

ORDINANCE NO. 244.

AN ORDINANCE CONCERNING THE FIRE DEPARTMENT, POLICE DEPARTMENT,
FIRE LIMITS AND VAGRANTS.

Be it Ordained by the City Council of the City of Grand Junction,
Colorado:

ARTICLE I.

Section 1. There is hereby created a department of municipal government of the City of Grand Junction, Colorado, which shall be known as the Fire Department, and shall consist of a Fire Chief, an assistant Fire Chief such other Firemen, both regular and volunteer, as the City Council may from time to time by ordinance or resolution provide.

Sec. 2. The Chief of the Fire Department shall be responsible for the discipline, good order and proper conduct of the whole department, for the enforcement of all ordinances and regulations pertaining thereto, and for the care and condition of the horses, houses, fire autos, engines and all other property of the department; he shall have command and control of all officers and members of the department, and he shall likewise have control of all persons present at fires, and to that end shall be ex-officio and exercise all the powers of the Chief of Police thereat. He shall wear a proper badge of office and shall, when a fire breaks out, take immediate and proper means to extinguish the same; he shall have the power if need be to summon any and all persons present to aid in extinguishing any fire, in removing property from any burning and any exposed building, and in guarding the same, and any able bodied person present refusing to obey such summons shall be liable to arrest, and upon conviction shall be fined not less than five dollars and not more than one hundred dollars for each offense.

The Chief may prescribe limits in the vicinity of any fire within which no person may enter except those who reside therein, members of the fire department, policemen and such others as may be admitted by the officers of such department. The Chief of the Fire Department shall also perform the duties of Jailor at the City Jail.

Sec. 3. In case of the absence or disability of the Chief the Assistant Chief shall have all the powers and he shall perform all the duties of the Chief.

Sec. 4. All members of the Fire Department shall perform the duties of the Fire Department under the direction and control of the Chief, Assistant Chief and other officers; they shall wear such uniforms or insignia of office as may be prescribed by the regulations of the department or otherwise, to be furnished at their own expense.

Sec. 5. No officer or member of the Fire Department or other person shall give or cause to be given, in any manner whatever, a public alarm of fire except the Chief shall direct for, good cause, or any other such person can show that he had the best of reasons to believe that there was at the time of giving such alarm a fire in progress that was in imminent danger of destroying property to the detriment of the property owners of the city.

The Fire Chief, or in his absence the Assistant Fire Chief, or in the case of the absence of such officers, the Mayor or any two members of the City Council of the city, may direct the members of the Fire Department or others to cut down or remove any building, erection, fence or any other material for the purpose of checking the progress of any fire, and they shall have the power to blow up or cause to be blown up with powder or otherwise, any building or erection during the progress of any fire for the purpose of extinguishing or checking the same.

Sec. 6. No person shall wilfully offer any hindrance to any officer or fireman in the performance of his duties at a fire, or shall wilfully, in any manner, destroy, injure or deface any fire apparatus belonging to the city of Grand Junction.

Sec. 7. No person shall drive a wagon, automobile, railroad car, street car, or other vehicle, on or across any unprotected hose of the City of Grand Junction when laid down in any street or alley by order of the Fire Chief or other officer without the consent of the Fire Chief or officer or fireman in charge of such hose.

No person shall in any manner obstruct the use of any fire hydrant or have or place any material in front thereof, or within ten feet of either side thereof, and any and all material found as an obstruction, as aforesaid, may be forth with removed by any member or members of the Fire Department at the risk, cost and expense of the owner of such obstruction.

Sec. 8. It shall be the duty of the Chief of the Fire Department to inquire into and investigate the cause of all fires which may occur in the city as soon as may be after they occur and keep a record of his proceedings and of the circumstances of each case. He shall have the right to enter upon the premises wherein any fire has occurred if necessary in order to investigate the origin of the fire.

Sec. 9. The Chief of the Fire Department shall also, at least once in six months, inspect the school buildings, public halls, theatres, churches and all buildings used for manufacturing purposes, and all flat, apartment or tenement houses designed or used for the residence of more than two families for the purpose of determining the safety of the building, the sufficiency of its doors, passageways, aisles and stairways and generally its facilities for egress in case of fire or other accident happening,

the overloading of floors and the storage of combustibles, and to cause to have prosecuted all violations of the ordinances of the city in any way concerning the prevention or extinguishment of fires; also he shall frequently inspect buildings and yards of buildings situated within the fire limits, and particularly buildings where explosives and inflammable substances are kept.

Sec. 10. The Chief of the Fire Department shall, at the first meeting of the City Council in January of each year, make a full and complete report of all transactions in said department for the preceding year. Such report shall also show, as nearly as can be ascertained, the number of fires, causes thereof, all accidents by fire, and the number and description of the buildings destroyed and injured, together with the names of the owners and occupants, the amount of property destroyed by fire and insurance thereon, and shall contain such other statistics and suggestions as he may deem suitable.

Sec. 11. Any person violating any of the terms or provisions of this article of this ordinance, on conviction thereof, shall be fined in a sum not less than five dollars nor more than one hundred dollars.

Sec. 12. Ordinance No. 5, passed and adopted September 26, 1891; No. 67, passed and adopted January 18, 1898; No. 77, passed and adopted May 31, 1898; No. 78, passed and adopted June 28, 1898, and No. 112, passed and adopted June 24, 1902, are hereby repealed.

ARTICLE II.

Section 1. It shall be unlawful for any person, firm or corporation to keep or permit to be kept or accumulated within the fire limits of the City of Grand Junction, any rubbish, loose packing straw, waste, loose excelsior, loose paper, paper or wood shavings, accumulations of waste wood, wood boxes and waste paper boxes or other readily inflammable material, except in fire proof rooms in buildings or in fire proof boxes outside of buildings; or to drop, throw or leave same in or on any lot, street, passageway, roof, yard, or in any private or public place within the fire limits of said city.

Sec. 2. It shall be unlawful for any person, firm or corporation to place or permit to be placed any obstruction before or on any fire escape or stairway or in any building exit in or on any building or buildings within the corporate limits of the City of Grand Junction, owned by him or in his possession or under his control.

Sec. 3. It shall be the duty of every person, firm and corporation owning, in possession of or controlling any building or buildings within the corporate limits of the City of Grand Junction, where external or internal standpipes, hose, fire extinguishers, casks, pails or other fire protective apparatus is

installed, to maintain the same at all times in condition for immediate use; and to test all hose at least once each year under the supervision of the Chief of the Fire Department; and to recharge all chemical extinguishers at least once each year.

Sec. 4. It shall hereafter be unlawful for any person, persons, company or corporation, by agent or otherwise, to keep or permit to be kept within the City of Grand Junction any gunpowder in greater quantities than one hundred pounds, provided the sale or storage of dynamite, giant powder, nitro-glycerine, or other high explosive by whatever other name known, is absolutely prohibited. The storage of fixed ammunition (small arms) is permitted in buildings, provided there are not over 2,000 pounds, which must be located on first floor of building corresponding to street grade; provided, however, that outside of the fire limits of said city, the storage of these explosives will be permitted if the same are stored more than 500 feet from any building or structure and kept in proper casks, canisters, or other approved receptacles and within properly constructed stone or brick warehouses with metal covering or fire proof roof, and provided with iron or metal covered doors.

Sec. 5. It shall hereafter be unlawful for any person, persons, company or corporation, by agent or otherwise, to keep or store or cause to be kept or stored within the buildings of the City of Grand Junction for commercial, domestic or other purposes, gasoline, petroleum, or any of its products of greater inflammability than kerosene oil of the United States government standard; provided, however, that retail merchants may keep not exceeding five barrels of coal oil and any one may keep not to exceed ten gallons of gasoline in small cans free from leak, and provided, further, that the storage and use of gasoline in connection with business establishments may be permitted when the storage of same is in accordance with the following provisions: Such storage shall be limited to 550 gallons. There shall be a substantial steel tank provided, buried at least two feet under ground with filling pipe properly capped. Gasoline conveyed to building shall only be permitted when conveyed by an approved pump designed for that purpose or by the use of an approved metal safety can free from leak and not exceeding 5 gallons capacity. The conveying of gasoline to buildings or within buildings in open buckets or receptacles is prohibited. Where gasoline tank is not buried under ground it shall not be of a greater capacity than 60 gallons and shall be located 30 feet from any building and be enclosed by a skeleton iron-clad shed, designed for that purpose, allowing free ventilation and shall be under lock and key.

Sec. 6. The storage and conveying of gasoline to automobile garages, repair shops, stocks of automobiles, or motorcycle shops, shall be in strict accordance with the requirements of this ordinance. However, it shall not be held that the storage of gasoline within the usual small tanks carried on automobiles or machines, is prohibited, providing said tank is free from leak.

The charging of automobiles, motorcycles, or other like machines with gasoline will be permitted within buildings, provided the gasoline is conveyed to machines in a metal safety can not exceeding five gallons in capacity, provided, further, that an approved portable tank with an approved gasoline pump will be permitted. Flexible metal tubing not over 10 feet long will be permitted when attached either to pump of outside reservoir or to pump of portable tank.

Sec. 7. Outside of the fire limits of the city, coal oil and gasoline may be kept in larger quantities if the same is 200 feet or more from any building or structure in properly constructed stone or brick oil warehouses with metal covering or fire proof roof and provided with iron or metal covered doors or properly constructed iron tanks. The term gasoline shall be held to include naphtha, benzine, or any of the light products of petroleum by whatever name known.

Sec. 8. Any person who shall violate any provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in a sum not less than five dollars nor more than one hundred dollars.

Sec. 9. The continued violation of any provisions of this article shall constitute a separate offense under this ordinance for each and every day such violation or any other violation of this ordinance shall continue.

ARTICLE III.

All that portion of the City of Grand Junction embraced within the following described limits shall be known as the fire limits of the City of Grand Junction:

Beginning at the northwest corner of Lot 18 in Block 100 of the City of Grand Junction, thence east to the east side of Third street, thence north to the south side of Rood avenue, thence east to the east side of Fourth street, thence north to the south side of the alley in Block 96, thence east to the east side of Fifth street, thence south to the south side of Rood avenue, thence east to the west side of the alley running north and south in Block 106, thence south to the north side of Colorado avenue, thence west to the west side of Seventh street, thence south to the north side of the alley in Block 127, thence west to the west side of Fifth street, thence south to the north side of Ute avenue, thence west to the west side of Third street, thence north to the north side of the alley in Block 123, thence west to the northeast corner of Lot 27, Block 123, thence south to Pitkin avenue, thence west to the Denver and Rio Grande Railway right of way, thence in a northwesterly direction along sid right of way to the south side of the alley in Block 143, thence east to the southwest corner of Lot 7, in Block 143, thence north to the place of beginning.

ARTICLE IV.

Section 1. There is hereby created a department of municipal government of the City of Grand Junction, Colorado, which shall be known as the Police Department, and shall consist of a Chief of Police, Assistant Chief of Police and such policeman, both regular and special, as the City Council may from time to time by ordinance or resolution provide.

Sec. 2. The Chief of Police shall be the head of said department under the Mayor. He shall be appointed by the Mayor, which appointment shall be ratified by the City Council, and he shall, before entering upon the duties of his office, execute a bond to the City of Grand Junction in such a sum as may be provided by ordinance with such sureties as the City Council shall approve, conditioned for the faithful performance of the duties of his office as prescribed by law and the ordinances of said city. He shall have the custody, care of and control of the public property of the department of the police, subject to the directions of the Mayor, and the books and records of said department of the police. He shall devote his whole time to the municipal affairs of said city to preserve the peace, safety and cleanliness thereof, and to this end he shall execute and enforce all ordinances and police regulations and orders of the Mayor and City Council. He shall be charged with the duty of protecting the rights of persons and property, providing a proper police force at every fire, protecting strangers and travelers arriving at railway stations in the night time, and cause to be enforced all ordinances of the city, unless otherwise specially provided. He shall take notice of all nuisances and at all times render all necessary assistance to each of the City Commissioners in the abatement thereof. He shall remove or cause to be removed all impediments, obstructions and defects in the walks, streets, avenues, alleys and public places of the city or cause immediate notice thereof to be given to the proper officer whose duty it may be to attend to the same. The Mayor may, in time of peril, riot or apprehension thereof and at all conflagrations and during any public election or celebration or unusual congregation of people in the city, appoint for a specified time as many special policemen as he may deem necessary, and during the term of service such special policemen shall possess all the powers and privileges and perform all the duties of regular policemen and be subject to all rules and regulations governing the department of police.

Sec. 3. The Mayor may in like manner appoint persons of suitable character who may be in the employment of the city in other branches of the city government as special policemen, and such person so appointed shall receive no additional pay for his services as such special policeman. Such policemen shall possess the same powers as the regular policemen and shall be subject to all the rules and regulations governing the police force.

Sec. 4. The Mayor may, on the application of any person or persons showing the necessity thereof, appoint and swear in any additional number of special policemen to do special duty in any

fixed place within the city at the charge and expense of the person or persons by whom the application was made. Persons so appointed shall conform to and be subject to all rules and regulations governing the police force of said city and to special rules and regulations as the Chief of Police or Mayor may make concerning such special policemen. The Mayor may remove or discharge from service any such special policemen without assigning any cause therefor.

Sec. 5. The Chief of Police shall execute or cause to be executed, so far as they may relate to the preservation of the health of the city or the protection of life or property or the protection of the streets, alleys and sidewalks of the city, all orders of the city council or any member thereof. It shall be the duty of the department of the police to aid the Fire Department by giving alarms in case of fire and in clearing the streets or grounds in the immediate vicinity of the fire, so that members of the Fire Department shall not be hindered or obstructed in the performance of their duties.

Sec. 6. All regular police officers and policemen shall, before entering upon their duties, severally give bond to the City of Grand Junction in such amount as may be fixed by ordinance with surety to be approved by the City Council, conditioned for the faithful performance of their duties as prescribed by law and the ordinances of said city and by the rules and regulations of said department of police.

Sec. 7. Policemen shall have power and authority and it shall be their duty in the city and outside the same when necessary and lawful to serve and execute warrants and other processes for the apprehension and commitment of persons charged with a violation of any of the city ordinances, or any crime or misdemeanor or offense against the laws of the city or State, or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor or violation of any law of the State or ordinance of the city.

Sec. 8. It shall be the duty of policemen to report and deliver to the Chief of Police all property seized or found by them immediately after the same shall have come into their possession, which property with the date of delivery and the description of the same and the name of the policeman depositing the same shall be entered in a book kept for the purpose by the Chief of Police, who shall be responsible for the same.

Sec. 9. Every member of the department of police shall wear a suitable badge to be furnished by the city, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it. Whenever any member shall leave the department, he shall immediately deliver his badge and all other articles in his possession belonging to the city to the Chief of Police or the Mayor.

Sec. 10. The Chief of Police shall keep books of record of the police force, of persons arrested for offenses. Such books shall show the date of the arrest, the number of days imprisoned, the amount of the fine, when and to whom paid and the date of the discharge or disposition of such person.

Sec. 11. The Chief of Police shall, at the first meeting of the City Council in January of each year, make an annual report to the City Council in writing of the state of the police force, with a detailed statement of the transactions of the department of police for the preceding year with such statistics and suggestions in regard to the requirements of the said department as he may deem advisable. He shall also make reports of any matter or thing concerning such department whenever requested by the City Council or Mayor.

Sec. 12. No member of the police force shall become or furnish bail for any person arrested for violation of any ordinance of the City of Grand Junction or of the criminal laws of the State of Colorado.

Sec. 13. No person other than a member of the department of police shall assume or act as a policeman in any capacity within the City of Grand Junction. No person other than a member of the police department of the city shall wear a star or other similar devise like that of a policeman.

Sec. 14. Any member of the police force who shall neglect or refuse to perform any duty required of him by the ordinances of the city, by the Chief of Police or by the Mayor or the City Council, or who shall, in the discharge of his official duties, be guilty of any fraud, extortion, oppression, or willful wrong or injury, shall forfeit and pay a penalty not exceeding one hundred dollars for each offense.

Sec. 15. It shall be the duty of any person in the City of Grand Junction, when called upon by any member of the police force, in case of emergency, to promptly aid and assist him in the execution of his police duties.

Any person violating any of the terms of provisions of this article of this ordinance, on conviction thereof, shall be fined in a sum not less than five dollars nor more than one hundred dollars.

Sec. 16. Ordinance No. 13, passed and adopted September 26, 1891, and Article Xi of Ordinance No. 83, passed and adopted June 30, 1899, are hereby repealed.

ARTICLE V.

Section 1. Any person convicted of being a vagrant under any of the definitions as hereinafter given shall be fined not less than five dollars nor more than one hundred dollars or by imprisonment

in the city or county jail not exceeding sixty days, or by both such fine and imprisonment. A vagrant shall be held to be: (a) A person able to work and support himself in an honest and respectable calling and business and who lives idly and without visible means of support. (b) A person who loiters and strolls about in the streets, avenues, lanes, alleys, parks, public and private places without lawful business. (c) A person who goes about begging and soliciting alms for himself. (d) A person who occupies for the purpose of lodging a barn, shed, shop or place other than such as is provided for that purpose without permission of the owner or person entitled to the possession thereof. (e) A person who is found frequenting and remaining at a gambling place, bawdy house, house of ill fame and bad repute, bowling alleys and billiard and pool rooms. (f) A person who leads an idle, immoral and prifligate course of life. (g) A person who is the keeper and proprietor of a gambling table or other gambling device. (h) A person who for the purpose of gaming and gambling, travels about from place to place and frequents railroad cars, trains, depots and other public places for that purpose. (i) A person who possesses and has upon his person certain instruments and things used for the commission of burglary and for picking locks and pockets and who fails to give a good account of the possession of the same. (j) A person who engages in a fraudulent scheme, device, and tricks upon the street, thoroughfares and public places and elsewhere in the city, and by the aid, use and manipulation of certain articles and things in packages, boxes and otherwise arranged, whereby persons are induced or sought to be induced to purchase such packages, articles and things with a view of obtaining money and jewelry and other property therein contained and therewith connected. (k) A person who acts as a "roper," "steerer" and "capper" for a gambling house and gambling game, and as a "hold-up," "bunco-steerer" and "pimp," and is known as such person. (l) A person who knowingly associates with persons having the reputation of being thieves, pick-pockets, gamblers, prostitutes and lewed women for the purpose and with the intent to agree, conspire, combine and confederate to commit an offense, and to cheat and defraud a person of money and property by means in themselves criminal, and to cheat and defraud a person of money and property by means, if executed, would amount to a cheat and obtaining money by false pretenses, and to commit an act injurious to public morals, and for the perversion and obstruction of justice in the due administration of the laws and ordinances of the City of Grand Junction.

Sec. 2. On the trial of cases arising under the charge of vagrancy, it shall be lawful for the prosecution to introduce, in support of the charge, testimony of the general character and reputation of the defendant touching the offense charged, and the defendant may likewise resort to testimony of a like nature for the purpose of disproving said judgment.

Sec. 3. Any person who shall violate any of the provisions of the ordinances of the City of Grand Junction, for the violation of which no punishment has been provided, shall, upon conviction

thereof, be punished by a fine not exceeding one hundred dollars.

Sec. 4. Any person committed to jail, convicted of any offense against the ordinances of the City of Grand Junction, in the default of the payment of any fine or penalty imposed by the Judge of the Municipal Court shall be required to work for the city at such work as may be provided, at the rate of two dollars per day, eight hours each day, Sundays and holidays excepted, until the fine, penalty and costs assessed therewith shall be fully paid.

Passed and adopted this 28th day of December, A. D. 1915.

/s/ Chas. E. Cherrington
Mayor.

Attest:
/s/ Charles K. Holmburg
City Clerk.

I HEREBY CERTIFY, that the foregoing ordinance, entitled "An Ordinance Concerning the Fire Department, Police Department, Fire Limits and Vagrants," was introduced and read at a regular adjourned meeting of the City Council of the City of Grand Junction, held on the 11th day of December, A. D. 1915, and that the same was published in full in The Daily News, a daily newspaper published and in general circulation in said city, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said city, this 28th day of December, A. D. 1915.

(SEAL.)

/s/ Charles K. Holmburg
City Clerk.

Final publication, December 30, 1915.