

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Miscellaneous Offenses

Chapter 9.04

MISCELLANEOUS OFFENSES

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9.04.010 Applicability. All provisions of this Chapter shall apply within the Delta city limits and upon any property

owned or under the control of the City outside of the City.
(Ord. 4, §1(part), 1986)

9.04.020 Complicity. A person is legally accountable as principal for the behavior of another constituting a violation of any provision of any City ordinance, if, with intent to promote or facilitate the commission of the offense, he aids, abets or advises the other person in planning or committing the offense. (Ord. 4, §1(part), 1986)

9.04.030 Criminal liability of a corporation. A corporation is guilty of an offense if the conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance impose on the corporation by ordinance; or the conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors, or by a high managerial agent, acting within the scope of employment or in behalf of the corporation. (Ord. 4, §1(part), 1986)

9.04.040 Criminal liability of an individual for corporate conduct. A person is criminally liable for conduct constituting an offense which he performs or causes to occur in the name of or on behalf to a corporation to the same extent as if that conduct were performed or caused by him in his own behalf. (Ord. 4, §1(part), 1986)

9.04.050 Criminal attempt.

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

B. A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his complicity under Section 9.04.020 were the offense committed by the other person, even if the other person is not guilty of committing or attempting the offense.

C. It is an affirmative defense to a charge under this subsection that the defendant abandoned his effort to commit the offense or otherwise prevented its commission under circumstances manifesting the complete and voluntary renunciation of his criminal intent. (Ord. 4, §1(part), 1986)

9.04.060 Accessory to an offense.

A. A person is an accessory to an offense if, with an intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction or punishment of another for the commission of a violation of a City ordinance, he renders assistance to such person.

B. "Renders assistance" means to:

1. Harbor or conceal the other; or
2. Warn such person of impending discovery or apprehension; or
3. Provide such person with money for transportation, weapon, disguise or other things to be used in avoiding discovery or apprehension; or
4. By force, intimidation, or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such person. (Ord. 4, §1(part), 1986)

9.04.070 Destruction of property.

A. It shall be unlawful for any person to wilfully deface, destroy or damage real or personal property belonging to another.

B. This Section shall not apply where, in a single criminal episode, the aggregate damage to personal and real property exceeds three hundred dollars (\$300.00). (Ord. 4, §1(part), 1986)

9.04.080 Posting of handbills.

A. It shall be unlawful to post or attach any handbill, placard, poster, or printed material, or to paint, write, or mark upon any building, fence, utility pole, vehicle or other structure without permission of the owner or party in lawful possession of the such structure or vehicle.

B. Anything posted or attached in violation of this Section is hereby declared to be a nuisance which may abated pursuant to law. (Ord. 4, §1(part), 1986)

9.04.090 Trespass.

A. It shall be unlawful for any person to enter upon the premises of another which are enclosed in a manner designed to

exclude intruders, or are fenced, when he is not licensed, invited or otherwise privileged to do so.

For purposes of this subsection only, "premises" shall mean real property, excluding a dwelling or a motor vehicle.

B. It shall be unlawful for any person to remain on the premises of another if he has been advised that his permission, license or privilege to be there has been revoked by the owner or the premises or other authorized person.

C. It shall be unlawful for any person to enter onto or remain upon public or private property of another without license, right or privilege to do so when signs are posted prohibiting such activity. (Ord. 4, §1(part), 1986)

9.04.100 Discharge of guns prohibited.

A. It is unlawful for any person, other than a law enforcement officer, to discharge a firearm, spring gun, air gun, pellet gun, BB gun or any other gun within the City, except upon a range totally enclosed within a building adequately constructed so that no noise or odor is observable and no projectiles travel off the range premises.

B. 1. This Section shall not apply to the lawful use of a gun in protection of persons or property, including one's animals and pets.

2. This Section shall not apply to the lawful use of a gun to destroy one's own animals or pets within the A-1 and R-R Zoning Districts.

C. This Section shall not apply when a permit has been granted by the City Council for a special event. No permit shall be granted unless the Council determines that no nuisance, unreasonable noise or safety hazard will be created.

D. This Section shall not apply to the lawful use of a shotgun no larger than a twelve gauge in the A-1 zoning district on tracts of land five acres or greater in area, except City-owned property for the hunting of birds in accordance with the laws and regulations of the State of Colorado so long as none of the shot travels off of said premises. (Ord. 4, §1(part), 1986; Ord. 22, §1, 1998; Ord. 2, §2, 2002)

9.04.110 Interference with an officer. It shall be unlawful for any person to interfere with, or by using or threatening to use violence, force or physical interference or obstacle, to obstruct, impair or hinder the enforcement of the law or preservation of the peace by a peace officer acting under color of his official authority, or the performance of a governmental function by an officer, employee or agent of the

City acting in the lawful performance of his duties. (Ord. 4, §1(part), 1986)

9.04.120 Resisting arrest.

A. It shall be unlawful to prevent or attempt to prevent a peace officer acting under color of his official authority from effecting an arrest of the actor or another person by using or threatening to use physical force or violence against the peace officer or another, or by using any other means which creates a substantial risk of causing physical injury to the peace officer or another.

B. It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if he was acting under the color of his official authority, and in attempting to make the arrest he was not resorting to unreasonable or excessive force giving rise to the right of self-defense. (Ord. 4, §1(part), 1986)

9.04.130 Indecent conduct. It shall be unlawful for any person to urinate or defecate in any place except sanitary facilities constructed for the purpose connected to an authorized sewage collection system or authorized individual sewage disposal system. (Ord. 4, §1(part), 1986)

9.04.140 Disorderly conduct. It is unlawful for any person to intentionally, knowingly or recklessly:

A. Make a coarse and obviously offensive utterance, gesture or display in a public place and the utterance, gesture or display tends to invite the immediate breach of peace; or

B. Fight with another person in a public place, except in an amateur or professional contest of athletic skill; or

C. Not being a peace officer, display a deadly weapon in a public place in a manner calculated to alarm; or

D. Make unreasonable noise in a public place or near a private residence that he has no right to occupy; or

E. Abuse or threaten a person in a public place in an obviously offensive manner; or

F. Strike, shove, kick or otherwise touch a person or subject him to physical contact with intent to harass, annoy or alarm. (Ord. 4, §1(part), 1986)

9.04.150 Impersonating an officer. It shall be unlawful for any person to impersonate a peace officer or other City officer, agent or employee and perform any act in that pretended capacity. (Ord. 4, §1(part), 1986)

9.04.160 Petty theft.

A. It is unlawful for any person to knowingly obtain or exercise control over anything of value, having a value of less than three hundred dollars (\$300.00), of another without authorization or by threat of deception, or knowing said thing of value to have been stolen; and

1. Intend to deprive the other person permanently of the use or benefit of the thing of value; or

2. Knowingly use, conceal or abandon the thing of value in such a manner as to deprive the other person permanently of its use or benefit; or

3. Use, conceal or abandon the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit; or

4. Demand any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person.

B. If any person wilfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on his own person or otherwise, and whether on or off the premises of such store or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of petty theft.

C. The offense of petty theft shall not include theft from the person of another. (Ord. 4, §1(part), 1986)

9.04.170 Shoplifting.

A. It shall be unlawful for any person to wilfully take possession of any goods, wares or merchandise, having a value of less than three hundred dollars (\$300.00), and owned or held by and offered or displayed for sale by any store or mercantile establishment, with the intention of converting such goods, wares or merchandise to his own use without paying the purchase price.

B. If any person wilfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of shoplifting. (Ord. 4, §1(part), 1986)

9.04.190 Cruelty to animals.

A. It shall be unlawful for any person owning or in custody of any animal to fail to provide any animal with

adequate food, water, shelter and veterinary care when reasonably required.

B. It shall be unlawful for any person to beat, cruelly ill-treat, overload, overwork, or otherwise abuse any animal, or cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.

C. It shall be unlawful for the owner or custodian of any animal to abandon such animal. (Ord. 4, §1(part), 1986)

9.04.200 Window peeping. It shall be unlawful for any person to enter or remain upon the property of another with the intent to peer or peep into any window of a dwelling of another. (Ord. 4, §1(part), 1986)

9.04.210 Tampering with public utilities. It shall be unlawful for any person to interfere with, tamper with, damage, destroy, or operate any part of any utility system, including power, gas, telephone, CATV systems, or to connect to such systems, or utilize service from such systems without lawful authorization to do so. (Ord. 4, §1(part), 1986)

9.04.220 False fire alarms. It is unlawful for any person to turn in a false alarm, or in any manner to deceive or attempt to deceive the fire department or any officer or employee thereof with reference to any fire alarm or reported fire, or to cause the fire department or its officers or employees to make a useless run. (Ord. 4, §1(part), 1986)

9.04.230 Removal of barricades. It is unlawful for any person except by proper authority to remove any barricade, warning light, or obstruction placed by authority of the City to keep traffic off any pavement, street, curb, sidewalk, or other area, or otherwise to warn or direct traffic. (Ord. 4, §1(part), 1986)

9.04.240 Tampering with CATV.

A. It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the CATV system within this City for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of said system.

B. It shall be unlawful for any person, without the consent of the owner, to wilfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound. (Ord. 10, §2, 1993)

9.04.250 Juvenile Curfew.

A. No juvenile under eighteen years of age shall be or remain upon any public street, sidewalk, or any other public place or right of way within the City of Delta between midnight and 5 a.m., except as provided in Subsection (C) of this section.

B. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a juvenile under the age of eighteen years to knowingly permit or allow such juvenile to remain upon any public street, sidewalk or public place in violation of Subsection (A) of this section, except as provided in Subsection (C) of this section. The term knowingly includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent or guardian's custody.

C. In the following exceptional cases, a juvenile may be or remain in a public place beyond the hours set forth in Subsection (A) of this section:

1. When accompanied by a parent or legal guardian.
2. When traveling directly from a recognized community event (e.g. school function, movie theatre).
3. For one-half hour before or after employment hours when commuting directly to and from such employment and when carrying an employer's certification of time and place of employment.
4. The juvenile received authorization from a parent or legal guardian.

D. A police officer who has probable cause to believe that a juvenile is in violation of this section shall take such juvenile into protective custody and immediately contact the juvenile's parent or guardian. If, after this contact, there is probable cause to believe that the juvenile was violating this section, the juvenile sixteen years of age or under shall be turned over to the custody of the Delta County Health and Human Services until a parent or guardian can take custody of the juvenile.

E. Any juvenile and/or parent, or legal guardian served with a citation under this section shall appear in Municipal Court.

F. There is no defense that a parent or guardian, or other person having the care and custody of the juvenile was indifferent to the activities, conduct or whereabouts of such juvenile. (Ord. 11, §1, 1995; Ord. 2 §2, 2015)

9.04.260 Keeping disorderly premises.

A. It shall be unlawful for any person owning or controlling any premises to knowingly, intentionally, or recklessly permit, allow, occasion, encourage, suffer, or cause upon such premises any drunkenness, quarreling, fighting, or riotous or disorderly conduct, which unreasonably disturbs the quiet enjoyment of any other property.

B. Keeping a disorderly premises is hereby declared to be a nuisance which may be abated in any lawful manner. (Ord. 31, §1, 2001)

9.04.280 Fraudulent Identification Documents.

A. It shall be unlawful for any person in the City of Delta, Colorado to either: (1) possess an identification document that is forged, counterfeited or possessed for the purpose of committing an act in violation of law, or (2) possess an identification document that was validly issued but subsequently altered by someone other than the issuing agency, or (3) possess any identification document belonging to another person with the intent to use it as having been issued to the person in possession of the document, or (4) display or present an identification document of another person in a manner that falsely suggests that it was issued to the person displaying or presenting it, or (5) loan or provide a valid identification document to another person when the provider knows, or reasonably should know, that the document will be deceptively used by the person to whom it is provided for identification purposes and as having been properly issued to such user.

B. For purposes of this section, "identification documents" mean documents that were issued to a particular person for the purpose of establishing the proper identity of that person to others. Such documents include those issued by national, state and local governments and governmental agencies that contain personal identification data such as, but without limitation (1) licenses and registrations for driving motor vehicles, conducting occupations or professions etc. (2) birth certificates, (3) social security cards, and (4) other official identification cards. An identification document is of another person if it was validly issued for a person other than the possessor of the document.

C. A liquor licensee in the City of Delta, or an employee of such a liquor licensee, may cease and hold for evidence any identification document, if acting in good faith and upon reasonable belief that the identification document is possessed, displayed or presented in violation of this section. (Ord. 3, §1, 2009)