

Title 10

PUBLIC PEACE, SAFETY AND MORALS

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Chapter 10.02

GENERAL

Sections:

- 10.02.010 Authority.
- 10.02.020 Purpose.
- 10.02.030 Penalties.

10.02.010 Authority. The Town adopts this Title relating to public peace, health, safety and order in accordance with the powers granted it in Section 31-15-401, C.R.S. (Ord. 80, Part I, §1.1, 1993)

10.02.020 Purpose. This Title shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely:

A. To define offenses, to define adequately the act and mental state which constitute each offense, to place limitations upon the condemnation of conduct as criminal when it is without fault, and to give fair warning to all persons concerning the nature of the conduct prohibited and the penalties authorized upon conviction;

B. To forbid the commission of offenses, and to prevent their occurrence through the deterrent influence of the sentences authorized; to provide for the rehabilitation of those convicted, and their punishment when required in the interest of public protection.

(Ord. 80, Part I, § 1.2, 1993)

10.02.030 Penalties. A. All criminal offenses contained in this Title shall be punishable by a fine of not more than three hundred dollars (\$300.00), incarceration not to exceed ninety (90) days, or by both such fine and incarceration, unless otherwise specifically provided in this Title. If an offense carries a specific penalty, then that penalty shall apply.

B. A separate and distinct offense shall be deemed to have been committed for each day on which any violation of this Title shall continue.

C. Unless otherwise provided in this Title, the Municipal Judge may suspend the sentence or fine of any violator and place him on probation for a period not to exceed one (1) year.

D. Any juvenile offender, as defined by State law, convicted of a violation of this Title shall be punished by a fine of not more than three hundred dollars (\$300.00), unless otherwise provided by the specific Section alleged to have been violated. Notwithstanding any other provision of this Title to the contrary, a juvenile offender shall not be subject to incarceration, except as provided by separate ordinance concerning juvenile offenders.

(Ord. 80, Part I, §1.3, 1993)

Chapter 10.04

PRINCIPLES OF CRIMINAL CULPABILITY

Sections:

10.04.010	Applicability.
10.04.020	Definitions.
10.04.030	Requirements for Criminal Liability.
10.04.040	Construction of Sections with Respect to Culpability Requirements.
10.04.050	Effect of Ignorance or Mistake.
10.04.060	Consent.
10.04.070	Criminal Attempt.

10.04.010 Applicability. This Chapter shall be applicable to all offenses defined in this Title as well as any other criminal offenses prosecuted in the Dinosaur Municipal Court. (Ord. 80, Part II, §2.1, 1993)

10.04.020 Definitions. The following definitions are applicable to the determination of culpability requirements for offenses defined in this Title as well as any other criminal offenses prosecuted in the Dinosaur Municipal Court:

- A. "Act" means a bodily movement, and includes words and possession of property.
- B. "Conduct" means an act or omission and its accompanying state of mind or, where relevant, a series of acts and omissions.
- C. "Criminal Negligence". A person acts with "criminal negligence" when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.
- D. "Culpable mental state" means intentionally, or with intent, or knowingly, or willfully, or recklessly, or with criminal negligence, as these terms are defined in this Section.
- E. "Intentionally" or "with intent". All criminal offenses in which the mental culpability requirement is expressed as "intentionally" or "with intent" are declared to be specific intent offenses. A person acts intentionally or with intent when his conscious objective is to cause the specific result proscribed by the Section defining the offenses. It is immaterial to the issue of specific intent whether or not the result actually occurred.
- F. "Knowingly" or "willfully". All criminal offenses in which the mental culpability requirement is expressed as "knowingly" or "willfully" are declared to be general intent crimes. A person acts knowingly or willfully with respect to conduct or to a circumstance described in a section defining an offense when he is aware that his conduct is of such nature or that such

circumstance exists. A person acts knowingly or willfully with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

G. "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

H. "Recklessly". A person acts "recklessly" when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

I. "Voluntary act" means an act performed consciously as a result of effort or determination, and includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient period to have been able to terminate it.

(Ord. 80, Part II, §2.2, 1993)

10.04.030 Requirements of Criminal Liability. The minimum requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform an act which he is physically capable of performing. If that conduct is all that is required for commission of a particular offense, or if an offense or some material element thereof does not require a culpable mental state on the part of the actor, the offense is one of "strict liability". If a culpable mental state on the part of the actor is required with respect to any material element of an offense, the offense is one of "mental culpability." (Ord. 80, Part II, §2.3, 1993)

10.04.040 Construction of Sections with Respect to Culpability Requirements.

A. When the commission of an offense, or some element of an offense, requires a particular culpable mental state, that mental state is ordinarily designated by use of the terms "intentionally," "with intent," "knowingly," "willfully," "recklessly," or "with criminal negligence."

B. Although no culpable mental state is expressly designated in a section defining an offense, a culpable mental state may nevertheless be required for the commission of that offense, or with respect to some or all of the material elements thereof, if the proscribed conduct necessarily involves such a culpable mental state.

C. If a section provides that criminal negligence suffices to establish an element of an offense, that element also is established if a person acts recklessly, knowingly, or intentionally. If recklessness suffices to establish an element, that element also is established if a person acts knowingly or intentionally. If acting knowingly suffices to establish an element also it is established if a person acts intentionally.

D. When a section defining an offense prescribes as an element thereof a specified culpable mental state, that mental state is deemed to apply to every element of the offense unless an intent to limit its application appears.

(Ord. 80, Part 2, §2.4, 1993)

10.04.050 Effect of Ignorance or Mistake. A. A person is not relieved of criminal liability for conduct because he engaged in that conduct under a mistaken belief of fact, unless:

1. It negates the existence of a particular mental state essential to commission of the offense; or
2. The section defining the offense or any section relating thereto expressly provides that a factual mistake or the mental state resulting therefrom constitutes a defense or exemption; or
3. The factual mistake or the mental state resulting therefrom is of a kind that supports a defense of justification as defined in this Title.

B. A person is not relieved of criminal liability for conduct because he engages in that conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless the conduct is permitted by one of the following:

1. A statute or ordinance binding in this State and Town.
2. An administrative regulation, order, or grant of permission by a body or official authorized and empowered to make such order or grant the permission under the laws of the Town and the State of Colorado.
3. An official written interpretation of the ordinance or law relating to the offense, made or issued by a public servant, agency, or body legally charged or empowered with the responsibility of administering, enforcing, or interpreting an ordinance, regulation, order, or law. If such interpretation is by judicial decision, it must be binding in the Town and the State of Colorado.

C. Any defense authorized by this Section is an affirmative defense.

(Ord. 80, Part II, §2.5, 1993)

10.04.060 Consent. A. The consent of the victim to conduct charged to constitute an offense or to the result thereof is not a defense unless the consent negates the element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

B. When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to that conduct or to the infliction of that injury is a defense only if the

bodily injury consented to or threatened by the conduct consented to is not harmful or the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport, or the consent established a justification under this Title.

C. Unless otherwise provided by this Title or by law defining the offense, assent does not constitute consent if:

1. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or
2. It is given by a person who, by reason of immaturity, mental disease or mental defect, or intoxication is manifestly unable and is known or reasonably should be known by the Defendant to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is given by a person whose consent is sought to be prevented by the law defining the offense; or
4. It is induced by force, duress, or deception.

D. Any defense authorized by this Section is an affirmative defense.

(Ord. 80, Part II, §2.6, 1993)

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

B. A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his complicity under Section 10.06.040 were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

C. It is an affirmative defense to a charge under this Section that the defendant abandoned his effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of his criminal intent.

(Ord. 80, Part II, §2.7, 1993)

Chapter 10.06

PARTIES TO OFFENSES-ACCOUNTABILITY

Sections:

- 10.06.010 Applicability.
- 10.06.020 Liability Based Upon Behavior.
- 10.06.030 Behavior of Another.
- 10.06.040 Complicity.
- 10.06.050 Exemptions from Liability Based Upon Behavior of Another.
- 10.06.060 Liability Based on Behavior of Another-No Defense.

10.06.010 Applicability. This Chapter shall be applicable to all offenses in this Title as well as to any other criminal offenses prosecuted in the Dinosaur Municipal Court. (Ord. 80, Part III, §3.1, 1993)

10.06.020 Liability Based Upon Behavior. A person is guilty of an offense if it is committed by the behavior of another person for which he is legally accountable as provided in this Chapter. (Ord. 80, Part III, §3.2, 1993)

10.06.030 Behavior of Another. A. A person is legally accountable for the behavior of another person if:

1. He is made accountable for the conduct of that person by the law defining the offense or by specific provision of this Code; or
2. He acts with the culpable mental state sufficient for the commission of the offense in question and he causes an innocent person to engage in such behavior.

B. As used in subsection (A) of this Section, “innocent person” includes any person who is not guilty of the offense in question, despite his behavior, because of duress, legal incapacity or exemption, or unawareness of the criminal nature of the conduct in question or of the Defendant’s criminal purpose, or any other factor precluding the mental state sufficient for the commission of the offense in question.

(Ord. 80, Part III, §3.3, 1993)

10.06.040 Complicity. A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, he aids, abets, or advises the other person in planning or committing the offense. (Ord. 80, Part III, §3.4, 1993)

10.06.060 Liability Based on Behavior of Another-No Defense. A. Unless otherwise provided by the section defining the offense, a person shall not be legally accountable for behavior of another constituting an offense if he is a victim of that offense or the offense is so defined that his conduct is inevitably incidental to its commission.

B. It shall be an affirmative defense to a charge under Section 10.06.040 if, prior to the commission of the offense, the Defendant terminated his effort to promote or facilitate its commission and either gave timely warning to law enforcement authorities or gave timely warning to the intended victim.

(Ord. 80, Part III, §3.5, 1993)

10.06.070 Liability Based on Behavior of Another-No Defense. In any prosecution for an offense in which criminal liability is based upon the behavior of another pursuant to this Chapter, it is no defense that the other person has not been prosecuted for or convicted of any offense based upon the behavior in question or has been convicted of a different offense or degree of offense, or the Defendant belongs to a class of persons who by definition of the offense are legally incapable of committing the offense in an individual capacity. (Ord. 80, Part III, §3.6, 1993)

Chapter 10.08

JUSTIFICATION AND EXEMPTIONS FROM CRIMINAL RESPONSIBILITY

Sections:

10.08.010	Applicability.
10.08.020	Execution of Public Duty.
10.08.030	Choice of Evils.
10.08.040	Use of Physical Force-Special Relationship.
10.08.050	Use of Physical Force in Defense of a Person.
10.08.060	Use of Physical Force in Defense of Premises.
10.08.070	Use of Physical Force in Defense of Property.
10.08.080	Use of Physical Force in Making an Arrest.
10.08.090	Duress.
10.08.100	Entrapment.
10.08.110	Affirmative Defense.

10.08.010 Applicability. This Chapter shall be applicable to all offense in this Title as well as to any other criminal offenses prosecuted in the Dinosaur Municipal Court. (Ord. 80, Part IV, §4.1, 1993)

10.08.020 Execution of Public Duty. Unless inconsistent with other provisions of this Chapter, defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is required or authorized by a provision of law or a judicial decree binding in Dinosaur, Colorado. (Ord. 80, Part IV, §4.2, 1993)

10.08.030 Choice of Evils. A. Unless inconsistent with other provisions of this Chapter, defining justifiable use of physical force or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of the actor, and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the law defining the offense in issue.

B. The necessity and justiciability of conduct under subsection (A) of this Section shall not rest upon considerations pertaining only to the morality and advisability of the law, either in this general application or with respect to its application to a particular class of cases arising thereunder. When evidence relating to the defense of justification under this Section is offered by the Defendant, before it is submitted for the consideration of the jury, the Court shall first rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification.

(Ord. 80, Part IV, §4.3, 1993)

10.08.040 Use of Physical Force-Special Relationship. A. The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

1. A parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person, and a teacher or other person entrusted with the care and supervision of a minor, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent it is reasonably necessary and appropriate to maintain discipline or promote the welfare of the minor or incompetent person.
2. A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable and appropriate physical force when and to the extent that it is necessary to maintain order and discipline.
3. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon himself may use reasonable and appropriate physical force upon that person to the extent that it is reasonably necessary to thwart the result.
4. A duly licensed physician, or a person acting under his direction, may use reasonable and appropriate physical force for the purpose of administering a recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient if:
 - a. The treatment is administered with the consent of the patient, or if the patient is a minor, or an incompetent person, with the consent of his parent, legal guardian, or other person entrusted with his care and supervision; or
 - b. The treatment is administered in an emergency when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient would consent.

(Ord. 80, Part IV, §4.4, 1993)

10.08.050 Use of Physical Force in Defense of a Person. A. Except as provided in subsection (B) of this Section, a person is justified in using physical force upon other person in order to defend himself or a third person from what he reasonably believes to be the infliction or imminent infliction of bodily harm, if there exists an actual and real danger of such physical harm. A person may use minimum degree of force which he reasonably believes to be necessary and it actually necessary for that purpose; provided, however, a person justified in using physical force may not at any time become an aggressor.

B. Notwithstanding the provisions of subsection (A) of this Section, a person is not justified in using physical force if:

1. The physical force involved is used to resist any arrest or to interfere with any arrest which he knows is being made by a peace officer, even though the arrest is unlawful; or
2. With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or
3. He is the aggressor, except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the infliction of bodily harm; or
4. The physical force involved is the product of a combat by agreement not specifically authorized by law.

(Ord. 80, Part IV, §4.5, 1993)

10.08.060 Use of Physical Force in Defense of Premises. A person in possession or control of any building, realty, or other premises, or a person who is licensed or privileged to be thereon, is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably and actually necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of an unlawful trespass by the other person in or upon the building, realty, or premises. (Ord. 80, Part IV, §4.6, 1993)

10.08.070 Use of Physical Force in Defense of Property. A person is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably and actually necessary to prevent what he reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property. (Ord. 80, Part IV, §4.7, 1993)

10.08.080 Use of Physical Force in Making an Arrest. A. A peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

1. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
2. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while affecting or attempting to affect such an arrest or while preventing or attempting to prevent such an escape.

B. For the purposes of this Section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If he believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is affecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsection (A) of this Section unless the warrant is invalid and is known by the officer to be invalid.

C. A person who has been directed by a peace officer to assist him to affect an arrest or to prevent an escape from custody is justified in using reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

D. A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to affect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence.

(Ord. 80, Part IV, §4.8, 1993)

10.08.090 Duress. A person may not be convicted of an offense, based upon conduct in which he engaged because of the use or threatened use of unlawful force upon him or upon another person, which force or threatened use thereof a reasonable person in his situation would have been unable to resist. This defense is not available when a person intentionally, recklessly, or negligently places himself in a situation in which it is foreseeable that he will be subjected to such force or threatened use thereof. (Ord. 80, Part IV, §4.9, 1993)

10.08.100 Entrapment. The commission of acts which would otherwise constitute an offense is not criminal if the Defendant engaged in the proscribed conduct because he was induced to do so by a law enforcement official or other person acting under his direction, seeking

to obtain evidence for the purpose of prosecution, and the methods used to obtain that evidence were such as to create a substantial risk that the acts would be committed by a person who, but for such inducement, would not have conceived of or engaged in conduct of the sort induced. Merely affording a person an opportunity to commit an offense is not entrapment even though representations or inducements calculated to overcome the offender's fear of detection are used. (Ord. 80, Part IV, §4.10, 1993)

10.08.110 Affirmative Defense. The issues of justification or exemption from criminal liability under this Chapter are affirmative defenses in any prosecution of a criminal offense in the Dinosaur Municipal Court. (Ord. 80, Part IV, §4.11, 1993)

Chapter 10.10

RESPONSIBILITY

Sections:

- 10.10.010 Applicability.
- 10.10.020 Insufficient Age.
- 10.10.030 Intoxication.
- 10.10.040 Responsibility-Affirmative Defense.

10.10.010 Applicability. This Chapter shall be applicable to all offenses as well as any other offense prosecuted in the Dinosaur Municipal Court. (Ord. 80, Part V, §5.1, 1993)

10.10.020 Insufficient Age. No child under ten (10) years of age shall be found guilty of any offense prosecuted in the Dinosaur Municipal Court. (Ord. 80, Part V, §5.2, 1993)

10.10.030 Intoxication. A. Intoxication of the accused is not a defense to any criminal offense, except as provided in subsection (B) of this Section.

B. A person is not criminally responsible for his conduct if, by reason of intoxication that is not self-induced at the time he acts, he lacks capacity to conform his conduct to the requirements of the law.

C. “Intoxication” as used in this Section means a disturbance of mental or physical capacities resulting from the introduction of any substance into the body.

D. “Self-induced intoxication” means intoxication caused by substances which the Defendant knows or ought to know have the tendency to cause intoxication and which he knowingly introduced or allowed to be introduced into his body, unless they were introduced pursuant to medical advice or under similar circumstances that would afford a defense to a criminal offense.

(Ord. 80, Part V, §5.3, 1993)

10.10.040 Responsibility-Affirmative Defense. The issue of responsibility under this Chapter is an affirmative defense in any prosecution of a criminal offense in the Dinosaur Municipal Court. (Ord. 80, Part V, §5.4, 1993)

Chapter 10.12

OFFENSES RELATING TO PUBLIC PEACE, ORDER AND SAFETY

Sections:

10.12.010	Disrupting Lawful Assembly.
10.12.020	Public Buildings-Trespass, Interference.
10.12.030	Harassment.
10.12.040	Disorderly Conduct.
10.12.050	Public Indecency.
10.12.060	Assault and Battery.
10.12.070	Disturbing the Peace.
10.12.080	Tents, Campers and Trailers-Restrictions on Use.
10.12.090	Throwing Missiles.
10.12.100	Unlawful to Carry Concealed Weapon.
10.12.110	Prohibited Use of Weapons.
10.12.120	Selling Weapons to Intoxicated Persons Prohibited.
10.12.130	Possession of Weapons in Licensed Establishment Prohibited.
10.12.140	Storage of Explosives Prohibited.

10.12.010 Disrupting Lawful Assembly. A person commits a Municipal Offense if, intending to prevent or disrupt any lawful meeting, procession, or gathering, he significantly obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means. (Ord. 80, Part VI, §6.1, 1993)

10.12.020 Public Buildings-Trespass, Interference. A. No person shall conduct himself at or in any public building owned, operated, or controlled by the Town in such a fashion to willfully deny to any public official, public employee, or invitee on such premises the lawful rights of such official, employee, or invitee to enter, to use the facilities of, or to leave any such public building.

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

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

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

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

F. The term “public building” as used in this Section, includes any premises being permanently or temporarily used by a public officer or employee of the Town in the discharge of his official duties.

G. It shall be an affirmative defense that the Defendant was exercising his right to lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between the Town and its employees, any contractor or subcontractor, or any employee thereof.

(Ord. 80, Part VI, §6.2, 1993)

10.12.030 Harassment. A. A person commits harassment if, with intent to harass, annoy, or alarm another person, he:

1. Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or
2. In a public place directs obscene language or makes an obscene gesture to or at another person; or
3. Follows a person in or about a public place; or
4. Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or make any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, data network, text message, instant message, or other interactive electronic medium that is obscene;; or

5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
 6. Makes repeated communications at inconvenient hours or in offensively coarse language; or
 7. Repeatedly insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.
- B. A person commits harassment by stalking, if such person:
1. Makes a credible threat to another person, and in connection with such threat, repeatedly follows that person; or
 2. Makes a credible threat to another person and, in connection with such threat, repeatedly makes any form of communication with that person, whether or not a conversation ensues.
- C. Any act involving telephone communications may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.
- D. The following special definitions shall apply to this Section:
1. "Annoy" means to irritate with a nettling or exasperating effect.
 2. "Alarm" means to arouse to a sense of danger, to put on the alert, to strike fear, to fill with anxiety as to threaten danger or harm.
 3. "Credible threat" means a threat that would cause a reasonable person to be in fear for the person's life or safety.
 4. "Obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.
 5. "Repeatedly" means on more than one occasion.

(Ord. 80, Part VI, §6.3, 1993)

10.12.040 Disorderly Conduct. It is unlawful for any person to commit disorderly conduct. A person commits disorderly conduct if he intentionally, knowingly, or recklessly:

- A. Uses abusive, indecent, profane, or vulgar language in a public or private place, and the language by its very utterance tends to incite an immediate breach of the peace;
- B. Makes an obviously offensive gesture or display in a public or private place, and the gesture or display tends to incite an immediate breach of the peace;
- C. Abuses or threatens to person in a public or private place in an obviously offensive manner;
- D. Urinates or defecates in any public or private place not designed for such purposes;
- E. Exposes his genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

(Ord. 80, Part VI, §6.4, 1993)

10.12.050 Public Indecency. Any person who knowingly performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits the Municipal Offense of public indecency:

- A. An act of sexual intercourse; or
- B. An act of deviate sexual intercourse; or
- C. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or
- D. A lewd folding or caress of the body of another person.

(Ord. 80, Part VI, §6.5, 1993)

10.12.060 Assault and Battery. A. It is unlawful for any person to intentionally, knowingly, or recklessly assault, strike, fight, injure or commit battery upon the person of another, except in an amateur or professional contest of athletic skill.

B. "Assault" as used in this Section means an attempt, coupled with a present ability, to commit a bodily injury upon the person of another. "Battery" as used in this Section means any use of force or violence upon the person of another.

(Ord. 80, Part VI, §6.6, 1993)

10.12.070 Disturbing the Peace. A person commits a Municipal Offense if he/she intentionally, knowingly, or recklessly disturbs the peace and quiet of others by violent or

tumultuous carriage or conduct or by making loud, unusual or unreasonable noise in a public place or near or in a private residence, whether or not he/she has a right to occupy said residence. An owner or occupant of a dwelling or other premise under his/her control who knowingly permits or allows a disturbance of the peace within such premises shall be deemed guilty of the offense of disturbing the peace. (Ord. 80, Part VI, §6.7, 1993)

10.12.080 Tents, Campers and Trailers-Restrictions on Use. It is unlawful for any person to knowingly sleep, spend the night, cook or establish a place of abode in any vehicle, tent, travel trailer, recreational vehicle, mobile home or camper vehicle within the Town, except as follows:

- A. Areas specifically designated by the Town for camping and the temporary parking of such vehicles;
- B. Approved mobile home, recreational vehicle, and travel trailer parks and campgrounds;
- C. The occupancy of recreational vehicles, motor homes, travel trailers and camper vehicles by person visiting Town inhabitants, so long as such vehicles or trailers are lawfully parked on private property, for one period not to exceed fourteen (14) days in six (6) consecutive months; or
- D. Other exceptional circumstances, such as hunting seasons, upon receiving express written approval of the Town Council.

(Ord. 80, Part VI, §6.8, 1993; Amended Ord. 96, §1, 2000)

10.12.090 Throwing Missiles. No person shall knowingly throw or shoot any stone, snowball or other missile at or upon any person, animal, motor vehicle, public property or at or upon any building, structure, tree, or other public or private property not belonging to that person. (Ord. 80, Part VI, §6.9, 1993)

10.12.100 Unlawful to Carry Concealed Weapon. A. A person commits a Municipal Offense if he knowingly and unlawfully:

- 1. Carries a knife concealed on or about his person; or
- 2. Carries a firearm concealed on or about his person.

B. For the purposes of this Section, a “knife” means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches (3 1/2”) in length, switchblade knife or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife carried for sport use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

C. It shall be an affirmative defense that the Defendant was:

1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying; or
2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's personal property while traveling; or
3. A person who, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant C.R.S. § 18-12-105.1, as it existed prior to its repeal, or, if the weapon involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to C.R.S. Title 18, Art. 12; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of C.R.S. § 18-12-214; or
4. A peace officer, as defined in Section 16-2.5-101, C.R.S., as amended.

D. Every person convicted of any violation of this Section shall forfeit to the Town such weapon so concealed.

(Ord. 80, Part VI, §6.10, 1993)

10.12.110 Prohibited Use of Weapons. A. A person commits an offense if he knowingly and unlawfully:

1. Displays or aims a deadly weapon at another person in a manner calculated to alarm; or
2. Fires or discharges any bow and arrow, cannon, gun, pistol, revolver, or other firearm anywhere within the Town, except at a lawfully authorized target range; or
3. Discharges any air gun, gas-operated gun, B.B. gun, pellet gun, slingshot, or spring gun anywhere within the Town; or
4. Sets off or explodes any firecracker, torpedo ball, rocket, or other fireworks, except on the celebration or some holiday or event by the consent of the Mayor; or
5. Explodes or sets off any combustible or explosive material; or

6. Sets a loaded gun, trap, or device designed to cause explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or
7. He has in his possession a firearm while he is under the influence of intoxicating liquor or of a controlled substance, as defined in C.R.S. § 18-18-102(5), unless such person held a valid written permit to carry a concealed weapon issued pursuant to C.R.S. § 18-12-105.1 as it existed prior to its repeal, or, if the firearm involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to C.R.S. Title 18, Art. 12; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of C.R.S. § 18-12-214; or
8. He knowingly aims, swings, or throws a throwing star or nunchaku as defined herein at another person, or he knowingly possesses a throwing star or nunchaku in a public place, except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting a throwing star or nunchaku for a public demonstration or exhibition or for a school or class, it shall be transported in a closed, non-accessible container. For the purposes of this subsection, “nunchaku” means an instrument consisting of two (2) sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, which is in the design of a weapon used in connection with a system of self-defense; and “throwing star” means a disc having sharp radiating points or any disc-shaped blade object which is hand held and thrown and which is in the design of a weapon used in connection with a practice of a system of self-defense.

B. The Mayor may grant an exception to the prohibitions contained in subsection (A) above, in writing, for contests, sporting events, indoor shooting galleries or arcade games, construction and/or maintenance work. Such permission shall limit the time and place of firing and shall be subject to being revoked by the Town Council at any time after the same has been granted.

C. It is an affirmative defense to subsections (1) through (6) of subsection (A) above that the actor was a peace officer or member of the armed forces of the United States or Colorado National Guard, acting in the lawful discharge of his duties; or that the actor was justified under the laws of the State of Colorado or the Town of Dinosaur.

D. Every person convicted of any violation of this Section shall forfeit to the Town such firearm or weapon illegally discharged or displayed.

(Ord. 80, Part VI, §6.11, 1993)

10.12.120 Selling Weapons to Intoxicated Persons Prohibited. A. It is a Municipal Offense for any person, firm or corporation to knowingly sell, loan, or furnish a gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of intoxicating liquor or of a controlled substance, as defined in Section 12-22-303(7), C.R.S., as amended, or to any person in a condition of agitation or excitability.

B. Any such unlawful sale, loan or furnishing of a weapon shall be grounds for the revocation of any license issued by the Town to such person, firm or corporation.

(Ord. 80, Part VI, §6.12, 1993)

10.12.130 Possession of Weapons in Licensed Establishment Prohibited. A. It is a Municipal Offense for any person to knowingly carry, possess, or have on or about his person a knife, other than a hunting or fishing knife, as defined in Section 10.12.100(B), firearm, or other deadly weapon, in any establishment having a license to sell fermented malt beverages or malt, vinous or spirituous liquors for consumption on the premises.

B. It shall be an affirmative defense that the defendant was a peace officer, as defined in Section 18-1-901(3)(1), C.R.S., as amended; that the defendant was the licensee, proprietor, agent or employee of the licensed establishment; or if the defendant was authorized to carry a concealed weapon under State law. Possession of a permit issued under Section 18-12-105(2)(c), C.R.S., as amended, shall not be a defense to a violation of this Section.

C. Every person convicted of a violation of this Section shall forfeit to the Town such knife, firearm, or other weapon illegally possessed or carried.

(Ord. 80, Part VI, §6.13, 1993)

10.12.140 Storage of Explosives Prohibited. It is a Municipal Offense for any person to knowingly store within the Town limits or within one mile thereof any amount of gun powder, blasting powder, nitroglycerine, dynamite, or other high explosive in excess of one 50 pound box or in excess of 500 caps or other devices used for the detonation of such high explosives. This Section shall not be deemed to apply to sporting goods businesses and other businesses licensed to store explosives pursuant to law. (Ord. 80, Part VI, §6.14, 1993)

Chapter 10.14

OFFENSE RELATING TO PERSONAL AND REAL PROPERTY

Sections:

- 10.14.010 Petty Theft.
- 10.14.020 Theft of Rental Property.
- 10.14.030 Procuring Food or Accommodations with Intent to Defraud.
- 10.14.040 Injuring or Destroying Public Property.
- 10.14.050 Criminal Mischief.
- 10.14.060 Criminal Trespass.
- 10.14.070 Littering of Public and Private Property.
- 10.14.080 Posting of Handbills and Circulars.
- 10.14.090 Abandoned Containers.

10.14.010 Petty Theft. A. A person commits petty theft when he knowingly obtains or exercises control over anything of a value of five hundred dollars (\$500.00) or less belonging to another without authorization or, if applicable, without paying the purchase price therefor, and knowingly uses, conceals or abandons the thing of value in such a manner as to deprive the other person permanently of its use and benefit.

B. If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or mercantile establishment, whether the concealment be on his own person or otherwise, and whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to obtain control over a thing of value and intended to deprive the owner permanently of its use or benefit without paying the purchase price thereof.

C. For the purpose of this Section, a thing of value is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein.

D. For the purposes of this Section, when theft occurs from a store, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to establish retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, bar codes and notices.

E. For the purposes of this Section, in all cases where theft occurs, evidence of the value of the thing involved may be established through the sales price of other similar property and may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags, bar codes and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

(Ord. 80, Part VII, §7.1, 1993)

10.14.020 Theft of Rental Property. A. A person commits theft of rental property, if he:

1. Knowingly obtains the temporary use of personal property of another with a value of less than five hundred dollars (\$500.00), which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or
2. Having lawfully obtained possession for temporary use of the personal property of another with a value of less than five hundred dollars (\$500.00), which is available only for hire, knowingly fails to reveal the whereabouts of or to return said property to the owner thereof or his representative or to the person from whom he has received it within seventy-two (72) hours after the time at which he agreed to return it.

B. For the purposes of this Section, personal property is that of “another” if anyone other than the defendant has a possessory or proprietary interest therein.

C. If a defendant signs a rental agreement or similar agreement for the temporary use of the personal property of another, and said agreement provides that failure to reveal the whereabouts of said property or to return said property within seventy-two (72) hours after the time at which he agreed to return it shall constitute wrongful or unlawful retention of the rental property, such agreement shall constitute prima facie evidence of the culpable mental state required under subsection (A)(2) of this Section.

(Ord. 80, Part VII, §7.2, 1993)

10.14.030 Procuring Food or Accommodations with Intent to Defraud. A. Any person who, with intent to defraud, procures food or accommodation in any public establishment, without making payment therefor in accordance with his agreement with such public establishment, is guilty of a Municipal Offense if the total amount due under such agreement is less than five hundred dollars (\$500.00).

B. “Agreement with such establishment” means any written or verbal agreement as to the price to be charged for, or the acceptance of, food, beverage, service, or accommodations where the price to be charged therefor is printed on a menu or schedule of rates shown to or made available by a public establishment to the patron and includes the acceptance of such food, beverage, service, or accommodations for which a reasonable charge is made.

C. “Public establishment” means any establishment selling or offering for sale prepared food or beverages to the public generally, or any establishment leasing or renting overnight sleeping accommodations to the public generally, including, but not exclusively, restaurants, cafes, dining rooms, lunch counters, coffee shops, boardinghouses, hotels, motor

hotels, motels, and rooming houses, unless the rental thereof is on a month-to-month basis or a longer period of time.

D. It shall be evidence of an intent to defraud that food, service, or accommodations were given to any person who gave false information concerning his name or address, or both, in obtaining such food, service, or accommodations, or that such person removed or attempted to remove his baggage from the premises of such public establishment without giving notice of his intent to do so to such public establishment. These provisions shall not constitute the sole means of establishing evidence that a person accused under subsection (A) had an intent to defraud. Proof of such intent to defraud may be made by any facts or circumstances sufficient to establish such intent to defraud beyond a reasonable doubt as provided by law.

(Ord. 80, Part VII, §7.3, 1993)

10.14.040 Injuring or Destroying Public Property. A. No person shall intentionally, knowingly, negligently, or recklessly injure, deface, destroy or remove real property or improvements thereto or moveable or personal property belonging to the Town.

B. No person shall intentionally, knowingly, negligently, or recklessly tamper with, injure, deface, destroy, or remove any sign, notice, marker, fire alarm box, fire plug, topographical survey monument or any other personal property owned, erected or placed by the Town.

(Ord. 80, Part VII, §7.4, 1993)

10.14.050 Criminal Mischief. A. Any person who intentionally, knowingly, negligently, or recklessly damages, injures, defaces, destroys, removes; or causes, aids in, or permits the damaging, injuring, defacing, destruction, or removal of real property or improvements thereto, or movable or personal property of another in the course of a single criminal episode where the aggregate damage to the real or personal property is less than five hundred dollars (\$500.00).

B. For the purposes of this Section, property shall be deemed to be injured or damaged when physical effort or the expenditure of moneys is required to restore the property to its original condition.

C. For the purposes of this Section, property shall be deemed to belong to "another," if anyone other than the Defendant has a possessory or proprietary interest therein.

(Ord. 80, Part VII, §7.5, 1993)

10.14.060 Criminal Trespass. A person commits a Municipal Offense if he intentionally, knowingly, or willfully:

A. Unlawfully enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced or if he lawfully enters or remains in or upon the premises of a hotel, motel, bar, lounge, restaurant, condominium, or apartment building;

B. Unlawfully enters or remains in or upon any other premises or a motor vehicle;

C. A person "unlawfully enters or remains" in or upon premises when he is not licensed, invited, or otherwise privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of the premises or some other authorized person in charge or control thereof. License or privilege to enter or remain in a building which is only partly open to the public is not license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person or unless notice forbidding entry is given by posting with signs at intervals of not more than four hundred forty (440) yards, or, if there is a readily identifiable entrance to the land, by posting with signs at such entrance to the private land or the forbidden part of the land.

D. As used in this Section, "premises" means real property, buildings, and other improvements thereon.

(Ord. 80, Part VII, §7.6, 1993)

10.14.070 Littering of Public and Private Property. A. Any person who knowingly deposits, throws, or leaves any litter on any public or private property or in any waters, or permits the same, commits the Municipal Offense of littering. Said offense shall be punishable by a fine of not more than one hundred dollars (\$100.00).

B. It shall be an affirmative defense that:

1. Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property; or
2. The litter is placed in a receptacle or container installed on such property for that purpose; or
3. Such person is the owner or tenant in lawful possession of such property, or he has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of said owner or tenant.

C. The term “litter” as used in this Section means all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, and description.

D. The phrase “public or private property” as used in this Section includes, but is not limited to, the right of way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground, or building, any refuse, conservation, or recreation area, and any residential, commercial, farm, or ranch properties.

E. It is in the discretion of the Court, upon the conviction of any person and the imposition of a fine under this Section, to suspend the fine upon the condition that the convicted person gather and remove from specified public property or specified private property, with prior permission of the owner or tenant in lawful possession thereof, any litter found thereon.

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

(Ord. 80, Part VII, §7.7, 1993)

10.14.080 Posting Handbills and Circulars. A. It is a Municipal Offense for any person to knowingly place, post, erect or paint any handbill, placard, circular, notice, advertising device or matter of any kind upon any public building, structure, or upon any tree, post, pole or other improvement located within a Town right of way, park or open space without the prior written permission of the Mayor or Town Manager.

B. It is unlawful for any person to knowingly place, post, erect or paint any handbill, placard, circular, notice, advertising device or matter of any kind upon any private residence, fence, tree, store, building, or other private premises without permission from the owner, tenant, or occupant of the same.

C. Any violation of this Section shall be punishable by a fine of not more than one hundred dollars (\$100.00).

(Ord. 80, Part VII, §7.8, 1993)

10.14.090 Abandoned Containers. It is a Municipal Offense for any person to knowingly leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure, or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snaplock, or other locking device which may not be released from the inside, without first removing said door or lid, snaplock or other locking device. (Ord. 80, Part VII, §7.9, 1993)

Chapter 10.16

OFFENSE RELATING TO GOVERNMENTAL OPERATIONS

Sections:

- 10.16.010 Obstruction of Governmental Operations.
- 10.16.020 Resisting or Interfering with a Peace Officer.
- 10.16.030 Obstructing a Peace Officer or Firearm.
- 10.16.040 Accessory to Crime.
- 10.16.050 Refusal to Permit Inspection.
- 10.16.060 Compounding.
- 10.16.070 False Reporting to Authorities.
- 10.16.080 Escapes.
- 10.16.090 Failure to Appear in Court.
- 10.16.100 Tampering with a Utility.

10.16.010 Obstruction of Governmental Operations. A. A person commits the Municipal Offense of obstructing government operations if he intentionally obstructs, impairs, or hinders the performance of a governmental function by a public servant, by using or threatening to use violence, force, or physical interference or obstacle. "Public servant," as used herein, means any officer or employee of the Town, whether elected or appointed, or otherwise performing a governmental function of the Town, but does not include peace officers or witnesses.

B. It shall be an affirmative defense that:

1. The obstruction, impairment, or hinderance was of an unlawful action by a public servant; or
2. The obstruction, impairment, hinderance of a governmental function was by lawful activities in connection with a labor dispute with the government.

(Ord. 80, Part VIII, §8.1, 1993)

10.16.020 Resisting or Interfering with a Peace Officer. It is unlawful to resist arrest or interfere with a peace officer.

A. Resisting Arrest. A person resists arrest if he knowingly prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting the actor's arrest by:

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

B. Interfering with a Peace Officer. A person interferes with a peace officer if he knowingly prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting an arrest or pursuing an investigation, by:

1. Using or threatening to use physical force or violence against the peace officer; or
2. Refusing or disobeying a request by the peace officer to withdraw from the immediate area of the peace officer to a reasonable distance from the officer to allow the peace officer to effect the arrest or pursue the investigation; or
3. Using any other means which create a risk of physical injury to the peace officer or another.

C. It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest or pursue an investigation which in fact was unlawful, if he was acting under the color of his official authority. A peace officer acts under the color of his official authority when, in the regular course of his assigned duties, he is called upon to make, and does make a judgment in good faith based upon surrounding facts and circumstances that an arrest or investigation should be made by him.

D. The term “peace officer” as used in this Section, means the Town Marshal or any Deputy Marshal in uniform or if out of uniform, one who has identified himself by exhibiting his credentials as a member of the Marshal’s department to the actor, or one whom the actor knew was a Town peace officer at the time of the alleged offense.

(Ord. 80, Part VIII, §8.2, 1993)

10.16.030 Obstructing a Peace Officer or Firefighter. A. A person commits the Municipal Offense of obstructing a peace officer or firefighter when, by using or threatening to use violence, force, or physical interference, or obstacle, he knowingly obstructs, impairs, or hinders an arrest, an investigation, the enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his official authority, or knowingly obstructs, impairs, or hinders the prevention, control, or abatement of fire by a firefighter, acting under color of his official authority.

B. It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he was acting under color of his official authority, as defined in the previous Section.

(Ord. 80, Part VIII, §8.3, 1993)

10.16.040 Accessory to Crime. A. A person is an accessory to crime if, with intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of another for the commission of a crime under this Section, he renders assistance to such person.

B. “Render assistance” means to:

1. Harbor or conceal the other; or
2. Warn such person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such person into compliance with the law; or
3. Provide such person with money, transportation, weapon, disguise, or other thing to be used in avoiding discovery or apprehension; or
4. 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 person; or
5. Conceal, destroy, or alter any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.

(Ord. 80, Part VIII, §8.4, 1993)

10.16.050 Refusal to Permit Inspection. A. A person commits a Municipal Offense if, knowing that a public servant, as defined in Section 10.16.010, is legally authorized to inspect property:

1. He refuses to produce or make available the property for inspection at a reasonable hour; or
2. If the property is available for inspection he refuses to permit the inspection at a reasonable hour.

B. For the purposes of this Section, “property” means any real or personal property, including books, records, and documents which are owned, possessed, or otherwise subject to

the control of the Defendant. A “legally authorized inspection” means any lawful search, sampling, testing, or other examination of property, in connection with the regulation of a business or occupation, that is authorized by any Town ordinance or lawful regulatory provision.

(Ord. 80, Part VIII, §8.5, 1993)

10.16.060 Compounding. A. A person commits the Municipal Offense of compounding if he accepts or agrees to accept any pecuniary benefit as consideration for:

1. Refraining from seeking prosecution of an offender; or
2. Refraining from reporting to law enforcement authorities the commission or suspected commission of any municipal offense or information relating to a municipal offense.

B. It is an affirmative defense to prosecution under this Section that the benefit received by the defendant did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the offense.

(Ord. 80, Part VIII, §8.6, 1993)

10.16.070 False Reporting to Authorities. A person commits the Municipal Offense of false reporting to authorities if:

A. He knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service, or any other government agency which deals with emergencies involving danger to life or property; or

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

C. He knowingly makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he knows that he has no such information or knows that the information is false.

(Ord. 80, Part VIII, §8.7, 1993)

10.16.080 Escapes. A. A person commits a Municipal Offense if, while being in custody or confinement and held for or charged with a municipal offense, or while being in custody or confinement under a sentence following conviction of a municipal offense, he knowingly escapes from said place of custody or confinement.

B. Upon conviction of the offense of escape, said person shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days. Any sentence imposed following conviction of this offense shall run consecutively and not concurrently with any sentence which the offender was serving at the time of the escape.

(Ord. 80, Part VIII, §8.8, 1993)

10.16.090 Failure to Appear in Court. A. It is a Municipal Offense for any person to knowingly fail to appear in the Dinosaur Municipal Court to answer any offense pursuant to a summons and complaint or penalty assessment notice issued to said person at the time and place specified in such summons and complaint or penalty assessment notice, unless said person has paid the penalty assessment as permitted by law; and it is unlawful for such person to knowingly fail to appear for any subsequent proceedings in such case.

B. A person who is released on bail bond of whatever kind, and either before, during, or after release is accused by a complaint of any offense contained in this Title arising from the conduct for which he was arrested, commits a Municipal Offense if he knowingly fails to appear for trial or other proceedings in the Dinosaur Municipal Court in the case in which the bail bond was filed.

(Ord. 80, Part VIII, §8.9, 1993)

10.16.100 Tampering with a Utility. A. Any person who connects any pipe, tube stopcock, wire, cord, socket, motor, or other instrument or contrivance with any main, service, pipe, or other medium conducting or supplying gas, water, sewer, or electricity to any building without the knowledge and consent of the person supplying such gas, water, sewer or electricity commits a Municipal Offense.

B. Any person who in any manner alters, obstructs, or interferes with the action of any meter provided for measuring or registering the quantity of gas, water, sewer, or electricity passing through said meter without the knowledge or consent of the person owning said meter commits a Municipal Offense.

C. Nothing in this Section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.

(Ord. 80, Part VIII, §8.10, 1993)

Chapter 10.18

OFFENSES RELATING TO JUVENILES

Sections:

- 10.18.010 Curfew for Minors.
- 10.18.020 Responsibility of Parents or Guardians.
- 10.18.030 Aiding and Abetting a Minor.

10.18.010 Curfew for Minors. A. It is unlawful for any child under the age of sixteen (16) to knowingly wander, loiter, idle, or play in or upon any public street, highway, road, alley, or other public ground, public place, or public building, vacant lot, or other unsupervised place subsequent to the hour of 10:30 p.m. and prior to the hour of 6:00 a.m. the following day of any week unless accompanied by an adult duly authorized by the parent or legal guardian having the care or custody of such minor, such authorization shall be in written form.

B. It is unlawful for any minor between the age of sixteen (16) years and eighteen (18) years to knowingly wander, loiter, idle, or play in or upon any public street, highway, road, alley or other public ground, public place, or public building, vacant lot, or other unsupervised place subsequent the hour of 10:30 p.m. and prior to the hour of 6:00 a.m. the following day any day of the week that school follows the next day unless accompanied by an adult duly authorized by the parent or legal guardian having the care or custody of such minor, such authorization shall be in written form.

C. It is unlawful for any minor between the age of sixteen (16) years and eighteen (18) years to knowingly wander, loiter, idle, or play in or upon any public street, highway, road, alley, or other public ground, public place, or public building, vacant lot, or other unsupervised place subsequent to the hour of 12:00 p.m. and prior to the hour of 6:00 a.m. the following day any day of the week that school does not follow the next day unless accompanied by an adult duly authorized by the parent or legal guardian having the care or custody of such minor, such authorization shall be in written form.

(Ord. 80, Part IX, §9.1, 1993; Amended Ord. 102, 2001)

10.18.020 Responsibility of Parents or Legal Guardians. A. It is a Municipal Offense for a parent, guardian, or other person having care or custody of any child under the age of eighteen (18) years to intentionally, knowingly, or negligently allow or permit any such child to loiter, wander, idle or play in or upon a public street, highway, road, alley, or other public ground, public place, or public building, vacant lot, or other unsupervised place in violation of the provisions of Section 10.18.010 of this Chapter.

B. The fact that the child is upon the street, highway, road, alley, or other public ground, public place, public building, vacant lot, or other unsupervised place contrary to the

provisions of Section 10.18.010 of this Chapter shall be prima facie evidence that the parent, guardian, or other person having custody of the child, is guilty of violating this Title.

(Ord. 80, Part IX, §9.2, 1993)

10.18.030 Aiding and Abetting a Minor. It is a Municipal Offense for any person to knowingly approve, encourage, allow, permit, tolerate or consent to the violation by any minor child or children of any provisions of this Title or any other ordinances of the Town.

(Ord. 80, Part IX, §9.3, 1993)

Chapter 10.20

OFFENSES RELATING TO INTOXICATING LIQUOR AND DRUGS

Sections:

- 10.20.010 Distribution to Minors and Others Prohibited.
- 10.20.020 Possession of Open Alcoholic or Fermented Malt Beverage Container Prohibited.
- 10.20.030 Purchase of Alcoholic or Fermented Malt Beverages by Minors Prohibited.
- 10.20.040 Unlawful Possession or Consumption of Alcohol by an Under Age Person.
- 10.20.050 Possession or Use of Marijuana by an Underage Person-Prohibited.
- 10.20.060 Possession of More than One (1) Ounce of Marijuana by a Person Twenty-One (21) Years of Age and Over-Prohibited.
- 10.20.070 Open and Public Use of Marijuana-Prohibited.
- 10.20.080 Transfer of Marijuana Prohibited.
- 10.20.090 Consumption of Marijuana and Open Marijuana Containers in Motor Vehicles Prohibited.
- 10.20.100 Possession of Drug Paraphernalia Prohibited.
- 10.20.110 Marijuana Clubs-Prohibited.

10.20.010 Distribution to Minors and Others Prohibited. It is a Municipal Offense for any person to sell, serve, give away, dispose of, exchange, procure, or deliver or permit the sale, serving, giving, or procuring of any fermented malt beverages or malt, vinous or spirituous liquors to or for any person under the legal drinking age, to a visibly intoxicated person, or to a known habitual drunkard. Said offense shall be one of strict liability. (Ord. 80, Part X, §10.1, 1993)

10.20.020 Possession of Open Alcoholic or Fermented Malt Beverage Container Prohibited. A. It is unlawful of any person to intentionally, knowingly, willfully or negligently have either in his possession or within a motor vehicle under his control, while in or upon any public street, highway, alley, sidewalk, or other publicly owned property located within the Town limits, except Town parks and other recreation areas, a bottle, can or other receptacle which is open, or which has a broken seal, or the contents of which have been partially removed, and which contains any alcoholic or fermented malt beverage.

B. Nothing in this Section shall prohibit the consumption, possession or sale of alcoholic or fermented malt beverages when the Mayor has issued a permit therefor, provided that:

1. Such permit shall be issued only for a designated area;
2. Such permit shall not be issued for longer than ten (10) calendar days in any year; and

3. The Mayor has determined that the permit is necessary and desirable for conducting a public event or celebration and that adequate provision has been made for law enforcement supervision and area maintenance.

(Ord. 80, Part X, §10.2, 1993)

10.20.030 Purchase of Alcoholic or Fermented Malt Beverages by Minors Prohibited.

A. It is a Municipal Offense for any person to knowingly obtain, or attempt to obtain, fermented malt beverages or malt, vinous or spiritous liquors by any method in any place where such fermented malt beverage or malt, vinous or spiritous liquor is sold when such person is under the legal drinking age.

B. It is a Municipal Offense for any person to knowingly use any false, fraudulent or altered identification card, or make other misrepresentations of age, in order to purchase or attempt to purchase, any fermented malt beverage or malt, vinous, or spiritous liquor.

(Ord. 80, Part X, §10.3, 1993)

10.20.040 Unlawful Possession or Consumption of Alcohol by an Under Age Person.

A. As used in this Section, unless the context otherwise requires:

1. "Ethyl alcohol" means any substance which is or contains ethyl alcohol.
2. "Possession of ethyl alcohol" means that a person has or holds any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.

B. 1. Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol anywhere within the Town commits the Municipal Offense of illegal possession or consumption of ethyl alcohol by an underage person. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

2. The Court upon sentencing a defendant pursuant to this subsection (2) may, in addition to any fine, order that the Defendant perform up to twenty-four (24) hours of useful public service, and may further order that the Defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program, at such defendant's own expense.

C. It shall be an affirmative defense to the offense described in subsection (B) of this Section that the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionary 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 of ethyl alcohol by weight.

D. The possession or consumption of ethyl alcohol shall not constitute a violation of this Section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.

E. Prima facie evidence of a violation of subsection (B) of this Section shall consist of:

1. Evidence that the defendant was under the age of twenty-one (21) and possessed or consumed ethyl alcohol anywhere in the Town; or
2. Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the Town.

F. During any trial for a violation of subsection (B) of this Section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any label on such bottle, can, or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can, or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can, or other container as "beer", "ale", "malt beverage", "fermented malt beverage", "malt liquor", "wine", "champagne", "whiskey", "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.

G. Sealing of Record.

1. Upon dismissal of a case pursuant to this section after completion of a deferred judgment or any other action resulting in dismissal of the case or upon completion of the court-ordered substance abuse education and payment of any fine for a first conviction of subsection (B) of this Section, the court shall immediately order the case sealed and provide to the underage person and the Town Attorney a copy of the order sealing the case for distribution by the appropriate party to all law enforcement agencies in the case.
2. Upon the expiration of one year from the date of a second or subsequent conviction for a violation of subsection (B) of this Section, the underage person convicted of such violation may petition the Municipal Court for an

order sealing the record of the conviction. The petitioner shall submit a verified copy of his criminal history, current through at least the 20th day prior to the date of the filing of the petition, along with the petition at the time of filing, but in no event later than the tenth day after the petition is filed. The petitioner shall be responsible for obtaining and paying for his criminal history record. The court shall grant the petition if the petitioner has not been arrested for, charged with, or convicted of any felony, misdemeanor, petty offense, or municipal offense during the period of one year following the date of the petitioner's conviction for a violation of subsection (B) of this section.

H. The qualitative result of an alcohol test or tests shall be admissible at the trial of any person charged with a violation of subsection (B) of this Section upon a showing that the device or devices used to conduct such test or tests have been approved as accurate in detecting alcohol by the executive director of the Colorado Department of Public Health and Environment.

I. Official records of the Department of Public Health and Environment relating to the certification of breath test instruments, certification of operators and operator instructors of breath test instruments, certification of standard solutions, and certification of laboratories shall be official records admissible in court and shall constitute prima facie evidence of the information contained in such records.

J. The court shall take judicial notice of methods of testing a person's blood, breath, saliva, or urine for the presence of alcohol and of the design and operation of devices certified by the Department of Public Health and Environment for testing a person's blood, breath, saliva, or urine for the presence of alcohol. This subsection shall not prevent the necessity of establishing during a trial that the testing devices were working properly and that such testing devices were properly operated. Nothing in this subsection shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

(Ord. 80, Part X, §10.4, 1993)

10.20.050 Possession or Use of Marijuana by an Underage Person-Prohibited.

A. As used in this Section:

1. "First Offense" means that the subject person has not had a previous conviction, adjudication, deferred prosecution, or deferred judgment for a violation of this Section or comparable law in another jurisdiction.
2. "Marijuana" shall have the same meaning as defined in Section 16(2)(f) of Article XVIII of the Colorado Constitution.

3. "Open and public" has the same meaning as set forth in Section 10.20.070 of this Title.
 4. "Second or subsequent offense" means any offense after the person is convicted of a first offense.
- B.
1. a. Except as described by Section 18-1-711, C.R.S. and subsections (c) and (d) of this Section, a person under twenty-one (21) years of age who possesses, uses, or openly and publicly displays marijuana anywhere within the Town of Dinosaur for a first offense shall be subject to a fine up to three hundred dollars (\$300.00) and any treatment program or other conditions ordered by the Municipal Court.
 - b. If the defendant fails to comply with any Court-ordered treatment program or other Court-ordered conditions, the Municipal Court may commence contempt of court proceedings against the defendant.
 2. Except as described by Section 18-1-711, C.R.S. and subsections (c) and (d) of this Section, a person under twenty-one (21) years of age who possesses, uses, or openly and publicly displays marijuana anywhere within the Town of Dinosaur commits for a second offense or subsequent offense a municipal offense punishable by up to a three hundred dollars (\$300.00) fine, up to ninety (90) days incarceration or by both such fine and jail sentence.
- C. The possession or use of marijuana shall not constitute a violation of this Section if such possession or use:
1. Takes place for religious purposes protected by the 1st Amendment to the United States Constitution; or
 2. Is lawful under Article 10 of Title 44, C.R.S.
- D. An underage person shall be immune from criminal prosecution under this Section if he or she establishes the following:
1. The underage person, or another underage person with the underage person, called 911 and reported in good faith that another underage person was in need of medical assistance due to marijuana consumption;
 2. The underage person who called 911 provided his or her name to the 911 operator;
 3. The underage person was the first person to make the 911 report; and

4. The underage person remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical technicians or law enforcement personnel on the scene.
- E. Prima facie evidence of a violation of subsection (B) of this Section shall consist of:
1. (1) Evidence that the defendant was under twenty-one (21) years of age and possessed or used marijuana anywhere within the Town of Dinosaur; or
 2. (2) Evidence that the defendant was under twenty-one (21) years of age and manifested any of the characteristics commonly associated with marijuana intoxication or impairment when present anywhere within the Town of Dinosaur.

F. During any trial for a violation of subsection (A) of this Section, any container with labeling indicating the contents of the container is admissible into evidence, and the information contained on the label on the container is admissible into evidence and is not hearsay. A jury or a judge, whichever is appropriate, may consider the information upon the label in determining whether the contents of the container were composed in whole or in part of marijuana.

G. Nothing in this Section shall be construed to limit or preclude prosecution for any offense pursuant to Article 10 of Title 44, C.R.S., except as provided in such Article.

H. Sealing of Record.

1. Upon dismissal of a case pursuant to this section after completion of a deferred judgment or any other action resulting in dismissal of the case or upon completion of the court-ordered substance abuse education and payment of any fine for a first conviction of subsection (B) of this Section, the court shall immediately order the case sealed and provide to the underage person and the Town Attorney a copy of the order sealing the case for distribution by the appropriate party to all law enforcement agencies in the case.
2. Upon the expiration of one (1) year from the date of a conviction, dismissal, completion of a deferred judgment, or conclusion of a deferred prosecution for a violation of subsection (B) of this Section, the defendant may petition the Municipal Court for an order sealing the record of such court action. The Court shall grant such petition if the petitioner has not been arrested for, charged with, or convicted of any felony, misdemeanor, petty offense, or municipal offense during the period of one (1) year described above.

I. The qualitative result of a drug test or tests performed by or on behalf of a law enforcement agency with relevant jurisdiction shall be admissible at the trial of any person charged with a violation of subsection (B) of this Section upon a showing that the device or devices used to conduct such test or tests have been approved as accurate in detecting drugs by the Executive Director of the Colorado Department of Public Health and Environment.

J. In any judicial proceeding concerning a charge under subsection (B) of this Section, the Court shall take judicial notice of methods of testing a person's blood or urine for the presence of marijuana and of the design and operation of devices certified by the Colorado Department of Health and Environment for testing a person's blood or urine for the presence of marijuana. This subsection does not prevent the necessity of establishing during a trial that the testing devices were working properly and that such testing devices were properly operated. Nothing in this subsection precludes a defendant from offering evidence concerning the accuracy of testing devices.

(Ord. 2013-03, §1, 2013)

10.20.060 Possession of More than Two (2) Ounces of Marijuana by a Person Twenty-one (21) Years of Age and Over-Prohibited.

A. It is unlawful for any person twenty-one (21) years of age and over to knowingly possess more than two (2) ounces of marijuana as defined in Section 16(2)(f) of Article XVIII of the Colorado Constitution. A person who possesses not more than three (3) ounces of marijuana commits a non-criminal municipal offense and shall be punished by a fine of up to three hundred dollars (\$300.00). A person who possesses more than three (3) ounces of marijuana but not more than six (6) ounces of marijuana commits a municipal offense punishable by up to a three hundred dollars (\$300.00) fine, up to ninety (90) days incarceration, or by both such fine and jail sentence.

B. During any trial for a violation of subsection (a) of this Section, any container with labeling indicating the contents of the container is admissible into evidence, and the information contained on the label on the container is admissible into evidence and is not hearsay. A jury or a judge, whichever is appropriate, may consider the information upon the label in determining whether the contents of the container were composed in whole or in part of marijuana.

C. Nothing in this Section shall be construed to limit or preclude prosecution for any offense pursuant to Article 10 of Title 44, C.R.S., except as provided in such Articles.

D. The qualitative result of a drug test or tests performed by or on behalf of a law enforcement agency with relevant jurisdiction shall be admissible at the trial of any person charged with a violation of subsection (A) of this Section upon a showing that the device or devices used to conduct such test or tests have been approved as accurate in detecting drugs by the Executive Director of the Colorado Department of Public Health and Environment.

(Ord. 2013-03, §2, 2013)

10.20.070 Open and Public Use of Marijuana Prohibited.

A. Except as described in Section 18-1-711, C.R.S., a person who openly and publicly displays, consumes, or uses two (2) ounces or less of marijuana, as defined in Section 16 (2)(f) of Article XVIII of the Colorado Constitution, commits a non-criminal municipal offense and upon conviction thereof, shall be punished by a fine of up to three hundred dollars (\$300.00) and up to twenty-four (24) hours of useful public service. The open and public display, consumption, or use of more than two (2) ounces of marijuana or any amount of marijuana concentrate shall be deemed possession thereof and a violation shall be punished as provided for in the Colorado Revised Statutes.

B. As used in this Section, “open and public” means a place open to the general public which includes a place to which the public or a substantial number of the public has access without restriction including but not limited to streets, highways, public sidewalks, transportation facilities including rest areas, places of amusement, parks, playgrounds, Town owned open space, common open space owned by owners’ associations, common areas of public buildings and facilities that are generally open or accessible to members of the public without restriction, parking lots and areas, and shopping centers or shopping areas.

C. As used in this Section, “openly” means not protected from unaided observation lawfully made from outside the perimeter of the subject building or property not involving physical intrusion.

D. As used in this Section, “publicly” means an area that is open to general access with some restrictions and includes marijuana social clubs.

(Ord. 2013-03, §3, 2013)

10.20.080 Transfer of Marijuana Prohibited.

Any person who knowingly transfers or dispenses more than one (1) ounce, but not more than two (2) ounces of marijuana, as defined in Section 16(2)(f) of Article XVIII of the Colorado Constitution, from one person to another for no consideration commits a municipal offense and shall not be deemed dispensing or the sale thereof which shall be punishable by a fine up to three hundred dollars (\$300.00) and incarceration of up to fifteen (15) days, or by both said fine and jail sentence.

(Ord. 2013-03, §4, 2013)

10.20.090 Consumption of Marijuana and Open Marijuana Containers in Motor Vehicles Prohibited.

- A. As used in this Section, unless the context otherwise requires:
1. “Marijuana” shall have the same meaning as defined in Section 16(2)(f) of Article XVIII of the Colorado Constitution.
 2. “Motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets and highways but does not include a vehicle operated exclusively on rails.
 3. “Open marijuana container” means a receptacle or marijuana accessory that contains any amount of marijuana and:
 - a. that is open or has a broken seal;
 - b. the contents of which are partially removed; or
 - c. there is evidence that marijuana has been consumed within the motor vehicle.
 4. “Passenger area” means the area designed to seat the driver and passengers including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.
- B. 1. Except as otherwise permitted in subsection (2) of this subsection (B), a person while in the passenger area of a motor vehicle that is on a public street, highway or the right-of-way of a public street or highway within the Town of Dinosaur shall not knowingly:
- a. Use or consume marijuana; or
 - b. Have in his or her possession an open marijuana container.
2. The provisions of this subsection (B) shall not apply to:
- a. Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;

- b. The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a house coach, house trailer, camper, motor home, as defined in Section 42-1-102(57), C.R.S., or trailer coach, as defined in Section 42-1-102(106)(a), C.R.S.;
 - c. Possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
 - d. The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.
3. Any person who violates the provisions of this subsection (B) commits a non-criminal municipal offense and shall be punished by a fine of three hundred dollars (\$300.00).

(Ord. 2013-03, §5, 2013)

10.20.100 Possession of Drug Paraphernalia Prohibited.

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

- 1. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this State;
- 2. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- 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;

5. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
6. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; or
7. 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:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screen, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetor tubes and devices;
 - d. Smoking and carburetor masks;
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs; or
 - m. Ice pipes or chillers.

B. Drug paraphernalia does not include any marijuana accessories as defined in Section 16(2)(g) of Article XVIII of the Colorado Constitution if possessed or used by a person age twenty-one (21) years or older.

C. In determining whether an object is drug paraphernalia, the 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 proximity of the object to controlled substances;
3. The existence of any residue of controlled substances;
4. Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person reasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of this Section or other applicable law;
5. Instructions, oral or written, provided with the object concerning its use;
6. Descriptive materials accompanying the object which explain or depict its use;
7. National or local advertising concerning its use;
8. The manner in which the object is displayed for sale;
9. Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
10. The existence and scope of legal uses for the object in the community;
11. Expert testimony concerning its use.

D. 1. Except as described in Section 18-1-711 C.R.S., a person commits the offense of possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of this State or the Town of Dinosaur.

2. Any person who commits possession of drug paraphernalia commits a non-criminal municipal offense and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00).

(Ord. 2013-03, §6, 2013)

10.20.110 Marijuana Clubs-Prohibited.

It shall be unlawful for any person to knowingly own, operate or maintain a marijuana club within the Town of Dinosaur. Any person who violates this Section commits a municipal offense and shall be punished by a fine of up to three-hundred dollars (\$300.00) or imprisonment up to ninety (90) days or both said fine and imprisonment. Each and every day of violation of provisions of this Section is committed, exists or continues shall be deemed a separate and distinct offense.

(Ord. 2013-03, §7, 2013)