

Title 9PUBLIC PEACE, MORALS AND WELFAREChapters:

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Chapter 9.04OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENTSections:

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9.04.010 Resisting police officer. It shall be unlawful for any person to resist any police officer or any member of the police department, or any person duly empowered with police authority while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge of his duty. (Ord. 81 § C(3), 1975)

9.04.020 Assisting police officer. It shall be the duty of all persons when called upon by any police officer or any other member of the police department to promptly aid and assist such officer or member in the discharge of his duties. (Ord. 81 § (2), 1975)

9.04.030 Aiding escape. It shall be unlawful for any person to offer or endeavor to assist any person, in the

custody of a police officer or a member of the police department or a person empowered with police authority, to escape or to attempt to escape from such custody. (Ord. 81 §C(4), 1975)

9.04.040 Rescue from custody. It shall be unlawful for any person to rescue or attempt to rescue any person in the custody of a police officer or a member of the police department or any person empowered with police authority. (Ord. 81 §C(5), 1975)

9.04.050 Impersonation of an officer. It shall be unlawful for any person to represent himself to be a town officer or an employee of the town and profess to perform the duties of any such officer or employee when he is not an authorized officer or employee of the town. (Ord. 81 §C(7), 1975)

9.04.060 Imitating official uniform or insignia. It shall be unlawful for any person to counterfeit, imitate or cause to be counterfeited or imitated the uniform, apparel or insignia used by the police department of the town, and it shall also be unlawful for any person, other than a police officer of the town to wear the uniform, apparel, or any other insignia like or similar to that adopted and worn by the official police officers of the town. (Ord. 81 §C(6), 1975)

9.04.070 False fire alarm. It shall be unlawful for any person to intentionally make or give a false fire alarm. (Ord. 81 §A(7), 1975)

9.04.080 Refusal to permit inspections. A. It is unlawful for a person if, knowing that a public servant 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 and he refuses to permit an 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 a lawful search, sampling, testing or other examination of property, in connection with the regulation of a business or occupation, that is authorized by statute or other lawful regulatory provision. (Ord. 147 §1(part), 1986)

9.04.090 Escapes. It is unlawful for any person to, while being in the custody or consignment and held for or charged with a violation of any state criminal statute or

municipal ordinance defining a crime, to knowingly escape from the custody or consignment. (Ord. 147 §1(part), 1986)

Chapter 9.08

OFFENSES AGAINST THE PERSON

Sections:

- 9.08.010 Bodily injury.
- 9.08.020 Menacing.
- 9.08.030 Reckless endangerment.
- 9.08.040 Theft.
- 9.08.050 Criminal mischief.
- 9.08.060 Harassment.
- 9.08.070 Fraud by checks--Definitions.
- 9.08.080 Purchase on credit to defraud.

9.08.010 Bodily injury.

It shall be unlawful for any person to knowingly, recklessly, or intentionally cause bodily injury to another person. "Bodily injury" means to cause an illness or to cause any physical pain, or to cause impairment of physical or mental condition. (Ord. 81 §A(1), 1975)

9.08.020 Menacing.

It is unlawful for any person to, by any threat or physical action, and knowingly, place or attempt to place another person in fear of eminent serious bodily injury. (Ord. 147 §2(part), 1986)

9.08.030 Reckless endangerment.

It is unlawful for any person to engage in conduct which creates a substantial risk of bodily injury to another person. (Ord. 147 §2(part), 1986)

9.08.040 Theft.

It is unlawful for any person to knowingly:

- A. Obtain or exercise control over anything of value of less than one thousand dollars of another without authorization to [or] by threat or deception; and, to deprive the other person permanently of the use or benefit of the thing of value; or

B. Knowingly uses, conceals or abandons the thing of value in such a manner as to deprive the other person permanently of its use or benefit; or

C. Uses, conceals, or abandons the thing of value intending that such use, concealment or abandonment would deprive the other person permanently of its use and benefit; or

D. Demands any consideration to which he is not legally entitled to as a condition of restoring the thing of value to the other person. (Ord. No. 281, § 1, 12-16-2014; Ord. 147 §2(part), 1986)

9.08.050 Criminal mischief.

It is unlawful for any person to knowingly damage the real or personal property of one or more other persons or force the single criminal episode. (Ord. 147 §2(part), 1986)

9.08.060 Harassment.

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

1. Strikes, shoves, kicks or otherwise touches a person or subjects 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. Initiates communication with a person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, or computer system that is obscene; or

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

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

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

B. As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions. (Ord. No. 281, § 2, 12-16-2014; Ord. 147 §2(part), 1986)

9.08.070 Fraud by checks--Definitions.

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

1. "Check" means a written, unconditional order to pay a sum certain in money, drawn on a bank, payable on demand, and signed by the drawer.

2. "Drawee" means the bank upon which a check is drawn.

3. "Drawer" means a person, either real or fictitious, whose name appears on a check as the primary obligor, whether the actual signature be that of himself or of a person authorized to draw the check on himself.

4. "Insufficient funds" means a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account with the drawee, or has funds in a checking account with the drawee in an amount standing at the time of issuance; and a check dishonored for "no account" shall also be deemed to be dishonored for "insufficient funds."

5. Issue. A person issues a check when he makes, draws, delivers, or passes it or causes it to be made, drawn, delivered or passed.

B. It is unlawful for any person to knowingly have insufficient funds with the drawee, with intent to defraud, who issues a check for the payment of services, wages, salary, commission, labor, rent, money, property or other thing of value, if the fraudulent check was in the sum of less than two hundred dollars. (Ord. 147 §2(part), 1986)

9.08.080 Purchase on credit to defraud.

It is unlawful for any person who purchases a personal property on credit thereafter, before paying for it, sells,

hypothecates, pledges or disposes with intent to defraud the seller or vendor. (Ord. 147 §2(part), 1986)

Chapter 9.12

OFFENSES AGAINST PUBLIC DECENCY

Sections:

- 9.12.010 Public intoxication.
- 9.12.020 Drinking in public.
- 9.12.030 Lewd acts.
- 9.12.040 Injury to animals.

9.12.010 Public intoxication.

It shall be unlawful for any person to appear in any public place under the influence of alcohol, narcotics or other drugs not administered pursuant to medical advice to the degree that he may endanger himself or other persons or property. (Ord. 81 §A(9), 1975)

9.12.020 Drinking in public.

It shall be unlawful for any person to drink any malt, vinous or spiritous liquors upon any street, alley, sidewalk or any other public place in the town. (Ord. 81 §A(8), 1975)

9.12.030 Lewd acts.

It shall be unlawful for any person or persons to perform any of the following in any public place or anywhere the conduct may reasonably be expected to be viewed by members of the public: an act of sexual intercourse or an act of deviate sexual intercourse or lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person or a lewd fondling or caress of the body of another person. (Ord. 81 §C(1), 1975)

9.12.040 Injury to animals.

It shall be unlawful for any person to inhumanely, unnecessarily or cruelly, beat, injure or otherwise harm any animal. (Ord. 81 §C(12), 1975)

Chapter 9.16

OFFENSES AGAINST PUBLIC PEACE

Sections:

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- 9.16.020 Loitering about schools.
- 9.16.030 Obstructing streets or sidewalks.
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- 9.16.060 Alcoholic beverage licensee--Participation in disturbance on premises.
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ARTICLE I. OFFENSES AGAINST PUBLIC PEACE--GENERAL

9.16.010 Disturbing the peace.

It shall be unlawful for any person to disturb or tend to disturb the peace of others by any violent, offensive, riotousness or unruly, noisy or boisterous conduct or by unseemly, profane, obscene or offensive language calculated to provoke a breach of peace, or by assaulting, striking or fighting another person or for any person to permit any such conduct in any house or upon any premises owned or possessed by him or under his control or management, when within his power to prevent so that others in the vicinity are or may be disturbed thereby. (Ord. 81 §A(10), 1975)

9.16.020 Loitering about schools.

It shall be unlawful for any person to loiter in or about a school building or grounds without a legitimate reason. He or she must have a relationship involving custody of or responsibility for a pupil or a written permission from a school administrator. To "loiter" means to be dilatory, to stand idly around, doing nothing, to linger or delay or linger about or to remain or tarry about in a public place. (Ord. 81 §A(13), 1975)

9.16.030 Obstructing streets or sidewalks.

It shall be unlawful for any person or persons to obstruct in any manner any street, alley or sidewalk in the town, and it shall be unlawful to place in any driveway or doorway or sidewalk, street or alley any boxes, barrels, debris or trash of any kind. (Ord. 81 §C(9), 1975)

9.16.040 Throwing missiles.

It shall be unlawful for any person to intentionally shoot or throw any stone, bottle, can or any other missile

at, or upon any person, animal, public or private property, automobile, motor vehicle, building or structure. (Ord. 81 §A(12), 1975)

9.16.050 Alcoholic beverage licensee--Permitting disturbance on premises.

It shall be unlawful for any licensee having authority to sell alcoholic beverages on his premises, to permit any disturbance or unlawful or disorderly acts or conduct to be committed by any person or persons on his premises. (Ord. 81 §C(8), 1975)

9.16.060 Alcoholic beverage licensee--Participation in disturbance on premises.

It shall be unlawful for a licensee having authority to sell alcoholic beverages on his premises to, in any manner, encourage or participate in any disturbance or unlawful or disorderly act or conduct on his premises; provided, however, such licensee may use any lawful means as may be proper to protect his person or property from damage or injury. A licensee shall immediately report to the police or police department any unlawful or disorderly act or conduct or disturbance committed on his premises. It shall not be a defense that the licensee was not personally present on his premises at the time such unlawful or disorderly act or conduct or disturbance took place. However, an agent, servant, bartender, or employee of the licensee shall not be liable when absent from the premises and not on duty. (Ord. 81 §C(10), 1975)

9.16.070 Animals which disturb the peace.

It shall be unlawful to harbor or to keep any animals which disturb the peace by loud noises at any time of the day or night. (Ord. 81 §C(11), 1975)

9.16.080 Possession of marijuana.

It is unlawful for any person to possess not more than one ounce of marijuana. (Ord. 147 §3, 1986)

ARTICLE II. MARIJUANA ESTABLISHMENTS

9.16.090 Short title.

This article shall be known and may be cited as the Town of La Veta, Marijuana Establishment Ordinance. (Ord. No. 277, § 2, 5-20-2014)

9.16.091 Findings.

The town board of trustees adopts this article based upon the following findings of fact; the provisions of article 9 of this code. The town board of trustees hereby declares that this article shall be deemed an exercise of police powers of the town board of trustees, for the town, for the furtherance and protection of the health, safety and welfare of the citizens of La Veta. This article is further adopted and established pursuant to the specific authority granted to the La Veta town board of trustees in the provisions of the Colorado Marijuana Code, Article 43.3 of Title 12, C.R.S., Section 16 of Article XVIII of the Colorado Constitution and the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S. The jurisdiction in which these regulations shall be applicable consists of the entire area of the incorporated town limits. These regulations shall govern the cultivation, manufacture, distribution, testing, sale of medical marijuana, retail marijuana, medical marijuana-infused products, and/or retail marijuana-infused products, mobile delivery service and cannabis clubs in the incorporated town limits and shall further govern all persons who attempt to establish and/or who, in fact establish a business or operation engaged in the cultivation, manufacture, sale, testing or distribution of medical or retail marijuana or medical or retail marijuana-infused products in incorporated town of La Veta. (Ord. No. 277, § 2, 5-20-2014)

9.16.092 Authority.

The town board of trustees hereby finds, determines and declares that it has the power to adopt this article pursuant to:

1. Part 3 of Article 23 of Title 31, C.R.S. (Concerning municipal zoning powers)
2. Section 31-15-103 and 31-15-401 C.R.S. (Concerning municipal police powers)
3. Section 31-15-501 C.R.S. (Concerning municipal authority to regulate business)
4. Powers contained in the La Veta Municipal Code. (Ord. No. 277, § 2, 5-20-2014)

9.16.093 Definitions.

As used in this article the following words shall have the following meanings unless the context clearly requires otherwise.

"Adjacent" means adjacent to or contiguous with the proposed location of a marijuana establishments. Adjacency shall be determined without regard to the existence of a platted or dedicated public street or alley, and real property that would otherwise be determined to be adjacent to a proposed marijuana establishment does not lose its adjacency by virtue of the existence of a platted or described public street or alley.

"Advertising" means the act drawing the public's attention to a marijuana establishment's premises or name in order to promote the sale of marijuana or marijuana products.

"Alcoholic beverage" means has the meaning provided in the State Liquor Code.

"Amendment 20" means a voter-initiated amendment to the Colorado Constitution adopted November 7, 2000. Amendment 20 added Section 14 of Article XVIII of the Colorado Constitution.

"Associated person" means any stockholder holding an interest in a medical or retail marijuana license, or any other officer or director, who does not act as a key executive, employee or agent.

"Associated key" means any stockholder holding an interest in a medical or retail marijuana license, or any other officer or director, who also acts as a key executive, employee while physically working in a licensed establishment, optional premises or infused products manufacturer location.

"Applicant" means a person twenty-one years of age or older who has submitted an application for a license pursuant to this article.

"Application" means an application for a license submitted by the owner, managing operator and key employee pursuant to this article.

"Building inspector" means the building inspector for the Town of La Veta.

"Cannabis club" means a premises that is used for the smoking of marijuana, where a membership fee is required, no alcohol is served and the patrons bring their own marijuana, less than one ounce. Membership fees that have been paid for at least one year.

"Church" means a building established prior to this article that is used for public worship. This does not include a personal residence.

"Colorado Marijuana Code" means both the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code as defined herein.

"Colorado Medical Marijuana Code" means Section 14 of Article XVIII of the Colorado Constitution and Article 43.3 of Title 12 of the Colorado Revised Statutes, as amended and any rules promulgated pursuant thereto.

"Colorado Retail Marijuana Code" means Section 16 of Article XVIII of the Colorado Constitution and Article 43.4 of Title 12 of the Colorado Revised Statutes, as amended and any rules promulgated pursuant thereto.

"Commercial district" means the geographic area of the town identified as the commercial district under the zoning guidelines in title 18 of this code.

"Conditional approval" means local approval of a license pending state approval.

"Day" means a calendar day, unless otherwise indicated.

"Good cause" for the purpose of refusing or denying a renewal of this article:

a. A licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this article and any rule and regulation promulgated pursuant to this article.

b. The licensee has failed to comply with any special terms and conditions that were placed on its license at the time the license was issued, or that were placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings.

c. The licensed establishment has been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the marijuana establishment is located. Evidence to support such a finding can include:

(i) A continuing pattern of disorderly conduct;

(ii) A continuing pattern of drug-related criminal conduct within the premises of the marijuana establishment, or in the immediate area surrounding the marijuana establishment; or

(iii) A continuing related to or arising from the operation of the marijuana establishment.

"Halfway house" means a group care facility for adults or juveniles who have been placed on probation or parole under applicable law.

"Key license" means an occupational license for an individual who performs duties that are key to the medical or retail marijuana business' operation and have the highest level of responsibility. Examples of individuals who need this type of license include, but are not limited to, managers and bookkeepers but do not include an owner.

"License" means a license to operate a marijuana establishment issued by the Town pursuant to this article.

"Licensee" means the person to whom a license has been issued pursuant to this article.

"Licensed premises" means the premises specific in an application for a license under this article which are owned or in possession of the licensee and within which the licensee is authorized to cultivate, manufacture, distribute, test, or sell marijuana in accordance with the provision of this article and in accordance with the provisions of the Colorado Marijuana Code and any rules adopted pursuant thereto.

"Limited access areas" means a building, room or other contiguous area upon the licensed premises where marijuana is grown, cultivated, stored, weighed, displayed, packaged, sold or possessed for sale, under control of the licensee, with limited access to only those persons licensed by both the state licensing authority and local licensing authority.

"Local licensing authority" means the town board of trustees for the Town of La Veta, Colorado, or its designee.

"Location" means a particular parcel of land that may be identified by an address or other descriptive means.

"Marijuana" means both medical and retail marijuana as those terms are defined herein.

"Marijuana establishment" means both a medical marijuana establishment and a retail marijuana establishment and marijuana infused products, manufacturing operation, optional premises cultivation operation or storage warehouse as those terms are defined herein.

"Medical marijuana" means marijuana that is grown and sold pursuant to the provisions of these regulations, the Colorado Medical Marijuana Code and Section 14 of Article XVIII of the Colorado Constitution.

"Medical marijuana establishment" means a medical marijuana center, medical marijuana-infused products manufacturing operation, optional premise cultivation operation, storage warehouse or store front.

"Medical marijuana-infused product" means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.

"Medical marijuana-infused products manufacturer" means a person licensed pursuant to the article and to C.R.S. 12-43.3-101, et seq. to operate a business as described in these regulations and as is also described in C.R.S. 12-43.3-404.

"Mobile delivery service" means a service that is provided by any person, who picks up marijuana or marijuana products from a licensed marijuana establishment and delivers to a private person or residence.

"Openly and publicly" for the purpose of consuming marijuana means on public property or a place of business open to the public without restrictions such as restriction on age or a membership requirement.

"Operating fees" means fees that must be paid by any marijuana establishment licensee for the costs of administering and enforcing this article.

"Optional premises" means the premises specified in an application for a medical marijuana center license with related growing facilities in the town of La Veta, Colorado, for which the license is authorized to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution.

"Optional premises cultivation operation" means a licensed premises pursuant to this article and the Colorado Medical Marijuana Code as defined therein.

"Owner" means the person or persons whose beneficial interest in the license is such that they bear risk of loss other than as an insurer, and have an opportunity to gain profit from the operation or sale of the establishment. Each individual owner must have an associated key license. Owner includes any other person that qualifies as an owner.

"Patient" as provided in Amendment 20 of the Colorado Constitution.

"Person" means a natural person, partnership, association, company, corporation, limited liability company, or

organization, or a manager, agent, owner, director, or officer thereof; except that "person" does not include any governmental organization.

"Primary care-giver," the meaning provided in Amendment 20 of the Colorado Constitution.

"Primary home" means the location of an applicant's principal or primary home or place of abode ("primary home") may establish Colorado residency. An applicant's primary home is that home or place in which a person's habitation is fixed and to which the person, whenever absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of such absence. No rental property, vacant lot, vacant house or cabin or other premises used solely for business purposes shall be considered a primary home.

"Premises" means a distinct and definite location, which may include a building, a part of a building, a room or any other definite contiguous area.

"Residency" means a person who has been a resident in the corporate town limits of the town of La Veta for one year prior to the date the application is filed.

"Retail marijuana cultivation facility" means a licensed premises pursuant to this article and the Colorado Retail Marijuana Code as defined therein.

"Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, storage warehouse, or a retail marijuana testing facility as set forth in Section 16 of Article XVIII of the Colorado Constitution and as may be more fully defined in the Colorado Retail Marijuana Code.

"Retail marijuana-infused products manufacturer" means a person licensed pursuant to this article and the Colorado Retail Marijuana Code as defined therein.

"Retail marijuana store" means a licensed premises pursuant to this article and the Colorado Retail Marijuana Code as defined therein.

"Retail marijuana testing facility" means a licensed premises pursuant to this article and the Colorado Retail Marijuana Code as defined therein.

"School" means a public or private preschool or a public or private elementary, middle, junior high, or high school, college or university.

"State licensing authority" means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing and sale of marijuana in the state of Colorado, pursuant to the Colorado Marijuana Code.

"Storage warehouse" shall mean a premise permitted to store marijuana pursuant to this article and the Colorado Marijuana Code as defined therein.

"Town clerk" is the town's designee authorized to act and present license applications, renewals, or any other action to the town board of trustees.

In addition to the definitions provided in this section, the other defined terms in Amendment 20 are incorporated into this chapter by reference. (Ord. No. 277, § 2, 5-20-2014)

9.16.094 Types of licenses.

A. The town board of trustees as the medical and retail marijuana local licensing authority is authorized to issue the following types or classes of licenses for the purpose of regulating marijuana establishments. The town board of trustees, in its discretion, and upon application in the prescribed form made to it, may issue and grant to an applicant a marijuana establishment license subject to the provisions and restrictions provided in this article, from any of the following classes:

1. Medical marijuana center license;
2. Medical marijuana optional premises cultivation license;
3. Medical marijuana-infused products manufacturing license;
4. Retail marijuana store license;
5. Retail marijuana cultivation facility license;
6. Retail marijuana-infused products manufacturing license;
7. Retail marijuana testing facility license;
8. Storage warehouse license.

B. The number of retail marijuana establishment licenses issued by the town shall be limited to no more than two.

C. The number of medical marijuana establishment licenses issued by the town shall be limited to no more than two.

D. Cannabis clubs are not allowed within the corporate limits of the town. (Ord. No. 277, § 2, 5-20-2014)

9.16.095 License required.

A. No person shall operate a marijuana establishment within the town limits without a valid license issued in accordance with this article. All persons who are engaged in or who are attempting to engage in the cultivation, manufacture, distribution, testing and/or sale of marijuana in any form shall do so only in strict compliance with the terms, conditions, limitations and restrictions in Section 14 and Section 16 of Article XVIII of the Colorado Constitution, the Colorado Marijuana Code, this article, the provisions of title 18 zoning laws of this Code and all other state and local laws and regulations.

B. The local licensing authority is authorized to make rules consistent with the intent and spirit of this article concerning the applications, the application process, the information required of applicants, the application procedures and the administration and procedures to be used and followed in the application and hearing process. (Ord. No. 277, § 2, 5-20-2014)

9.16.096 Application for license.

A. A person seeking to obtain a license pursuant to this article shall file an application with the town clerk. The form of the application shall be provided by the town clerk.

B. A license provided by this article shall not be issued to or held by any person or entity prohibited as licensee under the provisions of this article and the Colorado Marijuana Code.

C. A license issued pursuant to this article does not eliminate the need for the licensee to obtain other required town licenses and permits related to the operation of the approved marijuana establishment, including, without limitation:

1. A commercial development permit.
2. State sales tax license.
3. Town business license.
4. A building permit, mechanical permit, plumbing permit, or electrical permit (whichever is applicable).

D. The local licensing authority shall not receive or act upon an application for the issuance of a local license pursuant to these regulations:

1. Until it is established that the applicant is, or will be, entitled to possession of the premises for which application is made under a lease, rental agreement or other arrangement for possession of the premises, or by virtue of ownership of the premises;

2. For a location in an area where cultivation, manufacture, distribution, storage, testing, and/or sale of marijuana as contemplated herein is not expressly permitted under the provisions of the title 18 zoning code. Further, the licensing authority shall not receive or act upon an application for the issuance of a local license pursuant to these regulations for a location in any area where the cultivation, manufacture, distribution, storage, testing, and/or sale of marijuana as contemplated herein where such location does not meet and comply with the distance, isolation and/or separation distances required for such uses under the provisions of the title 18 zoning codes.

E. The local licensing authority may, in its discretion, deny the grant of a license provided by this article to any person or entity who has prior to or on the date of the application made misrepresentations concerning the business for which the license is being sought on the application or on any of the submittals made with an application.

F. An application for a license under this article shall contain the following information:

1. The applicant's name, address, telephone number and social security number.

2. The street address of the proposed marijuana establishment.

3. Proof of residency (must have lived within the corporate limits of the town) for one year prior to the date application is filed.

4. If the applicant is not the owner of the proposed location of the marijuana establishment, a notarized statement from the owner of such property authorizing the submission of the application.

5. A statement of the applicants personal history.

6. A statement to be initialed by the applicant that the applicant and the employees of the marijuana establishment may be subject to prosecution under the federal marijuana laws.

7. If the applicant will not be the manager of the marijuana establishment, the manager must also provide the information in subsections 1 and 6 above.

8. A statement to be initialed by the applicant that the town accepts no legal liability in connection with the approval and subsequent operation of the marijuana establishment.

9. A description of the products and services to be provided by the establishment/facility.

10. A floor plan showing all interior dimensions of the licensed premises and the layout of the marijuana establishment, including all limited access areas, areas of ingress and egress, and all security cameras. Such floor plan shall also show the principle uses of the floor area depicted therein. For cultivation facilities, such floor plan shall distinguish all dimensions of areas in which plants are located.

11. A security plan indicating how the applicant intends to comply with the requirements of the Colorado Marijuana Code.

12. A statement of whether or not any person holding any ownership interest has been denied an application for a marijuana establishment license by the state in this or any jurisdiction or had such a license suspended or revoked; or has been convicted of a felony or has completed any portion of a sentence due to a felony charge within the proceeding five years.

13. A copy of the application that the applicant filed with the state of Colorado.

14. Any additional information that the town clerk reasonably determines to be necessary in connection with the investigation and review of the application and licensee.

Applications shall be processed by the town clerk in order of receipt and the town board of trustees have ninety days to approve the application. (Ord. No. 277, § 2, 5-20-2014)

9.16.097 Application and users fees.

An applicant shall pay to the town a non-refundable initial application review fee of one thousand dollars when

the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. Application fee[s] will be due upon conditional approval and license fee will be due upon state approval. All application fees are non refundable. The license fees and other fees are set by the town board of trustees and made a part of this article in the attached schedule and can be changed by resolution by the board of trustees, at any time deemed necessary. (Ord. No. 277, § 2, 5-20-2014)

9.16.098 Investigation of applicant.

Upon receipt of the application, together with all information required in connection therewith , and the payment of the application fee as required, the town clerk shall transmit copies of the application to:

1. The local licensing authority;
2. La Veta marshal's office;
3. Any other person or agency which the town clerk determines should properly investigate and comment upon the application.

Upon receipt of a completed application the marshal's office shall obtain and review a criminal background records search on the applicant from the Colorado Bureau of Investigation.

Within 20 days of receipt of a completed application the La Veta marshal's office and other referral agencies described in this article shall provide the town clerk with written comments concerning the application. (Ord. No. 277, § 2, 5-20-2014)

9.16.099 Standards for issuance of license.

The following are requirements before the license application can be presented for approval to the town board of trustees.

1. If the application and all required attachments and documents are complete and signed by the applicant, the town clerk will present the application to the town board of trustees, to set a public hearing.
2. The applicant has paid the application fee and the license fee.
3. The application does not contain a material falsehood or misrepresentation.
4. The applicant complies with all requirements of this article.

5. The proposed location of the marijuana establishment is permitted under the zoning codes of title 18 of this code.

The town clerk shall deny an application for a license under this article if the town clerk determines that the information contained in the application, or supplemental information requested from the applicant, is found to be false in any material respect or if the applicant fails to meet the standards set forth in this article.

The town clerk shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare and to obtain compliance with the requirements of the title and applicable law.

Upon receipt of an application for a license and upon determination by the local licensing authority that the same is complete in accordance with the regulations, the local licensing authority shall schedule a public hearing upon the application to be held not less than sixty days after the date of the determination of completeness. The local licensing authority shall publish notice of public hearing not less than ten days prior to the hearing. The local licensing authority shall give the applicant the proper wording and posting requirements and the applicant must post such notice in a conspicuous place on the premises for which the application has been made.

No less than ten days prior to the date of the scheduled public hearing on a license application, the local licensing authority shall make known, based upon its investigation to date, its finding concerning the initial requirements of an application and its preliminary finding concerning whether or not the same appears to meet the standards and requirements set forth in this title. (Ord. No. 277, § 2, 5-20-2014)

9.16.100 Decision by the town board.

A. The town board may give conditional approval or deny an application within ninety days of receipt of the completed application unless, by written notice to the applicant, the decision period is extended for additional information to be gathered by the town clerk or other agencies, to complete the review of the application.

B. Within thirty days after the public hearing, the local licensing authority shall issue its decision approving or denying the application. The decision shall be in writing.

C. If an application is denied, the town clerk shall clearly set forth in writing the grounds for the denial. Notice shall be given by mailing a copy of the town boards decision to the applicant by certified mail, return receipt, to the address shown in the application. Notice is deemed to have been properly given upon mailing. (Ord. No. 277, § 2, 5-20-2014)

9.16.101 Appeal of denial.

A. The applicant has the right to appeal the town boards denial of the application. Any decision made by the town board pursuant to this section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4), of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver of the applicants right to contest the denial or approval of the application.

B. If there is any conflict between the provisions and requirements of this article and the provisions and requirements of title 9 of this code, the provisions and requirements of this section shall control.

9.16.102 Contents of the license.

A license shall contain the following information:

1. The name of the licensee;
 2. The date of the issuance of the license;
 3. The address at which the licensee is authorized to operate the marijuana establishment;
 4. Any special conditions of approval imposed upon the license by the town board; and
 5. The date of the expiration of the license.
- (Ord. No. 277, § 2, 5-20-2014)

9.16.103 Inspection of the premises.

Prior to the issuance of a license, the premises at which the marijuana establishment will be operated shall be inspected by the town's building inspector to determine compliance with the town's building codes. No license shall be issued if the premises at which the marijuana establishment will be operated do not comply with the town's build-

ing codes. Throughout the term of the license the building inspector may inspect the premises at which the marijuana establishment is operated to determine continuing compliance with the towns building codes. Access to such premises may be obtained by the building inspector in accordance with the applicable provisions of such codes or other applicable laws. (Ord. No. 277, § 2, 5-20-2014)

9.16.104 License is not transferable.

A license is non-transferable and non-assignable. Any attempt to transfer or assign a license voids the license. (Ord. No. 277, § 2, 5-20-2014)

9.16.105 Notice of issuance of license.

Immediately upon the issuance of a license the town clerk shall send a copy of the license to the La Veta marshals office. (Ord. No. 277, § 2, 5-20-2014)

9.16.106 Duration of license; renewal.

A. Each license issued pursuant to this article shall be valid for one year from the date of issuance, and may be renewed pursuant to this article.

B. An application for the renewal of an existing license shall be made to the town clerk not less than forty-five days prior to the date of expiration.

C. No application for renewal shall be accepted by the town clerk after the date of expiration. The applicant will have to begin the process of a new license all over and new license fees, public hearing requirements and all pertinent regulations for a new license will apply as if the application was a brand new application.

D. At the time of the filing of an application for renewal of an existing license the applicant shall pay the renewal fee set by the town board of trustees.

E. The town board may refuse to renew a license for good cause. (Ord. No. 277, § 2, 5-20-2014)

9.16.107 Duties of the licensee.

It is the duty and obligation of each licensee to do the following:

1. To comply with all of the terms and conditions of the license, and any special conditions on the license imposed by the town board of trustees.

2. Comply with all requirements of this article.

3. Comply with all state laws and administrative regulations pertaining to the medical use of marijuana, including, but not limited to, Amendment 20; Section 18-18-406.3, C.R.S.; and Amendment 64, Article XVIII of the Colorado Constitution, Section 16, and the administrative regulations issued by the Colorado Department of Public Health and Environment found at, 5 CCR 1006-2, all as amended from time to time.

4. Comply with all applicable federal laws, rules, or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20 and Amendment 64.

5. Comply with all rules and regulations of CRS, Title 12, Article 43.3.

6. If the town clerk or the marshal's office has a reasonable suspicion that the licensee is or has violated the terms and conditions of the license, the licensee will allow inspection of its records, building or structure, and operation by the town clerk and/or the La Veta marshal for the purpose of determining the licensee's compliance with the terms and conditions of the license. However, nothing in this article shall abrogate or affect any applicable confidentiality provision of state or federal law or any applicable statutory or constitutional prohibition against unreasonable searches and seizure of property. In the event of any conflict between this section and any applicable state or federal law, the applicable provision of state or federal law shall control.

7. A marijuana establishment shall notify the local licensing authority in writing within ten days after an owner, officer, or employee ceases to work at, manage, owner otherwise be associated with the operation. The owner, officer, or employee shall surrender his or her identification card to the state licensing authority on or before the date of notification. A licensed operation shall also notify the local licensing authority in writing of the name, address, and date of birth of an owner, officer, manager or employee. (Ord. No. 277, § 2, 5-20-2014)

9.16.108 Posting of the license.

A license shall be continuously posted in a conspicuous location at the marijuana establishment. (Ord. No. 277, § 2, 5-20-2014)

9.16.109 Suspension or revocation of license.

A. A license pursuant to this article may be suspended or revoked by the town board after the town clerk notifies the town board of any such violations and a hearing shall be set for any of the following reasons:

1. Fraud, misrepresentation, or false statement of material fact contained in the license application.

2. A violation of any town, state, or federal law or regulation, other than a Federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20 and Amendment 64.

3. A violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license by the town board.

4. A violation of any provision of this article.

5. Operations have ceased at the marijuana establishment for more than ninety days, including during a change of ownership of the establishment.

6. Ownership of the marijuana establishment has been transferred without the new owner obtaining a license pursuant to this article.

B. In connection with the suspension of a license, the town board may impose reasonable conditions.

C. In deciding whether a license should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the town board shall consider:

1. The nature and seriousness of the violation;
2. Corrective action, if any, taken by the licensee;
3. Prior violations, if any, by the licensee;
4. The likelihood of recurrence;
5. All circumstances surrounding the violation;
6. Whether the violation was willful;
7. The number of previous violations by the licensee.

D. If the town board suspends a license, the licensee may appeal the suspension or revocation to the town

board. The burden of proof in such an appeal is on the licensee. If the town board finds by a preponderance of the evidence that the town clerk presents regarding the violations are justified, the town board shall uphold the order to suspend or revoke. If the town board finds by preponderance that the evidence the town clerk presents regarding the violations is not justified, the appeal shall be sustained. Any decision made by the town board pursuant to this article shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicants failure to timely appeal the decision is a waiver of the applicants right to contest the denial.

E. No fee previously paid by the licensee in connection with the application shall be refunded if such license is suspended or revoked. (Ord. No. 277, § 2, 5-20-2014)

9.16.110 Establishment location.

A. Marijuana establishments shall be located within the commercial zoned districts.

B. In addition to the restrictions imposed, marijuana establishments shall not be located:

1. Within one thousand feet of a licensed child care facility;

2. Within one thousand feet of any educational institution or school, college university, either public or private;

3. Within five hundred feet of any halfway house;

4. Within five hundred feet of any church;

5. Within the south 200 block and the south 300 block of the Main Street frontage (Ryus Street to Field Street).

C. The distances shall be computed by direct measurement from the nearest property line of the land used for child care facility, educational institution, public or private pre-school or a public or private elementary, middle, junior high, or high school, halfway house, college or university, or church, to the nearest portion of the building in which marijuana is to be sold, using a route of direct pedestrian access. The "front door" is the establishment's main entrance facing the nearest public location.

D. Each marijuana establishment shall be operated from a permanent and fixed location. No marijuana establish-

ment shall be permitted to operate from a moveable, mobile or transitory location. Mobile delivery service is not allowed per Colorado State laws.

E. The suitability of a location for a marijuana establishment shall be determined at the time of the initial issuance of the license for such establishment. The fact that changes in the neighborhood that occur after the initial issuance of the license might render the site unsuitable for a marijuana establishment under this section shall not be grounds to suspend, revoke or refuse to renew the license for such establishment so long as the license for the establishment remains in effect.

F. No marijuana establishments shall be operated as a "home occupation" as described in this code. (Ord. No. 277, § 2, 5-20-2014)

9.16.111 Hours of operation.

A marijuana establishment may open no earlier than 9:00 a.m. and shall close no later than 6:00 p.m. the same day. A marijuana establishment may be open six days a week and are not allowed to be open on Sundays. (Ord. No. 277, § 2, 5-20-2014)

9.16.112 Signage.

All signage can not contain any illustrations of marijuana or paraphernalia and all signage for a marijuana establishment shall comply with the requirements of sections 18.60.010 and 18.60.040 of this code. (Ord. No. 277, § 2, 5-20-2014)

9.16.113 Required warnings to be posted.

There shall be posted in a conspicuous location in each marijuana establishment a legible sign containing the following warnings.

1. A warning that it is illegal to sell or to transfer marijuana to anyone under the age of twenty-one and it is illegal to send or transport marijuana to another state and the possession of marijuana remains a crime under federal law.

2. A warning that the use of marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana.

3. A warning that loitering in or around the marijuana establishment is prohibited by state law.

4. A warning that possession and distribution of marijuana is a violation of federal law. (Ord. No. 277, § 2, 5-20-2014)

9.16.114 On-site consumption.

The consumption or inhalation of marijuana on or within the premises of a marijuana establishment is prohibited. (Ord. No. 277, § 2, 5-20-2014)

9.16.115 Paraphernalia.

Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a marijuana establishment. Such items may be sold or provided only to patients or persons twenty-one years of age or older. (Ord. No. 277, § 2, 5-20-2014)

9.16.116 On-site cultivation, growing and processing.

The growing, cultivation, or processing of marijuana on or within the premises of a marijuana establishment is prohibited unless the establishment is equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the establishment or any adjoining business, parcel or tract of real property. Hydroponic or chemical growing methods are prohibited. (Ord. No. 277, § 2, 5-20-2014)

9.16.117 Alcohol.

The sale or consumption of an alcoholic beverage within a marijuana establishment is prohibited. The use of marijuana is prohibited where alcohol is consumed or sold. (Ord. No. 277, § 2, 5-20-2014)

9.16.118 A display of marijuana.

No marijuana shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of the marijuana establishment. (Ord. No. 277, § 2, 5-20-2014)

9.16.119 Taxes.

Each licensee shall collect and remit sales tax on all marijuana, paraphernalia, and other tangible personal property sold by the licensee at the marijuana establishment. (Ord. No. 277, § 2, 5-20-2014)

9.16.120 Required record keeping.

A. Each licensee shall maintain an accurate and complete record of all marijuana sold and dispensed at the marijuana establishment. The record shall contain the following information:

1. The quantity of marijuana sold and dispensed.
2. The date and time the marijuana was sold or dispensed.
3. Nothing in this section shall abrogate or affect: (i) any applicable confidentiality provision of state or federal law, or (ii) any applicable statutory or constitutional prohibition against unreasonable searches and seizure of property. In the event of any conflict between this section and any applicable state or federal law, the applicable provision of state or federal law shall control. (Ord. No. 277, § 2, 5-20-2014)

9.16.121 Penalties; injunctive relief.

a. It is a violation for any licensee or employees to violate any provisions of this article. Violations may result in the loss of the license. (Ord. No. 277, § 2, 5-20-2014)

9.16.122 No town liability.

By accepting a license issued pursuant to this article, the licensee releases the town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of establishments owners, operators, employees, clients, or customers for a violation of state or federal laws, rules and regulations. The town board may require a licensee to execute a written instrument confirming the provisions of this section. (Ord. No. 277, § 2, 5-20-2014)

9.16.123 Indemnification of town.

By accepting a license issued pursuant to this article a licensee, jointly and severally if more than one, agrees

to indemnify and defend the town, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability claims, and demands, on account of injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the marijuana establishment is the subject of the license.

The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims or demands at its expense and to bear all other costs and expenses related thereto including court costs and attorney fees. The town clerk may require a licensee to execute a written instrument confirming the provisions of this section. (Ord. No. 277, § 2, 5-20-2014)

9.16.124 Other laws remain applicable.

The provisions of this article do not protect licensees, operators, employees, customers and clients of a licensed marijuana establishment from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or possession of controlled substances. In addition, as of the date of adoption of this article the cultivation, sale, possession, distribution and use of marijuana remain violations of federal and state law (except for conduct covered by Amendment 20 and Amendment 64), and this article affords no protection against prosecution under such federal and state laws. Licensees, operators, employees, customers and clients of a permitted marijuana establishments assume any and all risk and any and all liability arising or resulting from the operation of the establishments under any state or federal law. Further, to the greatest extent permitted by law, any actions taken under the provisions of this article by any public officer or officers, elected or appointed officials, employees, attorneys and agents of the town shall not become a personal liability of such person or of the town. (Ord. No. 277, § 2, 5-20-2014)

Appendix A

Application Fee, License Fee, User Fees All Marijuana Establishments Town of La Veta, Colorado	
Application Review Fee	
Initial Application Review fee--non-refundable for all Establishments	\$1,000.00
Application Fees-Medical Establishments	
All Establishments	7,500.00
Associated Key Person	1,000.00
Infused Product Manufacturer	2,500.00
Optional Premises Cultivation	2,500.00
Annual License Fees-Medical	
All Establishments	5,000.00
Infused Product Manufacturer	2,500.00
Optional Premises Cultivation	2,500.00
Application Fees-Retail Establishments	
All Establishments	7,500.00
Associated Key Person	1,000.00
Marijuana Cultivation Facility	5,000.00
Annual License Fee-Retail	
All Establishments	5,000.00
Marijuana Cultivation Facility	2,500.00
Service Fees and Users Fees	
All Cultivation Establishments	\$1.00 per square foot-annually
Change of Trade Name	50.00
Modification of Premises	150.00
Corporation or LLC Structure change	1,000.00
Town Business License Fee	
All Establishments	25.00
Fingerprints-to CBI	
Per Applicant	38.50

(Ord. No. 277, § 2, 5-20-2014)

Chapter 9.20OFFENSES AGAINST PROPERTYSections:

- 9.20.010 Depositing trash or debris.
- 9.20.020 Littering from a vehicle.
- 9.20.030 Spillage from trucks or other vehicles.
- 9.20.040 Destruction of property.
- 9.20.050 Defacing signs.
- 9.20.060 Damaging trees.
- 9.20.070 Destruction of posted advertisements.
- 9.20.080 Taking down fences.
- 9.20.090 Vehicles injurious to pavement.
- 9.20.100 Deposit of garbage or offal.
- 9.20.110 Open drains or cesspools.
- 9.20.120 Shoplifting.
- 9.20.130 Criminal trespass.
- 9.20.140 Criminal tampering.

9.20.010 Depositing trash or debris.

It shall be unlawful to throw or deposit on any street, alley, sidewalk or public grounds in the town any paper, old clothes, cloth of any kind, shoes, hats, grass, junk cars, straw or hay, or trash or debris of any kind, except in public receptacles and authorized private receptacles. (Ord. 81 §B(1), 1975)

9.20.020 Littering from a vehicle.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter of any kind upon any street or alley or other public place within the town or upon any private property. (Ord. 81 §B(2), 1975)

9.20.030 Spillage from trucks or other vehicles. It shall be unlawful for any person to drive or move any truck or any other vehicle within the town unless such truck or vehicle is constructed or loaded to prevent any load, contents, garbage, litter, manure, from being blown or deposited upon any street, alley or other public place. (Ord. 81 §B(7), 1975)

9.20.040 Destruction of property. It shall be unlawful for any person to wilfully, maliciously, wantonly, negligently, or in any other manner injure or destroy real property or improvements thereto, or movable or personal property belonging to the town or to any person or persons or corporation, partnership or association. (Ord. 81 §B(4), 1975)

9.20.050 Defacing signs. It shall be unlawful for any person or persons without proper authority to remove, deface, injure or destroy any street sign, school sign, or traffic sign or sign erected or placed in or adjacent to any street indicating the name of such street. (Ord. 81 §B(5), 1975)

9.20.060 Damaging trees. It shall be unlawful for any person or persons to intentionally damage or injure any shade tree on any town property. (Ord. 81 §C(13), 1975)

9.20.070 Destruction of posted advertisements. It shall be unlawful for any person or persons to wilfully, maliciously, wantonly, negligently or in any other manner, tear down, deface or cover up any posted advertisement, or bill of any person, firm or corporation when the same is posted or put in harmony with the provisions of this title or any other ordinance of the town. (Ord. 81 §B(8), 1975)

9.20.080 Taking down fences. It shall be unlawful for any person to take down any fence or let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant, or the person in charge thereof. (Ord. 81 §B(3), 1975)

9.20.090 Vehicles injurious to pavement. It shall be unlawful for any vehicle injurious to pavement, such as vehicles with lugwheels, to be permitted upon public thoroughfares unless the operator of such vehicle shall first plank and protect such streets from damage. (Ord. 81 §B(6), 1975)

9.20.100 Deposit of garbage or offal. It shall be unlawful to throw or deposit or cause or permit to be thrown or deposited any offals, vegetable substances or both, any dead animals, excrement, garbage or other offensive matter whatever upon any street, alley, sidewalk or any public

ground or into the water of any stream, ditch, pond, well, cistern, or any other body of water whether artificially or naturally created, or near such place as to be liable to pollute such water. (Ord. 81 §B(9), 1975)

9.20.110 Open drains or cesspools. It shall be unlawful for any person to maintain, permit, cause, create or contribute to, in any way, an open drain, sewer, or cesspool, and it shall also be unlawful for any person to permit, create, cause or contribute to any unsightly, nauseous or unhealthful condition by failing to properly dispose of sewage, dead animals, offals, or refuse, both within the town limits and at any point within one mile of the town limits. (Ord. 81 §B(10), 1975)

9.20.120 Shoplifting. A. It shall be unlawful for any person to knowingly take possession of any goods, wares, or merchandise owned or held by and offered or displayed for sale by any store or merchandise establishments, with the intention of unlawfully converting such goods, wares or merchandise to his own use without paying the purchase price thereon.

B. To knowingly conceal unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment shall constitute sufficient evidence that such person intended to convert same to his own use without paying the purchase price therefore within the meaning of subsection A.

C. If any person commits the offense of shoplifting as defined in subsection A or any person knowingly conceals upon his person or otherwise, any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof, or any peace or police officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may question such person in a reasonable manner for the purpose of ascertaining whether or not such person is guilty of shoplifting as defined in subsection A. Such questioning of a person by a merchant, merchant's employee or peace or police officer shall not render such merchant, merchant's employee or peace or police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention.

D. The summons and complaint issued pursuant to this section shall specify whether the alleged offense occurred within the limits of the town. The summons and complaint shall specify the name of the person, store or other mercantile establishment whose property was allegedly taken or concealed. The summons and complaint shall specify, describe or name the goods, wares or merchandise allegedly taken or concealed as well as the value thereof. (Ord. 81 §A(17), 1975)

9.20.130 Criminal trespass. It is unlawful for any person to unlawfully enter and remain in or upon any premises, whether or not the premises are enclosed in a manner designed to exclude intruders or are fenced. (Ord. 147 §4(part), 1986)

9.20.140 Criminal tampering. It is unlawful for any person to tamper with the property of another with intent to cause injury, inconvenience or annoyance to that person or to another, or if he knowingly makes unauthorized connections with property of a utility, or to cause interruption or impairment of a service rendered to the public by a utility, or by an institution providing health or safety protection, tampers with the property of a utility or institution. (Ord. 147 §4(part), 1986)

Chapter 9.24

OFFENSES AGAINST PUBLIC SAFETY

Sections:

- 9.24.010 Deposit of dangerous articles on street.
- 9.24.020 Riding vehicles or animals on sidewalk.
- 9.24.030 Dangerous buildings.
- 9.24.040 Abandoned refrigerators.
- 9.24.050 Fireworks.
- 9.24.060 Storage of gunpowder.
- 9.24.070 Flammable liquids.
- 9.24.080 Firing woods or prairie.

9.24.010 Deposit of dangerous articles on street.

It is unlawful for any person to deposit or throw or cause to be thrown or deposited on any street, or alley or any public way, any broken crockery or broken glass, nails or any other dangerous substance or debris. (Ord. 81 §A(2), 1975)

9.24.020 Riding vehicles or animals on sidewalk. A.

It is unlawful for any person to use, ride, propel, or otherwise operate skis, roller skates, in line skates, skateboards, scooters, bicycles or similar means of transportation or drive any car, bicycle, motorcycle, or any

other motor driven vehicle or similar devices upon any sidewalk or other pathway exclusively designated for use by pedestrian traffic in the town of La Veta. It is also unlawful for any person to ride or lead a horse or any other animal, other than a licensed domesticated pet, on the sidewalks or other pathways exclusively designated for use by pedestrian traffic in the town of La Veta.

B. Any animal or device operated by persons in violation of the provisions of this section may be seized by a member of the police department, and be impounded in the town hall or an animal shelter for a period of up to sixty days.

C. In the event impounded animal or device is not claimed by the owner(s), or the parent or guardian of the owner in the case of a minor, within sixty days of being impounded, the police department shall sell it and the proceeds of such sale shall be disposed of in the manner provided by Colorado state law (16-13-311 C.R.S.).

D. In the event an animal or device is impounded, the owner(s) shall be required to pay the costs of impounding prior to release of the animal or device. The costs of impound shall be the actual costs incurred to impound the animal or device, but in no event shall the cost be less than a minimum of ten dollars per day payable by the owner(s) of the property impounded.

E. Multiple violations of this section by an individual shall be construed a nuisance as defined in Sections 8.09.010(9) and Section 8.09.010(13) and shall be subject to the penalty provisions of said section. (Ord. 221, 2003)

9.24.030 Dangerous buildings. It is unlawful to permit any building, structure or place, to remain in such a condition as to be dangerous to the public health in any way. Any such structure, building or place is designated a nuisance. (Ord. 81 SA(11), 1975)

9.24.040 Abandoned refrigerators. It shall be unlawful for any person to leave or permit to remain outside any building or structure or dwelling or within any unoccupied or abandoned building or structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or any other container which has a door or lid, snap lock, or any other locking device which may not be released from the inside without first removing the door or lid, snap lock, or any other locking device. (Ord. 81 SA(4), 1975)

9.24.050 Fireworks. A. It shall be unlawful for any person or persons to sell at retail any type of fireworks including fountains, pinwheels, sparklers or torches until he has obtained a license from the board of trustees, Colorado Revised Statutes 53-5-6 1963, as amended.

B. A license to sell fireworks in the town shall be issued only for such sales as are permitted under this section and the state statutes, and only when the board of trustees has determined that the vendor meets the following requirements:

1. That the applicant, or if a corporation, its officers, its sales personnel or director, are of good moral character and reputation;

2. That the applicant has no plan, intent, or scheme to make sales which are prohibited by this section of the state statutes.

C. The police department of the town shall seize, take and remove at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this section or the state statutes.

D. The board of trustees shall have the power to grant permits within the town for supervised public display of fireworks. A satisfactory bond shall be required of each permittee in the sum of not less than one thousand dollars, conditioned for the payment of all damages which may be caused either to persons or property by reason of the licensed display and arising from the acts of the permittee or his agents, employees or subcontractors. The total amount of liability of the surety on such bond for all damages in no event shall exceed the sum of such bond.

E. "Fireworks" means and includes any article, device or substance prepared for the primary purpose of

producing a visual or auditory sensation by combustion, explosion, deflagration or detonation. "Fireworks" shall not include fountains, pinwheels, toy pistols, toy guns, sparklers or torches that contain no explosive charge or paper caps manufactured in accordance with U.S. Interstate Commerce Commission regulations.

F. In case of drought or hazardous fire conditions, or other situations that the board deems extraordinary, the board may, by resolution, place restrictions it deems necessary upon the use of fireworks, or any device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation. (Ord. 81 SA(18), 1975)

9.24.060 Storage of gunpowder. It shall be unlawful for any person to store within the corporate limits of the town any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high explosives, in excess of the following amounts:

A. It shall be unlawful to keep or store any black powder or gunpowder, or guncotton in excess of ten pounds on any one premises in the town.

B. It shall be unlawful to keep or store any nitroglycerine or the explosive commonly known as TNT in the town in any quantities, excepting for medical or laboratory purposes, and for such purposes, no more than one-quarter ounce shall be stored in any one building or premises.

C. It shall be unlawful to keep or store any dynamite in the town in any quantities.

(Ord. 81 SA(6), 1975)

9.24.070 Flammable liquids. It shall be unlawful to store or cause to be stored, or park any tank vehicle carrying flammable liquids or gases upon any street, alley,

ways or avenues of the town, or in any other part of the town except areas zoned for such uses or by special permission of the board of trustees. (Ord. 81 §A(3), 1975)

9.24.080 Firing woods or prairie. It is unlawful for any person to knowingly and without lawful authority or with criminal negligence to set on fire, or cause to be set on fire, any wood, prairie or grounds of any description, other than his own, or who, knowingly or with criminal negligence, permits a fire, set or caused to be set by him, to pass from his own grounds to the injury of another person. (Ord. 147 §5, 1986)

Chapter 9.28

WEAPONS

Sections:

- 9.28.010 Concealed weapons.
- 9.28.020 Firearms.
- 9.28.030 Sale of weapons.

9.28.010 Concealed weapons. A. It shall be unlawful for any person to wear under his or her clothes, or concealed about his or her person or to display in a threatening manner, any dangerous or deadly weapon, including any pistol, revolver, slingshot, cross knuckles, knuckles of brass, lead or any other metal, any bowie knife, dirk, dagger, or any knife resembling a bowie knife.

B. It shall be unlawful for any person, company, firm or association to sell or offer to sell, display or use or possess or carry any knife or knives having the appearance of a pocket knife the blade or blades of which can be opened by a flick of a button, pressure on the handle or by any other mechanical means. Any such knife is declared a dangerous weapon or a deadly weapon within the meaning of subsection A of this section and shall be subject to forfeiture to the town as provided in subsection C of this section.

C. Every person convicted of any violation of this section shall forfeit to the town all such dangerous or deadly weapons so concealed or displayed.

D. Nothing in this section shall be construed to forbid any peace officer of the United States from carrying or wearing while on duty such weapons as shall be necessary in the proper discharge of his or her duties.

E. Nothing in this section shall be construed to forbid any person with a special permit from carrying a concealed weapon.

F. It shall be the duty of every police officer upon

making any arrest, in taking a concealed weapon or weapons from the person of the offender, to deliver the same to the municipal judge to be held by him until the final determination of the prosecution for the offense and upon the finding of guilt, it shall then be the duty of the municipal judge to deliver the weapon, without delay, to the chief of police who shall make disposition of the weapon. (Ord. 81 §A(14), 1975)

9.28.020 Firearms.

It shall be unlawful for any person to have in his possession, except within his own home, in a private automobile, or other private means of conveyance, to carry or to use a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges or any airgun, gas-operated gun or spring gun or any bow made for the purpose of throwing or projecting or shooting missiles of any kind or by any means whatsoever, whether any such instrument is called by any name set forth above or by any other name, provided that nothing in this section shall, upon first receiving permission from the town board of trustees, prevent the use of any such instrument in shooting galleries or in any private ground or residences under circumstances when such instrument can be fired, discharged or operated in such a manner as to prevent the projectiles from transversing any grounds or space outside the limits of such gallery, grounds, or residence, and further provided that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever, when unloaded and properly cased, to and from any shooting range or gallery. (Ord. 158, 1990: Ord. 81 SA(15), 1975)

9.28.030 Sale of weapons.

A. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or any other firearm, in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug or stimulant or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen years.

B. Any such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the town to such person, firm or corporation. (Ord. 81 SA(16), 1975)

Chapter 9.32VIOLATION--PENALTY

Editor's note—Ord. No. 250, § 8, adopted June 16, 2009, repealed § 9.32.010, which pertained to designated and derived from Ord. No. 81, § E, 1975.

Chapter 9.36CURFEWSections:

- 9.36.010 Hours of curfew-Parental responsibility.
9.36.020 Violation-Penalty.

9.36.010 Hours of curfew--Parental responsibility.

A. It shall be unlawful for any child age seventeen and under, without having the written consent of or being accompanied by one of his or her parents or guardians, to loiter, play, idle or congregate together or individually on or about the streets or public places of the town, or to engage in any sport, create any disturbance, whether in the street, alley, public place or yard within the town limits of La Veta, between the hours of 11 p.m. and 5 a.m.

B. It shall be unlawful for any parent, guardian or other adult person having the care and custody of a minor to knowingly permit such minor to violate the provisions of subsection A of this section. (Ord. 170 §§1, 4, 1993)

9.36.020 Violation--Penalty.

A. Any child or children found loitering, idling, playing or congregating together or individually on the streets, alley, yards or public places in the town after hours of curfew identified in Section 9.36.010(A), shall be deemed to have violated this chapter.

B. Any child or children found guilty of violating the provisions of this chapter shall be subject to being issued a summons to appear before the municipal court and upon conviction be fined not less than ten dollars or more than three hundred dollars.

C. Any person who knowingly violates the provision of Section 9.36.010(B) shall be subject to being issued a summons to appear before the municipal court and upon conviction be fined not less than ten dollars or more than three hundred dollars and/or a jail sentence of not less than ten days or more than thirty days at the discretion of the municipal judge. (Ord. 170 §§2, 3, 5)