

ORDINANCE NO. 2001

AN ORDINANCE REPEALING AND REENACTING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING VARIOUS MISDEMEANOR OFFENSES IN THE CITY AND PUNISHMENT THEREFOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Chapter 19 of the Code of Ordinances of the City of Grand Junction be repealed and reenacted to read as follows:

CHAPTER 19

Article 1. General Offenses

Sec. 19-1. Abandoned iceboxes and refrigerators.

It shall be unlawful for any person, firm or corporation to store, maintain abandon or place any unused and unattended icebox or refrigerator in any place or location whatsoever within the City which is accessible to children, without first removing the door or the locking device from said icebox or refrigerator.

Sec. 19-2. Assault and battery.

It shall be unlawful for any person to commit an assault and battery, which is defined as an unprivileged, unlawful and intentional use of force or violence coupled with the present ability to commit a bodily injury on the person of another, in this City.

Sec. 19-3. Children prohibited in bars, cigar stores, card rooms; proprietor's responsibility.

A. Prohibited. No minor child under the age of eighteen years shall at any time frequent, attend or be found in any barroom or place where spirituous liquors are sold or in any cigar store or other commercial establishment having card tables therein or used in connection therewith, within the City; provided, however, that this section shall not apply in the restaurant portion of a premises for which a restaurant liquor license is held.

B. Proprietor's responsibility. No proprietor, manager, or employee of any business set forth in this section shall at any time permit any minor under the age of eighteen years to frequent or be in said place of business.

Sec. 19-4. Unnecessary noise.

A. Public and private places. It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary, unusual loud or unusual noise between the hours of eight o'clock (8:00) p.m. and six o'clock (6:00) a.m., which either annoys, injures or endangers the comfort, repose, health or

safety or other persons. For the purpose of this ordinance, a member of the Police Department of the City of Grand Junction is empowered to make a prima facie determination whether such noise constitutes a public nuisance.

B. Schools and hospitals. It shall be unlawful for any person by himself or in the operation of any instrument, machine or vehicle to make any unnecessary noise within one hundred fifty feet (150') of any hospital or other institution reserved for the sick, or any school during school hours.

C. Persons actively engaged in lawful employment or other lawful pursuits in the above area shall be exempt from the provisions of this ordinance.

Sec. 19-5. Malicious injury to property.

It shall be unlawful for any person to wilfully, maliciously or wantonly injure, deface or destroy real property or improvements thereto, or movable property, or personal property.

Sec. 19-6. Disorderly house.

It shall be unlawful for any person to keep any common, ill-governed or disorderly house, or suffer or permit any drunkenness, quarrelling, fighting or riotous or disorderly conduct in any house used, owned, kept or controlled by him within this City.

Sec. 19-7. Disturbing the peace.

It shall be unlawful for any person within this City to disturb the peace of others. A person disturbs the peace of another when he or she:

(1) Causes to be produced or permits unreasonably loud or unusual noises which seriously inconvenience other persons in the area, including, but not limited to the use of television, radios, phonographs and amplifiers.

(2) By molesting pedestrians upon the streets, or in other public places, by following them on foot or in a vehicle, or by soliciting them to take riders in automobiles.

(3) Permits another to commit an act of disturbing the peace hereinabove described in or upon any premises owned, possessed or under his management or control when it is in his or her power to prevent such an act.

Sec. 19-8. Disorderly conduct.

It shall be unlawful to engage in disorderly conduct in this City. A person commits disorderly conduct if he or she knowingly:

(1) Addresses abusive language or threats to any person present

which creates a clear and present danger of violence.

(2) Fights with another in a public place.

(3) Without authorization alters or befouls public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(4) Causes likelihood of harm or serious inconvenience by failing to obey any lawful order or command for dispersal by a police officer or fireman where either three (3) or more persons are committing disorderly conduct, or in the immediate vicinity of firefighter operations being conducted.

Sec. 19-9. Emergency equipment.

It shall be unlawful for any person to carry or use upon any vehicle other than Police and Fire Department vehicles or emergency vehicles of public utilities or ambulances, any siren, whistle or red and/or blue lights similar to that used on official Police or Fire Department vehicles of this City or any other law enforcement agency or fire department of the state.

Sec. 19-10. Exploding, blasting; permission required.

It shall be unlawful for any person within this City to explode or set off any explosive material without permission in writing from the City Manager, which permission shall limit the time and place of such firing and shall be subject to be revoked by the City Council at any time provided the content of this section shall not be construed to apply to the firing of nail or staple guns used in the construction trade.

Sec. 19-11. False report of a crime.

It shall be unlawful for any person to knowingly and willfully make or file with the Police Department a false, misleading or unfounded statement or report concerning the commission or alleged commission of a crime.

Sec. 19-12. False report of a fire.

It shall be unlawful for any person to falsely report or turn in, or cause to be turned in, any false alarm by any means whatsoever.

Sec. 19-13. Sale, display of merchandise.

It shall be unlawful for any person, firm or corporation to place in or upon any public sidewalk, street, alley or public right-of-way any sign, advertisement or any article of merchandise offered, exhibited or advertised for sale or any other thing tending to interfere, obstruct, or encroach upon the use of such public sidewalk, street, alley, or public right of way or which renders same less commodious or convenient for public use, except when

directed by the City Council that such display or sale of merchandise or any other thing may be permitted as a part of a coordinated promotional effort involving a majority of the retail business establishments in the immediate shopping area, except as provided in Article IV of Chapter 13 (concerning the sale of foodstuffs on the public right of way) and Article III of Chapter 26 of this Code, and display and/or sale of merchandise on a public right of way is prohibited except that, when directed by the City Council, such display or sale may be permitted for a maximum of seven days when proposed and conducted as a part of a coordinated promotional effort involving a majority of the retail business establishments within the City.

Sec. 19-14. Impersonating an officer.

It shall be unlawful for any person other than an official police officer of the City of Grand Junction, to wear the uniform apparel or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn by the police officers of the City, or any other law enforcement agency of the state, or to impersonate a police officers or any other officer of the City in any other manner.

Sec. 19-15. Indecent exposure.

It shall be unlawful to commit a lewd or indecent act in the City. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public, violates this ordinance:

- (1) An act of sexual intercourse; or
- (2) An act of carnal copulation either per annus or per os; or
- (3) A lewd exposure of the body, done with the intent to arouse or to satisfy the sexual desire of any person; or
- (4) A lewd fondling or caress of the body of another person; or
- (5) Intentional exposure of genitals to the view of any person; or
- (6) Urinate in public; or
- (7) Aids, suffers or permits in the doing of any of the hereinabove described offenses.

Sec. 19-16. Interfering with officers.

It shall be unlawful for any person to interfere by use of physical force with any person duly empowered with police authority, while such officer, member or person duly empowered with police authority is discharging or apparently discharging his duties, interference shall include physical actions intended to aid a person who is resisting an arrest or is being arrested.

Sec. 19-17. Escape.

It shall be unlawful for any person in the custody of a police officer or a person duly empowered with police authority to escape or attempt to escape from such custody.

Sec. 19-18. Prostitution, soliciting.

It shall be unlawful to commit prostitution or to solicit another to commit prostitution in the City of Grand Junction. Any person who performs, offers or agrees to perform or solicits another person to perform any act of sexual intercourse, oral contact with the genitals, or stimulation of the genitals with any person, not his spouse, in exchange for money or other things of value, commits prostitution in the City of Grand Junction.

Sec. 19-19. Duty of citizens to aid police.

It shall be the duty of any person over the age of 18 years when called upon by any police officer or any other member of the Grand Junction Police Department, to promptly aid and assist such officer or member in the discharge of his duties.

Sec. 19-20. Damaging fire hose; obstructing hydrants.

It shall be unlawful for any person to drive any vehicle on or across any unprotected fire hose without consent of the fireman in charge of such hose; and no person shall in any manner obstruct the use of any fire hydrant.

Sec. 19-21. Resisting arrest.

It shall be unlawful to intentionally prevent or attempt to prevent a police officer, any member of the Police Department, or any person duly empowered with police authority acting under color of his official authority, from effecting an arrest of the actor by either using physical force or violence against a peace officer, or using any other means which creates a substantial risk of causing physical injury to the police officer. It is no defense to a prosecution under this Section that the police officer was attempting to make an arrest which in fact was unlawful, if he was acting under 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. A police officer act "under color of his official authority" when, in the regular course of assigned duties, he is called upon to make and does make a judgement in good faith based upon surrounding facts and circumstances that an arrest should be made by him.

Sec. 19-22. Theft.

It shall be unlawful to commit theft in the City of Grand Junction.

A. A person commits a theft when he or she knowingly obtains or exercises control over any thing of value of another without authorization or by threat or deception with intent to permanently deprive the person having lawful dominion, possession or control of the thing of value of its use or benefit. The Municipal Court shall have jurisdiction where the value of the thing involved is less than two hundred dollars (\$100.00). For purposes of this Section, the test of value is the reasonable market value of the stolen article at the time of the commission of the alleged offense. If any person wilfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his own person or otherwise and whether on or off the premises of said store or mercantile establishment, such concealment shall constitute a presumption that the person intended to commit the crime of theft.

B. It shall be unlawful to knowingly transfer a label or other designation of price from one item to another or alter the same with intent to purchase such item at a lesser cost.

Sec. 19-23. Radio and television aerials prohibited on utility facilities.

It shall be unlawful for any person to install, place or maintain, or permit or suffer to be placed or maintained any outdoor aerial connected with any radio or television receiving set upon any poles, cross-arms, wires or any other part of parts of any overhead system belonging to any public utility company, including telegraph, telephone, street railway and electric light, power, distribution and transmission companies, or any municipally owned public utility.

Sec. 19-24. Throwing stone, other missiles.

It shall be unlawful for any person to throw any stone or other missile upon or at any building whether occupied or unoccupied, or at any motor vehicle, awning or other public or private property in a manner to injure such property, or upon or at any person whomsoever.

Sec. 19-25. Trespass.

It shall be unlawful to commit trespass in the City of Grand Junction. Private property within this Section shall include private property where the public is a business invitee. A person commits trespass if he or she unlawfully:

(1) Enters upon or refuses to leave any private property of another, where such property has been posted with "No Trespass" signs, which are visible to persons entering upon the private property or have been posted at reasonable intervals along the property boundary.

(2) Enters upon or refuses to leave any private property of another when immediately prior to such entry or refusal to leave, oral or written notice is given by the owner or person responsible for the care of the property that such entry or continued presence is prohibited.

(3) Enters upon or refuses to leave any public or private parking lot during the hours it is closed to business invitees when such property has been posted with "No Parking" or "No Trespassing" signs and the hours such property is closed which are visible to persons entering upon the property or have been posted at reasonable intervals along the property boundary.

(4) Enters upon or refuses to leave any public place after being ordered to do so by any police officer or fireman acting in the course of his employment and duties.

(5) Refuses to leave the property of any parochial school, private school or public school including a college where such property is used for the education of persons, when asked to do so by the principal, teacher, staff member, or by any person entrusted with the authority to maintain and supervise the property.

Sec. 19-26. Reserved.

Sec. 19-27. Meeting, public.

It shall be unlawful to hold any outdoor meeting on public property, to which the general public is invited or permitted to attend, addressed by one or more speakers, or conduct a processional parade unless a permit for such event has been issued by the City. Applications for said permit shall be made to the City Manager or his designated agent at least five (5) days prior to the event with a copy sent to the Grand Junction Fire Department, Police Department, Parks and Recreation Department, and Public Works Department and shall contain the following information:

(1) A description of the event.

(2) The day and hour of the event.

(3) Location of the event. Should the event be a parade, the designated route for a parade in the City of Grand Junction shall be from or to Second and Main Street to Lincoln Park via Main Street and Twelfth Street or any portion thereof.

(4) A reasonable and good faith approximation of the number of persons expected to attend the event.

(5) A reasonable and good faith approximation of the number and types of units expected to participate in the parade.

(6) The name and addresses of the person(s) sponsoring the event.

Upon compliance with the Section, a permit shall be issued by the City Manager or his agent.

Sec. 19-28. Duty to clean sidewalks.

The owner, or his agent, or the occupant of any premises or property in the City shall maintain those sidewalks adjoining such premises or property in a condition free from snow, ice, mud, dirt, rubbish and filth. Any accumulation of snow and ice shall be removed from such sidewalk into the street within twenty four (24) hours after every snowfall.

Sec. 19-29. Drinking of alcoholic beverages prohibited in certain places.

It shall be unlawful for any person to drink malt, vinous or spirituous liquor in the City in any public place including any public street, road, highway, alley or public way which is either publicly or privately owned and used by the public except a person eighteen (18) years of age or older may drink 3.2 percent beer on the grassed areas of a public park unless otherwise prohibited by appropriate notice; the fact that a person is in or upon a motor vehicle at the time of such drinking shall not be a defense in prosecution under this Section.

Sec. 19-29.1. Beverages which may be consumed in the city parks may not be consumed from or served in glass containers.

Sec. 19-30. Possession of cannabis.

For the purposes of this Section, the term "cannabis shall include all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of its mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination. The term "cannabis concentrate" means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, or tetrahydrocannabinols.

(1) It shall be unlawful for any person to possess one ounce or less of cannabis or cannabis concentrate, as both are hereinabove defined, and upon conviction thereof, he or she shall be punished by a fine of not more than one hundred dollars (\$100.00).

(2) It shall be unlawful for any person to openly and publicly display or consume one ounce or less of cannabis or cannabis

concentrate, and upon conviction thereof shall be punished, at a minimum, by a fine of one hundred dollars (\$100.00), or at a maximum, by a fine of not more than one hundred dollars (\$100.00) and fifteen (15) days in jail.

Sec. 19-31. Begging, unlawful soliciting.

It shall be unlawful for any person to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide, or tarry in a public place for the purpose of begging or soliciting alms for her/himself.

Sec. 19-32. Reserved.

Sec. 19-33. Permission required to deal with minors.

It shall be unlawful for any person, firm or corporation licensed as a pawn shop, junk dealer or secondhand dealer to buy, purchase, exchange, store or handle any article of merchandise from a minor child without the written authorization for such sale or exchange of such merchandise from the parents or guardian of such minor.

Sec. 19-34. False identification.

It shall be unlawful for any minor to make false statements or to furnish, present or exhibit any fictitious or false registration card, identification card or note or other document; or to furnish, present, or exhibit such document issued to a person other than the one presenting the same, for the purpose of gaining admission to pool or billiard rooms or other prohibited places, or for the purpose of procuring the sale, gift, or delivery of prohibited articles including beer, liquor and wine.

Sec. 19-35. Retail license required.

It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail, as the same is defined in Chapter 24 of the Code or Ordinances for the City of Grand Junction, without first having obtained a license therefor, as is required by that Chapter.

Sec. 19-36. Police alarms, license required.

It shall be unlawful for any person, firm or corporation to install or maintain police alarm systems in the City of Grand Junction without having obtained a license so to do.

(1) Nothing in this Section shall be construed to apply to persons, firms or corporation that sell but neither install nor maintain alarm systems, or to individuals who either purchase and install their own systems or design and install their own systems.

Sec. 19-37. Control of service at accident scene.

It shall be unlawful for a wrecker service operator, his agent or driver to go to the scene of an automobile accident in the City of Grand Junction unless called by the owner or operator of a vehicle damaged in the accident or by the police department under its rotation system.

Sec. 19-38. Parking outside trailer camps.

It shall be unlawful for any person to park or occupy any house trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside of an approved trailer camp; provided, however, the parking of only one unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted provided no living quarters shall be maintained or any business practiced in such trailer while such trailer is so parked or stored; and provided further that a trailer may be used as a temporary construction office on the site of and during construction is approved by the city engineer and under such conditions as may be specified by the city engineer; but the foregoing shall not permit use of a trailer for sleeping and cooking.

Sec. 19-39. Solicitors or peddlers, invitation required to enter posted premises.

It shall be unlawful for any person to go upon any premises within the City unless to do so for the purpose of soliciting or peddling where the owner or occupant of such premises had indicated his or her desire not to be contacted for such purposes by the placing of a "No Solicitors" sign on the premises.

Sec. 19-40. Hindering firemen, damaging apparatus.

It shall be unlawful for any person to willfully offer any hindrance to any officer or firemen in the performance of his duties at a fire, or willfully in any manner destroy, injure or deface any fire apparatus being used by or belonging to the City.

Sec. 19-41. Selling of merchandise.

It shall be unlawful for any person, firm or corporation to sell or offer for sale merchandise except from a permanent structure which complies with all building ordinances and codes applicable to such structure at a fixed location on premises appropriately zoned for retail sales to which the seller has the right of occupancy by ownership, lease or signed permit. Goods may be displayed or merchandised from other than the primary approved facility so long as the goods remain on the premises of the primary approved facility to which the seller has the right of occupancy and which is zoned for such sales.

Sec. 19-42. - Sec. 19-50. Reserved.

Article II. Gambling

Sec. 19-51. Gambling prohibited.

The City Council of the City of Grand Junction, like the State of Colorado General Assembly, recognizing the close relationship between professional gambling and other organized crime, hereby finds and is dedicated to restrain all persons from seeking profit from gambling activities in this City; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safe-guard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals the sport and social pastimes which are not for profit; do not affect the public and do not breach the peace. Therefore, the City Council of the City of Grand Junction so determines that gambling necessitates a declaration of unlawfulness and that the State of Colorado Revised Statutes pertaining to Gambling as now written or hereafter revised and Courts of Record will be utilized for the enforcement of any violations thereof for uniformity of such enforcement within the City and the State.

Article III. Weapons.

Sec. 19-52. Concealed weapons.

It shall be unlawful for any person to wear or carry under his clothes, or concealed about or upon his person, or to display in a threatening manner any dangerous or deadly weapon including, but not by way of limitation, any firearms; explosive or incendiary device; blackjack; crossknuckles or knuckles of lead, brass, or other metal; knife, dagger, kirk or stiletto with a blade over three and one-half inches in length; any switchblade or gravity blade knife; nonchukkers; or any other dangerous or deadly weapon.

(1) Every person convicted of any violation of this Section shall forfeit to the City such dangerous or deadly weapon so concealed or displayed.

(2) Nothing in this Section shall be construed to forbid United States Marshals, Sheriffs, Constables and their Deputies, and any regular special or ex-officio police officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

Sec. 19-53. Sale of weapons.

It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability or to any minor.

(1) Such unlawful sale, loan, or furnishing shall be grounds for revocation of any license issued by the City to such person.

Sec. 19-54. Discharging firearms, BB guns.

It shall be unlawful for any person to fire, shoot or discharge any cannon, gun, pistol or other firearm of any description or BB gun or pellet gun whatsoever (whether powered with gun powder, compressed air, gas cartridges or spring) within the city limits; however:

(1) The discharge of firearms or weapons by any member of any law enforcement office, federal, state, county or city, in the course of his official duty shall not be deemed a violation hereof;

(2) The discharge of firearms or weapons by authorized classes of a law enforcement agency, Parks and Recreation Department program, schools or universities at all times under proper instruction and supervision of shooting ranges as may be authorized or permitted by law shall not be deemed a violation hereof;

(3) Permission to discharge a firearm or weapon, subject to be revoked by the City Council at any time, may be granted in writing by the Chief of Police. Such permission shall limit the time and place of such firing and specifically set forth the purpose and limitations for which such permission to discharge a firearm or weapon has been granted. When the firing of a firearm or weapon is within the authorized limits, it shall not be deemed a violation hereof.

(4) Any weapon, firearm, BB gun or pellet gun discharged in violation of this Section shall be confiscated and disposed of by order of the Municipal Court of the City of Grand Junction.

Sec. 19-55. - Sec. 19-59. Reserved.

Article IV. Nuisances

Sec. 19-60. Common law and statutes adopted.

In all cases where no provision is made defining what are nuisances and how the same may be removed, abated or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and statutes of Colorado as nuisances may in case the same exist within the city limits, or within a mile thereof, be treated as such and proceeded against as in this Article provided, or in accordance with any other provision of law.

Sec. 19-61. Prohibited; abatement authorized.

Each and every nuisance mentioned, declared or defined by any Ordinance of the City is hereby prohibited, and the County Health Department or City Manager or the City Manager's authorized agent

shall have power to abate the same by filling up, draining, clearing, purifying or removing the same as the case may be.

Sec. 19-62. Bringing nuisance into City.

No person shall bring into the City or keep therein for sale or otherwise either for food or for any other purpose whatever, any animal, dead or alive, matter, substance or thing which shall be or which shall occasion a nuisance in the City, or which shall be dangerous or detrimental to health.

Sec. 19-63. Content of Complaint.

All complaints of nuisances made to the County Health Department or the City Manager or his authorized agent shall state the nature of such nuisance; where it is, giving street name and number; the name of the owner, agent or occupant of the building or lot, if known; and the name and address of the complainant.

Sec. 19-64. Responsibility for nuisances.

Where a nuisance exists upon private property, and is the outgrowth of the usual, natural or necessary use of the property, the owner or owners thereof or his or their agent is hereby declared the author thereof; but where any such nuisance shall arise from the unusual or unnecessary use to which any such property may be put or from any business thereon conducted, the occupant or occupants shall be deemed the author thereof; and any person who shall by himself or agent cause or create any nuisance in any place or manner, or shall suffer his or her agent, or family to so create or cause the same shall be deemed the author of such nuisance.

Sec. 19-65. Notice and abatement procedures.

It shall be the duty of the County Health Department or the City Manager or his authorized agent, to serve notice upon the owner, occupant, agent or person in possession, charge or control of any lot, building or premises in or upon which any nuisance may be found or who may be the cause or owner of such nuisance, requiring them to abate the same in such manner as he shall prescribe within a reasonable time.

(1) Such notice may be given or served by any officer directed or deputed to give or make the same.

(2) If the person so notified shall neglect or refuse to comply with the requirements of such order by abating the nuisance within the time specified such person shall be guilty of a misdemeanor; and

(3) It shall be the duty of the City Manager, his agent, or County Health Department to proceed at once, upon the expiration of the time specified in such notice to cause such nuisance to be abated;

provided,

(4) That whenever the owner, agent, or person in possession, charge or control of the premises in or upon which any nuisance may be found is unknown, or cannot be found, the City Manager, his agent, or the County Health Department shall proceed to abate such nuisance without notice; and,

(5) In either case, the expense of such abatement shall be collected from the person who created, continued or suffered such nuisance to exist.

Sec. 19-66. Nuisance.

In addition to those things which are elsewhere by ordinance of the City of Grand Junction or statutes of the State of Colorado declared to be and constitute nuisances, the following are hereby declared to be a nuisance, or an act in the nature of a nuisance, and it shall be unlawful for any owner, agent or occupant to create, permit, or maintain any such nuisance.

(1) Businesses: To so negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood.

(2) Dangerous trade, business or condition: Whenever any trade, business or manufacturer, or the maintenance of any substance or condition or thing shall be dangerous to the public health.

(3) Garbage in watercourses: To throw or deposit, or cause to be thrown or deposited, any offal or any offensive matter, or the carcass of any animal, in any watercourse, pond, spring, or well, or on land within the City which results in offensive or unwholesome conditions.

(4) Animal or human fecal material: To deposit any animal or human fecal material, dead animal, or other filthy, offensive, or noisome substance upon any lot, street, alley, highway, park or other place.

(5) Impure water: To corrupt or render unwholesome or impure the water of any drinking fountain, spring, stream, pond or lake, to the injury or prejudice of others, or any part of the Grand Junction water supply system.

(6) Cross-connection: It shall be unlawful to cross-connect with the Grand Junction water supply system by introducing into such systems any foreign water not a part of the treated Grand Junction water supply system. Except it shall be permissible to introduce into the Grand Junction water supply system water of another approved water system.

(7) Premises: For any person to permit or suffer any slops, swill, garbage, stable drippings, feces, offal, filth, refuse, animal or

vegetable matter, which is liable to become putrid or offensive or injurious to health, to remain on any premises used or occupied by him for a longer period than four (4) hours at any one (1) time.

(8) Noxious emissions: To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which by occasioning noxious emissions, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

(9) Houses of ill fame: Every house of ill fame or house of assignation, where men and women resort for the purpose of prostitution, is hereby declared a nuisance.

(10) Sink holes: For any person to suffer or permit any cellar, vault, private drain, pool, sewer or sink upon any premises belonging to or occupied by him to become nauseous, foul, offensive or injurious to the public health.

(11) Stagnant water: The permitting or maintaining of stagnant water on any lot or piece of ground within the limits of the City is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the City is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon.

(12) Disturbing the peace: Any place where people congregate, which encourages a disturbance of the peace, or where the conduct of persons in or about that place is such as to annoy or disturb the peace of the occupants or persons attending such place, or the residents in the vicinity, or the passersby on the public street or highway.

(13) Encouragement of illegal activities: Any public or private place or premises which encourage professional gambling, unlawful use of drugs, unlawful sale or distribution of drugs, furnishing or selling intoxicating liquor to minors, furnishing or selling fermented malt beverages to persons under the age of eighteen, solicitation for prostitution, or traffic in stolen property.

(14) Dilapidated building: Any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter.

Sec. 19-67. - Sec. 19-69. Reserved.

Article V. Environmental Concerns

Sec. 19-70. Control of dust-producing areas.

It shall be unlawful for any person to own, possess or control any cleared area, parking lot, vacant lot or other site used by vehicular traffic without implementing an effective abatement or preventive fugitive dust-control measure, as may be required, which may include, but is not limited to, the following:

- (1) Wetting down of the dust-producing area;
- (2) Landscaping;
- (3) Covering, shielding or enclosing;
- (4) Paving on temporary or permanent basis;
- (5) Treating through the use of palliatives and chemical stabilization;
- (6) Graveling the dust areas.

Sec. 19-71. Control of open-bodied trucks transporting dust or litter-producing materials.

No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

Sec. 19-72. Unlawfully using water; tampering with facilities.

It shall be unlawful for any person, to use the water from any part of the water works system; to open any fireplug, stop-cock or valve or other fixture appertaining to said works, or to shut off or turn on water for any service pipe without law authority or permission having been issued therefor.

Sec. 19-73. Unlawful advertising.

It shall be unlawful to post, affix, distribute or display advertising in certain ways and places in the City of Grand Junction. A person, firm or corporation who performs any of the following violates this ordinance:

- (1) It shall be unlawful to tack, paste or tie any paper, cardboard or fabric bills, posters, printed matter, advertisements or announcements on any poles, posts, trees, the outside walls of buildings or fences within the City. Nothing herein contained shall apply to notices required by law to be posted within the City nor to signs or any printed matter or printed advertisements which may be attached to or posted on or in buildings advertising goods for sale therein, or relating to any business therein

conducted, nor to signs, bills or posters of any description within a building or tacked or posted to a signboard, billboard, bulletin board as provided in Chapter 3.

(2) It shall be unlawful to affix any handbill, poster, placard, circular, writing paper or other similar device on any public or private property without permission from the owner, tenant or occupant of the same.

(3) It shall be unlawful to post, affix or distribute any handbill, poster, placard, circular, writing paper or similar device in any vehicle or in such a manner that it is liable to be blown or scattered about the City.

(4) It shall be unlawful to post or display upon any such billboard, signboard, bulletin board, advertising sign or structure, any indecent, immoral or lascivious picture or design.

Sec. 19-74. Littering.

It shall be unlawful for any person to cast, throw, place, sweep or deposit anywhere within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public or private place; nor shall any person place or deposit his refuse in the container or another in a manner so it will be collected as though it had been generated by that other.

Sec. 19-75. Discharging water, other liquids.

It shall be unlawful for any person to discharge or cause to be discharged certain liquids, solids or gases onto the streets, alleys and sidewalks or into any public sewer within the City. A person violates this Section if he or she unlawfully:

(1) Discharges or causes to be discharged steam, water or other liquids from any building directly onto or in such a manner that it will flow onto or seep under the streets, alleys and sidewalks; provided that the provisions of this Section shall not apply to run-off water resulting from natural precipitation, springling or irrigation.

(2) Discharges or causes to be discharged any gasoline, benzene, naptha, fuel oil, or other flammable, toxic, explosive or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes capable of causing damage or hazard to structures, equipment or people into the public sewer system.

Sec. 19-76. Public Park - hours of use.

It shall be unlawful for any person, partnership, firm or corporation to be or remain in any of the public parks of the City during the hours between 12:00 midnight and 5:00 a.m., except

employees of the City on official duty, those persons who are participating in or are attending those functions permitted by other Sections or Chapters of the Code of Ordinances for the City of Grand Junction to the extent of such participation or attendance and the reasonable time necessary, to leave such functions, and except for those persons who have obtained a written permit from the parks superintendent for so being or remaining in the public parks during prohibited hours.

Sec. 19-77. - Sec. 19-79. Reserved.

Article V - Aiding and Abetting

Sec. 19-80. Aiding and Abetting.

It shall be unlawful for any person, firm or occupation to aid or abet another person, firm or corporation to violate or fail to comply with any of the provisions of this Chapter or any other Chapter of the Code of Ordinances and the Charter of the City of Grand Junction.

Article VII - Penalty and Severability

Sec. 19-81. Penalty.

Except as herein otherwise provided, any person, partnership, firm or corporation violating or failing to comply with any of the provisions of Article I, II, III, IV, V and VI of this Chapter which are required, prohibited or declared to be unlawful shall upon conviction thereof, be fined in a sum not to exceed three hundred dollars (\$300.00) for each conviction or imprisoned for a period not to exceed ninety (90) days, or both such fine and imprisonment.

Sec. 19-32. Severability.

If for any reason any one or more sections, sentences, clauses or parts of Article I, II, III, IV, V or VI of this Chapter are held invalid, such judgement shall not effect, impair or invalidate the remaining provisions of this Chapter, as all are hereby declared to be separable, but shall be confined in its operation to the specific section, sentence or parts of this Chapter held invalid; and the invalidity of any section, sentence, clause or part of this Chapter in any one or more instances shall not affect or prejudice in anyway the validity of this Chapter in any other instance.

PASSED and ADOPTED this 7th day of October, 1981.

Louis R. Brach

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2001, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 16th day of September, 1981, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said city this 8th day of October, 1981.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Published: September 18, 1981

Published: October 9, 1981

Effective: November 8, 1981