

**Title 9**

**PUBLIC PEACE, MORALS AND WELFARE**

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**9.02 – General Provisions**

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**9.02.010 Legislative Intent**

It is the intent and purpose of this Title 9 not to cover or include offenses that are felonies under the Colorado Revised Statutes, as amended, and neither this Title nor any ordinance contained herein shall be otherwise construed.

## 9.04 - Offenses by or Against Public Officers and Government

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### **9.04.010 Mistreatment of police dogs.**

It is unlawful for any person willfully or maliciously to torture, harass, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department when such dog is being used in the performance of the functions or duties of the department, or unwarrantably to interfere with or meddle with any such dog while the dog is being used by the department, or with any officer or member of the department while the officer or member is using the dog in the performance of any of the functions or duties of the department, or of the officer or members. (Prior Code §11-2-3)

### **9.04.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §13, 2008)

## 9.08 - Offenses Against Public Decency

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### **9.08.010 Urinating in public.**

On any public property it is unlawful for any person to urinate or defecate except in a public restroom. (Ord. 535 §14, 2008; Prior Code §11-3-7)

### **9.08.020 Exhibition of sex organs.**

On any public property it is unlawful for any person to knowingly exhibit any sex organs, male or female, within the eyes of the public. (Ord. 535 §15, 2008; Prior Code §1-3-8)

### **9.08.030 Disorderly houses.**

No bawdy house, house of ill-fame, house of assignation or place for the practice of fornication or adultery, dance house, opium joint or common, ill-governed or disorderly house, shall be kept or maintained within the Town or within one mile beyond the outer boundaries of it, and any person who shall keep such house, or be an inmate thereof, or in any way connected with any such house, or shall contribute to its support, and every person who shall permit any tenement, building or premises in his possession or under his control to be used for any such purpose, and every person who shall permit any building or tenement which shall be used or occupied for any such purpose to stand upon any lot or parcel of ground within this Town, owned, held, possessed or controlled by him, either as agent or owner or otherwise, commits an offense. (Ord. 535 §16, 2008; Prior Code §11-3-9)

### **9.08.040 Gambling.**

A person risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, commits an offense, but does not include: (Ord. 535 §17, 2008; Ord. 340 §1, 1991; Prior Code §11-3-11)

- A. Bona fide contest of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries; or
- B. Bona fide business transactions which are valid under the law of contracts; or
- C. Other acts or transactions expressly authorized by law, now or after the effective date of the ordinance codified in this section; or
- D. Any game, wager or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly, in professional gambling.

(Ord. 340 §1, 1991; Prior Code §11-3-11)

**9.08.050 Gambling devices.**

No person shall operate any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. (Ord. 340 §2, 1991; Prior Code §11-3-12)

**9.08.060 Gambling houses.**

No person shall keep any building, room, enclosure, vehicle, vessel or other place, whether open or enclosed used or intended to be used for professional gambling. In the application of this section, any place where a gambling device is found is presumed to be intended to be used for professional gambling. (Ord. 340 §3, 1991; Prior Code §11-3-13)

**9.08.070 Open container.**

- A. It is unlawful for any person to possess, consume or have under his control, whether such possession or control is actual or constructive, any fermented malt beverage (3.2% or less alcohol by weight) or malt, vinous, or spirituous liquors in any public place including public streets, alleys, roads or highways or upon property owned by the Town in any container of any kind that is not sealed or the seal of which is broken. (Ord. 561 §1, 2009)
  
- B. Nothing in this section shall prohibit the drinking or having of open containers of malt, vinous, or spirituous liquors beverages in public areas when the Board of Trustees shall have issued a permit therefor pursuant to C.R.S. § 12-48-101, et seq. (Ord. 561 §1, 2009)

**9.08.090 Offenses related to marijuana.**

A. Definitions. For the purpose of this Section, the following terms shall have the following meanings:

- 1. “Colorado Medical Marijuana Code” means Article 43.3 of Title 12 of the Colorado Revised Statutes, as the same may from time to time be amended.
  
- 2. “Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, the every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from seeds of the plant, sterilized seed of the plant that is incapable of germinations, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
  
- 3. “Marijuana Accessories” means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in the planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

4. “Marijuana Products” means concentrated marijuana products and marijuana products that are compromised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
5. “Medical Marijuana Card” means a card properly and duly issued under the Colorado Medical Marijuana Code.

B. Possession of marijuana and marijuana accessories.

1. No person under twenty-one (21) years of age shall possess marijuana or marijuana accessories unless such person has been issued a medical marijuana card. If such person has been issued a medical marijuana card, such person shall not possess more than two ounces of marijuana unless otherwise authorized to do so by the Colorado Medical Marijuana Code.
2. No person twenty-one (21) years of age or older shall possess more than one ounce of marijuana unless such person has been issued a medical marijuana card. If such person has been issued a medical marijuana card, such person shall not possess more than two ounces of marijuana unless otherwise authorized to do so by the Colorado Medical Marijuana Code.

C. Sale and transfer of marijuana and marijuana accessories.

1. No person shall sell, distribute, transfer, trade, exchange or give marijuana or marijuana accessories, with or without remuneration, to a person under the age of twenty-one (21) years.
2. No person shall sell, distribute, transfer, trade or exchange marijuana or marijuana accessories, with or without remuneration, to a person twenty-one (21) years of age or older.
3. No person shall give more than one ounce of marijuana to a person twenty-one (21) years of age or older.

D. Public consumption or use of marijuana.

1. No person shall openly and publicly consume marijuana.
2. No person shall consume or use marijuana in a manner that endangers others.
3. No person shall consume or use marijuana in a location or facility owned or operated by the Town of Kremmling, including but not limited to public parks, public buildings, public streets and public rights-of-ways.

E. Prohibitions regarding minors on private property. No person who is in possession and control of private property shall knowingly allow any person under the age of twenty-one (21) years to possess or consume marijuana on such private property, unless such person under the age of twenty-one (21) years has been issued a medical marijuana card. For purposes of this subsection E, “possession and control of private property” shall mean, without limitation, the owner, tenant or designated custodian, such as a house-sitter or

baby-sitter, of private property.

F. Personal cultivation of marijuana

1. No person twenty-one (21) years of age or older shall possess more than six marijuana plants, only three or fewer of which shall be mature flowering plants. The marijuana produced by such plants, in excess of one ounce, shall be maintained on the premises where grown and shall not be sold.
2. No person shall cultivate marijuana plants except in an enclosed and locked space and in compliance with all relevant provisions of the Kremmling Municipal Code.
3. No person shall openly or publicly cultivate marijuana (Ord. 656 §6, 2015)

**9.08.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §22, 2008)

## 9.12 - Offenses Against Public Peace

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### **9.12.010 Advertising.**

On public property it is unlawful for any person to announce, advertise, or call the public's attention in any way to any article or service for sale or hire. (Prior Code §11-1-11)

### **9.12.020 Conspiracy.**

- A. A person commits conspiracy to commit a crime, if with the intent to promote or facilitate its commission, he agrees with another person or persons that they, or one or more of them, will engage in conduct which constitutes a crime, or an attempted crime, or he agrees to aid the other person or persons in the planning or commission of a crime, or of an attempt to commit such crime.
- B. No person may be convicted of a conspiracy to commit an offense under this Code, unless an overt act in pursuance of that conspiracy is proved to have been done by him, or by a person with whom he conspired. (Ord. 535 §24, 2008; Ord. 344 §1, 1991; Prior Code §11-3-1)

### **9.12.030 Disturbing the peace.**

Any person who shall in this Town disturb the peace and quiet of others by violent, offensive or obstreperous conduct or carriage, or by loud and unusual noises, or by obscenity and "fighting words," calculated to provoke a breach of the peace, or by assaulting, striking or fighting another, or any person who, in this Town, shall permit any such conduct in or upon any house or premises owned or controlled or possessed by him or them, when within his, her or their power to prevent the same, so that others in the vicinity are disturbed, commits an offense. (Ord. 535 §25, 2008; Ord. 341 §1, 1991)

### **9.12.040 Loitering on public property.**

On any public property it is unlawful for any person to sleep on seats, benches, sidewalks, curbs, planters, walls or other areas; engage in obscenity or "fighting words," or, engage in any disorderly conduct or behavior. (Ord. 535 §26, 2008; Ord. 341 §2, 1991)

### **9.12.050 Loitering on private property.**

Any person who shall be found loitering in or about any hotel or place of business and shall refuse to vacate such place when requested to do so by the proprietor, or by any officer of the Town, commits an offense. (Ord. 535 §27, 2008; Prior Code §11-3-4)

### **9.12.060 Disturbing a lawful meeting.**

Any person who shall intentionally disturb any religious or other lawful assemblage of people by rude or indecent behavior commits an offense. (Ord. 535 §28, 2008; Ord. 341 §3, 1991; Prior Code §1-3-5)

**9.12.070 Disorderly conduct.**

Any person who shall commit any indecent, lewd or filthy act in any place within this Town, or shall utter any lewd or filthy word or use any filthy or abusive language in the hearing of other persons publicly, or shall make any obscene gestures to or about any other person publically, commits an offense. (Ord. 535 §29, 2008; Prior Code §11-3-6)

**9.12.080 Begging.**

It is unlawful for any person to beg or go from door to door of private homes or commercial and business establishments or place himself in or upon any public way or public place to beg or to receive money or other things of value. (Ord. 535 §30, 2008; Prior Code §11-4-3)

**9.12.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §31, 2008)



## 9.16 - Offenses Against Property

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### **9.16.010 Definition.**

For the purpose of this chapter, “public property” shall mean publically-owned property within the Town, except the traveled portion of public streets, and shall include any park, sidewalk, curb, or any part of any public right-of-way devoted to any planting or park-like use. (Prior Code §11-1-1)

### **9.16.020 Disfigurement.**

On any public property it is unlawful for any person to willfully mark, deface, disfigure, injure, tamper with, displace or remove, any building, railing, bench, paving, paving material, waterline, or any facilities or property and equipment of any public utilities or parts or appurtenances thereof, signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtenance whatever, either real or personal property. (Prior Code §11-1-2)

### **9.16.030 Restrooms.**

On any public property it is unlawful for any person to fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex, or use any real or personal property as a restroom or washroom. (Prior Code §11-1-3)

### **9.16.040 Removal of soil, trees, shrubs.**

On any public property it is unlawful for any person to dig and remove any sand, soil, rock, stones, trees, shrubs, or plants, down timber or other wood or materials, or make any excavation by tool. (Prior Code §11-1-4)

### **9.16.050 Erection of structures.**

On any public property it is unlawful for any person to construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord, or wire into, upon or across, any public property, except on special permit issued by the Board of Trustees. (Prior Code §11-1-5)

**9.16.060 Damage to trees, shrubs.**

On any public property it is unlawful for any person without a permit issued by the Board of Trustees to damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. (Prior Code §11-1-6)

**9.16.070 Damage to parks.**

No person shall dig in or drive any motor vehicle or motorcycle upon any public property, or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park are. (Prior Code §11-1-7)

**9.16.080 Climbing, sitting on public property.**

On any public property it is unlawful for any person to climb any tree, or walk, stand or sit upon monuments, fountains, railings, fences, planted areas, or upon any other property not designed or customarily used for such purposes. (Prior Code §11-1-8)

**9.16.090 Blocking streets.**

It is unlawful for any person to intentionally stand, sit or lie in or upon any street, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk. (Prior Code §11-1-9)

**9.16.100 Refuse and trash.**

It is unlawful for any person to drop, throw, place, discard, dump or leave or otherwise deposit any bottles, broken glass, garbage, ashes, papers, boxes, cans, dirt, rubbish, waste, refuse or other trash in any public property except in waste containers provided therefore. No such refuse or trash shall be placed in any waters in or contiguous to any park, or planted area, or left anywhere on the grounds thereof. (Prior Code §11-1-10)

**9.16.110 Signs.**

On any public property it is unlawful for any person to paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads, without first obtaining permission of the Board of Trustees. (Prior Code §11-1-12)

**9.16.120 Sleeping in unlawful places.**

It is unlawful for any person to occupy, lodge or sleep in any vacant or unoccupied barn, garage, shed, shop or other building or structure without permission of the owner of person entitled to the possession of it, or sleeping in the vacant lot or any public place whatsoever. (Prior Code §11-1-13)

**9.16.130 Property of waterworks.**

No person shall enter upon any land used by the Town for a municipal waterworks system, without permission of the Town. (Prior Code §11-1-14)

**9.16.140 Discards into reservoir.**

No person shall throw or cause to be placed into any reservoir, stream, ditch or pipe used in the operation of the municipal waterworks any substance which tends to pollute the water therein. (Prior Code §11-1-15)

**9.16.150 Stream pollution.**

No person shall throw or cause to be placed into any stream or source from which such water is taken for five miles above the point from which it is taken, any substance which tends to pollute the water therein. (Prior Code §11-1-16)

**9.16.160 Swimming.**

No person shall bathe or swim in, or bathe any animal in, or cause any animal to enter into or swim in, any water which is a source of water for the municipal waterworks. (Prior Code §11-1-17)

**9.16.170 Damage to waterworks.**

No person shall injure, deface or impair any part of the municipal waterworks of the Town. (Prior Code §11-1-18)

**9.16.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §32, 2008; Prior Code §11-1-9)

## 9.20 - Offenses by or Against Minors

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### **9.20.010 Curfew.**

- A. It is unlawful for the parent, guardian, or other adult person having the care and custody of a minor under eighteen years of age to permit or allow any such child to be found loitering or being on a street or alley or any public place within the corporate limits of the Town, unless such minor child is accompanied by and in the immediate custody of such parent, guardian or other adult person having the authorized supervision, care or custody of the minor after the hour of ten p.m. through the hour of six a.m. Sunday through Thursday and after the hour of midnight through six a.m. Friday and Saturday.
- B. It is unlawful for any minor child under eighteen years of age to be found loitering or being on a street or alley or any public place within the corporate limits of the Town, unless such minor child or children is accompanied by and in the immediate custody of the minor's parent or guardian or other adult person having the authorized supervision, care or custody of the minor after the hour of ten p.m. through the hour of six a.m. Sunday through Thursday and after the hour of midnight through six a.m. Friday and Saturday. Any minor served with a citation under this section shall appear in municipal court accompanied by the minor's parent or legal guardian.
- C. If any police officer of the Town finds any minor child in violation of this section such police officer is authorized and empowered to take such minor child into his custody and deliver the child to his or her parent or guardian.
- D. Nothing in this section shall be construed to prohibit any minor child from attending any school function, entertainment or athletic contest or being gainfully employed; provided only, that he or she goes directly home after conclusion of such function, entertainment or athletic contest and in no case shall such immunity extend beyond thirty minutes after conclusion of such school function or gainful employment.

(Ord. 604 §1, 2011; Ord. 308 §1, 1988; Prior Code §11-4-1)

### **9.20.020 Possession or purchase by minors of cigarettes and tobacco products prohibited.**

A. Definitions. As used in this Section, the following words shall have the following meanings:

1. "Cigarette" shall have the same meaning as set forth in C.R.S. § 39-28-202(4).
2. "Minor" means a person under eighteen (18) years of age.
3. "Possess" or "possession" means that a person has or holds any amount of a tobacco product, or has a tobacco product within his or her immediate presence and control, including presence and control within a motor vehicle that is being driven by such person and includes the consumption, smoking, ingesting, absorbing, inhaling, or chewing of any tobacco product.
4. "Tobacco" shall have the same meaning as set forth in C.R.S. § 25-14-203(17).

5. "Tobacco product" shall have the same meaning as set forth in C.R.S. § 18-13-121(5).
- B. It is unlawful for any minor to possess any cigarette, tobacco or tobacco product at any place within the incorporated limits of the Town, except where such minor was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes and tobacco products to minors.
- C. It is unlawful for any minor to purchase or attempt to purchase any cigarette, tobacco or tobacco product at any place within the incorporated limits of the Town, except where such minor was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes and tobacco products to minors.

**9.20.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §33, 2008; Ord. 301 §1, 1988 (Part))

**9.24 - Weapons**

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**9.24.010 Discharge of firearms prohibited.**

- A. It is unlawful for any person to discharge or shoot any firearms or airguns within the Town.
  
- B. “Firearms” means and includes any weapon from which a shot is discharged by an explosive.  
“Airguns” means and includes any device from which a shot is discharged by compressed air or some similar substance and includes without limitation the device commonly known as a B-B gun. (Prior Code §11-3-15)

**9.24.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §34, 2008; Prior Code §11-3-15 (Part))