors or pumps driven by internal combustion engines between the hours of 10:00 p.m. and 7:00 a.m. the following day in any residential area. This provision shall not apply to motor vehicles or motorcycles.

10. Live Bands and Music. No person shall play, practice or perform, or permit to be played, practiced or performed, any live music audible at a residential real property boundary, between the hours of 12:00 a.m. and 7:00 a.m.

11. Fireworks. Except for fireworks displays that are permitted under Section 7801.3.1.2 of the Uniform Fire Code, no person shall use permissible fireworks except on the 4th of July between the hours of 8:00 a.m. and 10:00 p.m.

17.16.040 Motor vehicle sound pressure levels.

A. Adequate Mufflers of Sound Dissipative Devices.

1. No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device meeting manufacturer's specifications, in good working order and in constant operation.

2. No person shall modify, remove or render inoperative, or cause to be modified, removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

B. Motor Vehicle Horns and Signaling Devices. The following acts and the causing thereof are declared prohibited:

1. The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as provided in the Vehicle Code;

2. The sounding of any horn or other auditory signaling device other than the horn or auditory signaling device with which the motor vehicle was originally equipped;

3. The provisions of this Chapter shall not apply to the sounding of horns in the customary practice of celebrating weddings or in celebrating the victory of a county/town sports event, such as a “Welcoming home” a victorious team, so long as such sounding of horns is within two (2) hours of the completion of any such event.

C. Refuse Collection Vehicles. No person shall:

1. Operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse, between the hours of 10:00 p.m. and 7:00 a.m. the following day in a residential area; or

2. Collect refuse with a refuse collection vehicle between the hours of 10:00 p.m. and 7:00 a.m. the following day within five hundred (500) feet of a residential area.

D. Standing Motor Vehicle. No person shall operate the engine of, or permit the operation of the engine of, any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than fifteen (15) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within one hundred (100) feet of a residential area between the hours of 10:00 p.m. and 7:00 a.m. the following day. This prohibition shall not apply to emergency vehicles operated within the Town or the Delta County fire protection district.

17.16.050 Exemptions.

Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community, or to restore property to a safe condition following a public calamity, or noise caused by the operation of snow plowing equipment or drilling wells shall not be subject to the provisions of this Chapter. Any person drilling wells shall advise property owners adjacent to where drilling will occur at least twenty-four (24) hours in advance of drilling and shall use noise abatement measures as practical. Nothing in this Section shall be construed to permit law enforcement, ambulance, fire or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary.

17.16.060 Penalties.

Whenever under any section, subsection or paragraph of this Chapter any act or omission is prohibited or declared to be unlawful, any person convicted of a violation of any such section, subsection or paragraph shall be punished by a fine not to exceed one thousand dollars (\$1000.00), by imprisonment for a period not to exceed one year, or by both such fine and imprisonment.

17.16.070 Defenses.

It is a specific defense to a charge of violating this Chapter that:

A. The sound was made by an authorized emergency vehicle when responding to an emergency call or acting in time of emergency;

B. The sound was made within the terms of a parade, fireworks display or temporary street closure permit issued by the Town;

C. The sound was made by the sounding of the horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law;

D. The sound was made on property belonging to or leased or managed by a federal, state, county or special district governmental body other than the Town and was made by an activity of the governmental body or by others pursuant to a contract, lease or permit granted by such governmental body; or

E. The sound was made within the terms and conditions of a sound level variance granted by the Town. A variance may be granted after application is made if the Town Council finds that compliance will cause any undue hardship and further finds that:

1. Additional time is necessary for the applicant to alter or modify the activity or operation to comply with this Section; or

2. The activity, operation or sound device will be of temporary duration, and even with the application of the best available control technology cannot be done in a manner that would comply with this Section.

In either case, the Town Council must also find that no reasonable alternative is available to the applicant. If the Town Council grants a variance, it shall prescribe such reasonable conditions or requirements as are necessary to minimize adverse effects upon the community or the surrounding neighborhood, including, but not limited to, the effective dates, time(s) of day, location, sound pressure level or equipment limitation.

F. The sound was made within the terms and conditions of a permit issued pursuant to Section 17.16.020.

17.16.080 Abatement orders.

In lieu of issuing a notice of violation, the NCO or other official responsible for enforcement of any provisions of this Chapter may issue an order requiring abatement of any source of sound alleged to be in violation of this Chapter within a reasonable time period.

17.16.090 Superseded by more stringent provisions.

All other provisions of this Code shall supersede this Chapter to the extent that such other provisions are more stringent.

17.16.100 Other remedies.

No provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal or equitable remedy therefrom, of any person for injury or damage arising from any violation of this Chapter or from other law or to abate a noise nuisance under the laws of the State.

17.16.110 Special event permits.

A. Applications for a special event permit for relief from the provisions of this Chapter may be made to the Town Clerk or his or her authorized representatives for noise which, if prohibited, would cause undue hardship to the person or party responsible for the noise, together with payment of such administrative fee as the town may establish.

B. In granting relief, consideration shall be made of the nature of the event, and economic feasibility of bringing the noise into conformance with the Chapter.

C. Any special event permit granted hereunder may establish, without limitation, the effective dates, times of day, location or limitations relating to the particular circumstances giving rise to the permit.

Chapter 17.20

Curfew for Minors

17.20.010 Curfew

17.20.020 Knowingly allowing Or permitting violation of curfew

17.20.030 Penalty for violations

17.20.010 Curfew.

It shall be unlawful for any person who has not reached his or her eighteenth birthday to be or remain upon any public road, street or alley, to be or remain in any establishment open to the public, or to be or remain in any other public place in the Town after the hour of 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, or after the hour of 12:00 midnight on any Friday or Saturday, or prior to the hour of 5:00 a.m. on any day, except:

- A. When accompanied by a parent, guardian or other person having legal custody of such minor;
- B. For lawful employment or for one-half ($\frac{1}{2}$) hour before or after such employment when commuting directly to or from such employment;
- C. When accompanied by a person who has reached his or her eighteenth birthday and who has in his or her possession the written and signed consent of the parent, guardian or other person having legal custody of the minor; or
- D. When returning from an officially sanctioned school function or activity within one-half ($\frac{1}{2}$) hour after the conclusion of such activity or function.

17.20.020 Knowingly allowing or permitting violation of curfew.

It shall be unlawful for any parent, guardian or other person having legal custody of any minor who has not reached his or her eighteenth birthday to knowingly allow or permit any such minor to be or remain upon any public road, street or alley, to be or remain in any establishment open to the public, or to be or remain in any other public place in the Town after the hour of 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, or after the hour of 12:00 midnight on any Friday or Saturday, or prior to the hour of 5:00 a.m. on any day, except:

- A. When accompanied by a parent, guardian or other person having legal custody of such minor;
- B. For lawful employment or for one-half ($\frac{1}{2}$) hour before or after such employment when commuting directly to or from such employment; or
- C. When accompanied by a person who has reached his or her eighteenth birthday and who has in his or her possession the written and signed consent of the parent, guardian or other person having legal custody of the minor.

The term *knowingly* as used herein includes knowledge which a parent, guardian or other person having legal custody of a person who has not reached his or her eighteenth birthday should be reasonably expected to have concerning the whereabouts of said minor.

17.20.030 Penalty for violations.

Any person who violates any provision of this Chapter, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) for each separate violation.

Chapter 17.22

Distribution of Cigarettes and Tobacco Products to Minors

17.22.010 Definitions

17.22.020 Prohibition

17.22.030 Penalty

17.22.010 Definitions.

Tobacco products means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clipping, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing and smoking.

17.22.020 Prohibition.

A. It is unlawful for any person eighteen (18) years of age or older to furnish to any person who is under eighteen (18) years of age by gift, sale or other means any cigarettes or tobacco products.

B. It is unlawful for any person under the age of eighteen (18) years of age to consume, possess or to purchase or attempt to purchase, either directly or through an intermediary, or in any other manner obtain any cigarette or tobacco product.

17.22.030 Penalty.

Any person who is convicted of, or pleads guilty or no contest to, a violation of this Chapter shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count.

Chapter 17.24

Abandoned, Junked or Wrecked Vehicles

- 17.24.010 Definitions
- 17.24.020 On public property
- 17.24.030 On private property
- 17.24.040 Removal -- public tow
- 17.24.050 Removal -- private tow
- 17.24.060 Special permits
- 17.24.070 Enforcement

17.24.010 Definitions.

A. *Abandoned vehicle* means:

1. Any vehicle standing upon any portion of a street or highway right-of-way, or in a public parking lot for more than seventy-two (72) hours unless a dated notice has been conspicuously affixed to the vehicle by its driver or owner indicating an intention to remove the vehicle, or unless such driver or owner shall have notified the Marshal's Office of his or her intention to remove the vehicle within seventy-two hours of such notification. If the driver or the owner of the vehicle for which the notification was given does not remove the vehicle within seventy-two (72) hours of such notification, then the vehicle shall be deemed abandoned.

2. Any vehicle left unattended on private property for more than twenty-four (24) hours without the consent of the owner or lessee of such private property or his legally authorized agent; or any vehicle parked on private property in violation of parking restrictions set by the private property owner in signs conspicuously posted on the private property and which signs contain the property owner's restrictions on parking and the name and telephone number of the towing operator by whom such vehicle will be removed; or, any vehicle left unattended on private property in such manner as to impede or obstruct access to or from the private property by the owner, lessee or authorized agent of such private property or guests and invitees of such owner, lessee or authorized agent.

3. Any vehicle placed in an impound lot at the request of its owner or the owner's agent or an officer of the Marshal's Office which is not lawfully removed from the impound lot in accordance with an agreement between the Town and the owner or the owner's agent, or within seventy-two (72) hours of the time the Marshal's Office notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Marshal Office requested the impoundment of the vehicle, the provisions of this Chapter governing the public tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned. In all other situations, the provisions of this Chapter governing the private tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned.

B. *Impound lot* means a parcel of real property which is owned or leased by a government or operator at which vehicles are stored under appropriate protection.

C. *Junked vehicle* includes any vehicle partially dismantled, wrecked or discarded, or any vehicle which is found to be inoperable, without valid licensing tags.

D. *Operator* means a person or entity licensed by the Colorado Public Utilities Commission and the Colorado Department of Revenue to tow and store abandoned vehicles.

E. *Person* means any person, firm, partnership, association, corporation, company or organization authorized to do business in the State or otherwise authorized to hold title to a vehicle.

F. *Marshal's Office* means the Hotchkiss Marshal's Office and the officers thereof.

G. *Private property* includes all other real property within the municipal limits of the Town not designated in this Chapter as a street or highway or other way or easement.

H. *Private tow* means any tow of a vehicle not requested by the Marshal's Office.

I. *Public property* means any real property having its title, ownership, use or possession held by the federal government, the state of Colorado, any county of this state, the Town, or any other governmental entity within this state.

J. *Public tow* means any tow of a vehicle requested by the Marshal's Office.

K. *Streets and highways* means the entire designated right-of-way belonging to the Town, County or State between property lines within the corporate limits of the Town, whether or not the property is being presently maintained as a roadway by the Town.

L. *Vehicle* means a machine propelled by power designed to travel along the ground by use of wheels, treads, runners or slide to transport persons or property or pull machinery and includes, but is not limited to, automobiles, airplanes, trucks, trailers, motorcycles, motor scooters, tractors and wagons.

M. *Wrecked vehicle* means a vehicle which has been made inoperable by accident or dismantlement.

17.24.020 On public property.

It is unlawful for any person who owns or is in possession of any vehicle to allow said vehicle to be left wrecked, junked or abandoned on any street, highway, public easement or way within the municipal limits of the Town.

17.24.030 On private property.

It shall be unlawful for any person who is the owner or in possession of any vehicle to permit or allow any junked, discarded or partially wrecked, or abandoned vehicle, or any parts thereof, to remain on any private property within the municipal limits of the Town; except that this Section shall not apply when any such vehicle, or parts thereof, are maintained in a lawful manner in an enclosed building, or when the maintenance thereof is in a properly zoned district and is necessary to the operation of a business enterprise on said private property, or when such vehicle, or parts thereof, are maintained in an appropriate storage place or depository maintained for the impoundment of said vehicles by the Town, County or State officials, or when a special permit is granted upon application to and approval by the Town Council.

17.24.040 Removal -- public tow.

A. The Marshal's Office is authorized to remove or have removed any vehicle from public or private property under any of the following circumstances and to cause such vehicle to be impounded at an impound lot:

1. If an abandoned, junked or wrecked vehicle is upon a street or highway and is considered to be an obstruction to traffic or proper highway maintenance, or if a vehicle is in a fire lane, emergency lane or access so as to constitute an obstruction or hazard to traffic, road maintenance, public safety, fire hydrants or emergency services, or a limitation on the usual access to any public or private property, then the Marshal's Office shall cause the vehicle to be removed immediately to a properly designated place without the officer or anyone assisting in the removal of the vehicle being liable for any damage to the vehicle occasioned by its removal.

2. If an abandoned, junked or wrecked vehicle is found upon a street, highway or public parking lot, but not in such a manner as to be an obstruction, then the officer shall cause a report of the vehicle to be entered in the Marshal's log, shall proceed with the notice requirements hereinafter described, and may thereupon cause the vehicle to be removed to a properly designated place no sooner than twenty-four (24) hours from the date and time of discovery.

3. When the vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition, provided that such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a tow-away zone.

4. When the driver of the vehicle has been taken into custody by the Marshal's Office other law enforcement official and the vehicle is thereby left unattended upon any street, highway, public right-of-way or restricted parking area.

5. When the driver of a vehicle is reasonably suspected of the unlawful use or misuse of license plates or a license permit, or the vehicle is being driven or is parked on public property without license plates or license permit, or the vehicle is being driven or parked on public property with an invalid or expired license plate or license permit.

6. When the driver of a vehicle refuses to display a valid operator's license or CDL license or does not have such operator's or CDL license in his or her possession or is operating a vehicle at a time when his or her operator's or CDL license has been denied, cancelled, suspended or revoked by the State.

7. When the driver of a vehicle, or the vehicle which the driver is then driving, is reasonably suspected of involvement in a hit-and-run accident.

8. When the vehicle is reasonably suspected of being a stolen vehicle or containing parts that are stolen.

9. When the vehicle is reasonably suspected of being evidence of a felony or misdemeanor, or when the motor vehicle is necessary for the preservation of evidence of the commission of any crime.

10. Any vehicle involved in a traffic accident which would be left unattended unless towed.

B. In removing or causing to be removed from public property a vehicle deemed abandoned, wrecked or junked, the police department shall use and employ those procedures for removal, notification and disposition of such vehicles as set forth in the Colorado Abandoned Vehicle Act, Title 42, Article 4, C.R.S., as said Act now exists or may be hereafter amended.

C. In the removal of any abandoned, wrecked or junked vehicle from public property, neither the Marshal's Office nor any operator assisting or performing the removal of any such vehicle shall be held liable for any damage caused by the removal of such vehicle.

17.24.050 Removal -- private tow.

In removing or causing to be removed from private property a vehicle deemed abandoned, wrecked or junked, the operator shall use and employ those procedures for removal, notification and sale of such vehicles as set forth in the Colorado Abandoned Vehicle Act, Title 42, Article 4, C.R.S., as said Act now exists or may be hereafter amended.

17.24.060 Special permits.

The Town Council is authorized to issue, upon application by any person, a special permit authorizing a proper use of parts of any vehicle for landscape design, building decor or any other use deemed proper and necessary by the Town Council. In the event any person shall make said application to the Town Council, it shall be accompanied by photographs, design layout or such other evidence specifying the use and nature of the vehicle for which a permit is being requested. No permit shall be issued by the Town Council until clear and convincing evidence is received that the use of the vehicle in question will not cause any unsightly appearance, nuisance or in any other way appear improper in character within the neighborhood wherein the permit is sought. Additionally, the permit, if issued by the Town Council, may contain such limitations and conditions as deemed necessary as to length factors deemed proper.

17.24.070 Enforcement.

It shall be deemed a separate violation of this Chapter for each day that any vehicle is found to be in violation hereof. It shall be the duty of the Marshal Office, and any other law enforcement officers so authorized within the Town, to enforce this Chapter, both with respect to the removal and disposition of vehicles in violation of this Chapter, and also by issuing a written summons and complaint to the person believed responsible for the violation.

Chapter 17.26

Model Traffic Code

- 17.26.010 Adoption**
- 17.26.020 Application**
- 17.26.030 Amendments**
- 17.26.040 Penalties**
- 17.26.050 Trials**

17.26.010 Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the Model Traffic Code, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations of the Town. The purpose of this Chapter and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

17.26.020 Application.

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place, public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1409(3) and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, compulsory insurance and eluding a police officer, shall apply not only to public places and ways but also throughout this municipality.

17.26.030 Amendments.

The adopted code shall be amended to read as follows:

- A. Section 103(2)(b) is hereby amended to read in its entirety as follows:

"(b) For provisions of sections 1401, 1402, 1409(3) and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction."

- B. Section 106 is hereby amended to read in its entirety as follows:

"106. Restricted right to use highways.

"(1) The Public Works Director may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway whenever the Public Works Director finds that any said highway by reason of deterioration, rain, snow, or other climatic conditions may be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any such highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(2) The Public Works Director may prohibit the operation of trucks and commercial vehicles or construction vehicles on designated highways or may impose limitations as to the weight, size or type thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(3) The Public Works Director for the purpose of general construction which may impact a roadway to the extent that closure is reasonably necessary to avoid creation of a public safety hazard, or for the purpose of road construction and maintenance, temporarily may close to all vehicular traffic any highway or portion thereof, and shall in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(4) The Public Works Director may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades and special local events or civic functions for which a valid permit has been issued by the Town allowing the event to occupy the public way, and when in the opinion of the Public Works Director such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing. Such temporary closing of the highway or portion thereof shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(5) The Public Works Director may prohibit the operation of all vehicles, except authorized emergency and maintenance vehicles, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(6) Conviction of a violation of any provision of this Section shall be punished by a fine of one hundred dollars (\$100.00)."

C. Section 108(3) is hereby amended to read in its entirety as follows:

"108. Public officers to obey provisions - exceptions for emergency vehicles.

"(3) The exemptions granted in paragraphs (b) to (d) of subsection (2) of this section to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and/or visual signals meeting the requirements of section 213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this part need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section "(1) Whenever a penalty assessment notice for a traffic offense is issued pursuant to section 1701, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the

defendant's driver's license, if any, a citation of the statute or ordinance alleged to have been violated, a brief description of the traffic offense, the date and approximate location thereof, the amount of the penalty prescribed for such traffic infraction, the amount of the surcharge thereon pursuant to section 24-4.2-109, C.R.S., the number of points, if any, prescribed for such traffic infraction pursuant to section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgement of liability and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed set by ordinance or court order.

"(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the municipal court and such other copies sent as may be required by rule or regulation of the motor vehicle division to govern the internal administration of this article between the motor vehicle division and the Colorado State Patrol.

"(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date of such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

"(4) The place specified in the summons portion of said penalty assessment notice must be a municipal court or county court within the municipality or county in which the traffic infraction is alleged to have been committed.

"(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant."

17.26.040 Penalties.

The following penalties shall be imposed against any person violating the provisions stated or adopted in this Chapter:

A. Every person convicted of a violation of any provision stated or adopted in this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), except for violations of Section 1101, Speed Limits, where the speed exceeds nineteen (19) miles over the posted speed limit (six-point charge), Section 1105, Speed Contests, Section 1401, Reckless Driving, Section 1402, Careless Driving, Section 1409, Compulsory Insurance, Section 1413, Eluding or Attempting to Elude a Police Officer, and Section 1903, Passing a School Bus, of the Model Traffic Code.

B. Every person convicted of a violation of Section 1101, Speed Limits, where the speed exceeds nineteen (19) miles over the posted speed limit (six-point charge), Section 1105, Speed Contests, Section 1401, Reckless Driving, Section 1402, Careless Driving, Section 1409, Compulsory Insurance, Section 1413, Eluding or Attempting to Elude a Police Officer, or Section 1903, Passing a School Bus, of the Model Traffic Code as adopted by the Town shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not to exceed three hundred and sixty four (364) days, or by both such fine and imprisonment.

17.26.050 Trials.

A defendant shall be entitled to a jury trial on any offense charged under this Chapter if:

A. The offense is punishable by a jail sentence as provided in this Chapter; and

B. Within ten (10) days after arraignment, the defendant files a written jury demand and at the same time tenders a jury fee of twenty-five dollars (\$25.00), unless the jury fee is waived by the judge because of the indigence of the defendant.

All other offenses under this Chapter, including offenses where the defendant has not timely perfected the right to a jury trial under subsection B above, shall be tried to the court with the Municipal Judge as the fact finder.

Chapter 17.28

Restricted Parking

- 17.28.010 Area designated
- 17.28.020 Two-hour parking between 8:00 a.m. and 5:00 p.m.
- 17.28.030 Prohibited Uses of Public Parking
- 17.28.040 Restrictions On The Parking and Storage of Large Commercial Vehicles
- 17.28.050 Travel Home Parking On Public Streets
- 17.28.060 Special event parking restrictions
- 17.28.070 Applicability
- 17.28.080 Enforcement
- 17.28.090 Violation; penalty

17.28.010 Area designated.

The within limitation on parking within the Town shall govern all on-street parking within an area described as follows:

Bridge Street on the north and south, between Pinon Street and Fifth Street.

17.28.020 Two-hour parking between 8:00 a.m. and 5:00 p.m.

It shall be unlawful for any person to cause a vehicle to be parked within the area defined in Section 17.28.010 in one (1) location for a period of time in excess of two (2) hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday inclusive, excepting Saturdays, Sundays and holidays. For the purposes of this Chapter, to cause a vehicle to be so parked shall be the responsibility of either the registered owner as on file with the State within which the vehicle is registered, or the driver of the vehicle, and any officer issuing a citation for unlawful parking shall be permitted to issue such citation by effective description of the vehicle and leaving the citation on the windshield thereof.

17.28.030 Prohibited uses Of Public Parking

- (1) No person shall park a vehicle upon a roadway within any street or alley right-of-way or in parking lots owned by the Town of Hotchkiss for:
 - (a) The principal purpose if displaying such vehicle for sale, except for a single, privately owned vehicle parked legally on the street frontage of the vehicle owner's residence;
 - (b) A purpose of greasing, de-greasing, painting, dismantling, or repairing such vehicle except repairs necessitated by an emergency;
 - (c) The principal purpose of displaying advertising; or

- (d) No junk vehicle, defined as “any self-propelled vehicle designed for highway travel under its own power which is not capable of such travel in its existing mechanical condition; or any dismantled, partially dismantled, discarded, wrecked, demolished or partially demolished vehicle; or any vehicle designed for highway travel not bearing a current license plate or license certificate” shall be parked upon the streets of Hotchkiss longer than 48 hours for any propose, including the awaiting of repair.

17.28.040 Restriction on the Parking and Storage of Large Commercial Vehicle

- (1) It shall be unlawful to park commercial vehicles with a GVWT of over 18,000 pounds on any Town street for more than 48 continuous hours unless the vehicle owner or driver has obtained written permission from the Town and from the owner of the property next to which the vehicle is parked.
- (2) It shall be unlawful to park commercial vehicles for more than 48 continuous hours with a GVWT over 12,000 pounds anywhere within the Town of Hotchkiss, except on the property appurtenant to government buildings or facilities, or appurtenant to a property used for lawful non-residential use, which use involves the parking of such vehicles on the appurtenant premises, or except for parking a construction contractor’s trailer on private property during construction, or unless the vehicle owner or driver has obtained written permission from the Town or from the owner of the property on which frontage the vehicle is parked.

Definitions; Appurtenant shall mean only upon the property road frontage of the property of such use or the residence of the owner of the parked vehicle.

- (3) this section shall not apply to reasonable parking of a moving van during loading and unloading operations.

17.28.050 Travel Home Parking On Public Streets

- A. Travel homes may be occupied as temporary dwellings only in the following circumstances:
1. Within a licensed travel home park upon a designated space.
 2. Upon private property for temporary occupancy by out-of-town guests, for a period not to exceed thirty (30) days in any calendar year for any tract of property. Any travel home used in this manner must be located within the minimum setback requirements for the district in which it is placed. Use beyond thirty (30) days is allowed only by application and permit issued by the Town for a limited predetermined period of time subject to Town Council approval.

Upon property for which a permit has been issued by the Town pursuant to Section 10-7-4.

- B. Travel homes may be parked, if unoccupied, upon private property within the setbacks, or temporarily upon public streets, if registered under State law and law/fully parked; provided, however, they may not be parked to create a traffic hazard or parked on public property in substantially the same location for more than 36 hours.

17.28.030 Special event parking restrictions.

- A. A *special event* is any event in the Town for which the Town grants a street closure for the event.

- B. If the Marshal determines that additional parking restrictions should be in place for a special event, the Marshal shall file a restricted parking plan with the Town Clerk to address the public safety, access and the movement of traffic and pedestrians during the special event. Said Special Event Restricted Parking Plan may include limiting access for on-street parking to local businesses and patrons, barricade plans and alternate access routes. The Marshal shall file said Special Event Restricted Parking Plan with the Town Clerk at least thirty (30) days before the special event. The Town Clerk shall cause the Special Event Restricted Parking Plan to be published in a paper of general circulation once before the special event. The Marshal shall cause signs to be placed in the restricted parking areas listing the restrictions and penalties for any violation of the restricted parking provisions.
- C. It shall be unlawful for any person to park in violation of the Special Event Restricted Parking Plan.

17.28.040 Applicability.

This Chapter shall be deemed supplemental to all other regulations of the Town, including the Model Traffic Code as adopted by the Town, and statutes of the State, the same to continue in control with respect to all parking matters not addressed in this Chapter.

17.28.050 Enforcement.

It shall be the duty of the officers of the Marshal's Office or any other law enforcement officer so authorized to enforce this Chapter within the corporate limits of the Town, to issue a summons and complaint, which may be a mail-in ticket as authorized by the Municipal Court, to any owner or driver of any vehicle found in violation of this Chapter. In the event no response is made to said summons and complaint within fifteen (15) days of the issuance thereof, the officers of the Marshal's Office may inquire of the State Department of Revenue, Motor Vehicle Division, to determine the registered owner of the vehicle, and it shall be presumed that the registered owner caused the vehicle to be unlawfully parked.

17.28.060 Violation; penalty.

Any person found in violation of any provision of this Chapter shall, upon conviction or admission thereof, be required to pay a fine in the amount of ten dollars (\$10.00). A penalty charge of twenty dollars (\$20.00) shall be added to the fine if the summons and complaint is not answered or contested within fifteen (15) days of issuance.

Chapter 17.30

Offenses Against Public Health and Safety

17.30.010	Abandon Containers
17.30.020	Storage of Flammable Liquids
17.30.030	Above-Ground Storage of Flammable Liquids
17.30.040	Broken Glass, Nails, Dangerous Substances on Streets and Sidewalks
17.30.050	Refuse, Etc. Not to be in Town in Public Places
17.30.060	Vehicles causing Litter
17.30.070	Storage of Trash or Garbage
17.30.080	Covered Containers Required
17.30.090	Construction Materials Covered or Secured
17.30.100	Snow or Ice Deposited
17.30.110	The Burning of Trash or Refuse
17.30.120	Penalty

17.30.010 Abandon Containers

- (1) It is unlawful for any person to discard, abandon, or leave in any place accessible to children any refrigerator, icebox, deepfreeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half cubic feet or more, which is no longer in use, and which has not had the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door, or for any owner, lessee, or manager to knowingly permit such a refrigerator, icebox, deepfreeze locker, stove, oven, trunk or self-latching container to remain on premises under his control without having the door removed or the hinges and such portion of the latch mechanism removed as to prevent latching or locking of the door.
- (2) The provisions of the Section shall not apply to any vendor or seller of refrigerators, iceboxes, deepfreeze lockers, stoves, ovens, trunks or self-latching containers, who keeps or stores them for sale purposes in a showroom or salesroom ordinarily watched or attended by sales personnel during business hours, and locked to prevent entry when not open for business, or if such vendor or seller takes reasonable precaution to effectively secure the door of any such refrigerator, icebox, deepfreeze locker, stove, oven, trunk or self-latching container so as to prevent entrance by children small enough to fit therein.

17.30.020 Storage of Flammable Liquids

Except in those areas designated for such uses, it shall be unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids or gases upon any streets, ways or avenues of the Town, or in any other part of the Town of Hotchkiss for a period of time in excess of twelve hours.

17.30.030 Above-Ground Storage of Flammable Liquids Prohibited

Except in those areas designated for such uses, it shall be unlawful to have an exposed tank or other structure for the storage of flammable liquids or gases, with the exception of propane gas, within the limits of the Town of Hotchkiss.

17.30.040 Broken Glass, Nails, Dangerous Substances on Streets and Sidewalks

It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited on any street, alley, sidewalk or other public way, any broken glass, broken crockery, nails or any other dangerous substance.

17.30.050 Refuse, etc. Not to be thrown in Public Places

It shall be unlawful for any person to throw, sweep or otherwise cause hay, straw, shavings, excelsior, paper or other combustible material, sod, hay, mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, stones, debris, rubbish, garbage or other material to be on any Town street, sidewalk, gutter, alley, sewer or vacant lot.

17.30.060 Vehicles Causing Litter

(1) It is unlawful for any person to drive or move any loaded truck or other vehicle carrying matter or debris within this Town, unless such vehicle is loaded in a manner, or covered, so as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place, and unless any vehicle with wheels or similar devices that, because of their design, will hold large quantities of dirt or other debris, has all such dirt and debris removed before entering upon any street, alley or other public place,

(2) It is unlawful for any person to operate or cause to be operated on a street, alley, the highway or other public way in the Town any truck or vehicle transporting manure, garbage, trash, swill or offal unless such truck or vehicle shall be fitted with a substantial tight box or other container thereon so that no portion of such matter will be blown, thrown or fall upon a street, alley, highway or public way.

17.30.070 Storage of Trash or Garbage

Persons storing or placing trash, garbage, scrap construction materials, refuse, debris or waste of any nature whatsoever in any receptacle, shall do so in such a manner as to prevent said trash, garbage, scrap construction materials, refuse, debris or waste from being carried or deposited by the elements upon any street, alleys, sidewalk, other public place or upon private property.

17.30.080 Covered Container Required

- (1) No person shall keep or store any trash, garbage, refuse, debris or waste of any nature that may cause a health or sanitation hazard by reason of being blown or scattered about by the wind, children or animals or by reason of being exposed to insects or the elements, unless such trash, garbage, refuse, debris or waste is kept or stored in a covered or tightly closed container or tightly closed weatherproof sack or inside a building.
- (2) No person shall keep or store any waste or discarded paper or paper products, scrap construction materials or waste or debris unless such waste or discarded paper or paper products, scrap construction materials or other waste or debris is covered, secured or in some manner protected so as to prevent such materials or waste from being blown or scattered about.

17.30.090 Construction Materials Covered or Secured

No person shall keep or store any construction materials unless such materials are covered or secured or in some manner protected so as to prevent such materials from being blown, scattered about, or otherwise moved by the wind, water, or other natural causes.

17.30.100 Snow or Ice Deposited

No person shall deposit or cause any snow or ice to be deposited on or against any fire hydrant or traffic signal control device or appurtenance; nor shall any person deposit or cause to be deposited any accumulation of snow or ice upon or adjacent to any sidewalk, street or roadway or loading/unloading area or any designated emergency access lane, such as may retard or in any way interfere with the safe and orderly flow of pedestrian or vehicular traffic by obstructing the view of such traffic on intersecting streets or drives or by any other means, or in any way obstruct or impede street or roadway drainage.

17.30.110 The Burning of Trash or Refuse

- (1) It shall be unlawful for any person to burn refuse either in the open or in a container within the Town of Hotchkiss, Colorado.

17.30.120 Violations of this Chapter shall be punished by imprisonment for a term not to exceed one year (1), by a fine not to exceed one thousand dollars (\$1000.00), or both, such imprisonment and fine.