

TITLE 9

Public Peace, Morals and Welfare

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CHAPTER 9.08

Offenses Generally

I. Definitions

9.08.010 Generally.

The terms defined in Sections 9.08.020 through 9.08.040 shall have the meanings set forth in Sections 9.08.020 through 9.08.040 when used in Sections 9.08.050 through 9.08.426. (Ord 708(part), 1976)

9.08.020 Culpable mental state.

Culpable mental state means intentionally or with intent, knowingly or willfully, or recklessly, as these terms are defined in this Section.

(1) *Intentionally or with intent.* All offenses defined in this Code in which the mental culpability requirement is expressed as *intentionally or with intent* are declared to be specific intent offenses. A person acts *intentionally or with intent* when his or her conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.

(2) *Knowingly or willfully.* All offenses defined in this Code in which the mental culpability requirement is expressed as *knowingly or willfully* are declared to be general intent crimes. A person acts *knowingly or willfully* with respect to conduct or to a circumstance described by a statute defining an offense when he or she is aware that his or her conduct is of such nature or that such circumstance exists. A person acts *knowingly or willfully*, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is practically certain to cause the result.

(3) *Recklessly.* A person acts *recklessly* when he or she consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a willful and wanton deviation from the standard of conduct that a reasonable person would observe in this situation. *Willful and wanton*, as used in this Subsection, means conduct purposely committed which the person reasonably should have known was dangerous to another's person or property in which he or she performed without regard to the consequences or the rights of safety or another's person or property. (Ord. 1005 §§1-4, 1990)

9.08.030 Deadly weapon.

Deadly weapon means any firearm, knife, bludgeon or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury. (Ord. 708 §1.3, 1976)

9.08.040 Public place.

Public place includes any place commonly or usually open to the general public or which members of the general public frequent. By way of illustration, such public places include but are not limited to public ways, streets, buildings, sidewalks, alleys, parking lots, places of business usually open to the general public and automobiles or other vehicles in or upon any such place or places. (Ord. 708 §1.4, 1976)

II. Offenses Affecting Officers and Government

9.08.050 False reporting to authorities.

(a) It is unlawful for any person to report the existence of a fire or other emergency to the police, Fire Department or any other agency empowered to deal with an emergency involving risk or injury to persons or property, when such person knows the report to be false. For purposes of this Subsection, *Fire Department* means any fire protection district or fire fighting agency of the State or municipality, whether the employees or officers of such agency are volunteers or receive compensation for their services as firemen or both.

(b) It is unlawful for any person to report or cause to be reported to any police agency any information concerning the commission of any offense or other incident which would require police action, when:

- (1) He or she knows that no such offense or other incident has occurred; or
- (2) He or she knows the information is false or that he or she has no such information.

(c) This Section does not apply to reports of the existence or placement of a bomb or other explosive in any public or private place or vehicle designed for transportation of persons or property. (Ord. 708 §3.1, 1976)

9.08.060 Impeding police, firemen or other officials at scene of disaster.

(a) It is unlawful for any person to drive a vehicle too close by the scene of a fire, explosion, traffic accident, riot or impending riot, other disaster or investigation in such manner as to obstruct or impede the arrival, departure or operation of any fire truck, police vehicle, ambulance or other emergency vehicle or to fail to move a vehicle from the scene when ordered to do so by a police officer, fireman, emergency personnel or military personnel in the performance of their duties in coping with a fire, explosion, traffic accident, other disaster or investigation.

(b) It is unlawful for any person to knowingly disobey any lawful or reasonable order of any police officer, fireman, emergency personnel or military personnel given incident to their duties in coping with a fire, explosion, traffic accident, other disaster or investigation. (Ord. 708 §3.2, 1976)

9.08.070 Resisting arrest; escaping or assisting in escape of a prisoner.

(a) It is unlawful for any person to prevent or attempt to prevent a police officer acting under color of his or her official authority, from effecting an arrest of the actor or another by the use or threatened use of force or physical violence or by other means which creates a substantial risk of causing physical injury to such police officer.

(b) *Police officer*, as used in this Section, means any person defined as a peace officer by Section 18-1-901, C.R.S., or as may be hereafter amended, who is in uniform or who has displayed his or her credentials to the person whose arrest is attempted. The *work uniform*, as used in this Section, shall refer to the dress or apparel and insignia required to be worn by agents of the Department of Public Safety pursuant to the order or direction of the Director of Public Safety, and intended as a means of identifying the police officers and agents of the Department of Public Safety.

(c) A police officer is *acting under color of his or her official authority* when in the course of his or her duties, he or she is called upon to make or does in fact make a good faith judgment based on surrounding facts and circumstances that an arrest should be made. It is no defense to a prosecution under this Section that an arrest was unlawful if the police officer was acting under color of his or her authority and did not use unreasonable or excessive force in effecting the arrest.

(d) It is unlawful for any person to escape or attempt to escape from or in any manner aid another or attempt to aid another who is in the custody of a police agent, to escape or attempt to rescue or rescue a person from the custody or any person aiding such police agent after being commanded by such police agent to do so. (Ord. 1126 §1, 1994; Ord. 1081 §§47, 48, 1992; Ord. 708 §3.3, 1976)

9.08.080 Disobeying an order or refusing to aid a police officer or fireman.

(a) It is unlawful for any person to knowingly disobey the lawful or reasonable order of any police officer or fireman given incident to the discharge of the official duties of such police officer or fireman.

(b) A person commits an unlawful act when, upon command by a person known to him or her as a police officer, he or she unreasonably refuses to aid such police in effecting or securing an arrest preventing the commission of another or any offense or coping with any emergency situation. (Ord. 708 §3.4, 1976)

9.08.090 Resisting an officer; escaping or assisting in escape of a prisoner.

(a) It is unlawful for any person to resist any police officer, any member of the Police Department or any person duly empowered with police authority while such officer, member or person duly empowered with police authority is discharging or apparently discharging his or her duties.

(b) It is unlawful for any person, in any way, to interfere with or hinder any police officer, any member of the Police Department or any person duly empowered with police authority, while he or she is discharging or apparently discharging his or her duties.

(c) It is unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, a member of the police authority, to escape or to attempt to escape from such custody. (Amended during 1980 codification; Ord. 708 §3.5, 1976)

9.08.095 Interference with police dogs.

(a) It shall be unlawful for any person willfully or maliciously to torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department when such dog is being used in the performance of the functions or duties of such department; or unwarrantably to interfere with, meddle with or antagonize any such dog while such dog is being used by the Police Department, or with any officer or member thereof while such officer or member is using such dog in the performance of any of the functions or duties of the Department, or of the officer or member.

(b) Any person violating any provision of this Section shall be fined in an amount not to exceed three hundred dollars (\$300.00) or imprisonment for a period of not more than ninety (90) days and/or both. (Ord. 932, 1986)

III. Offenses Against the Person

9.08.100 Assault without deadly weapon.

It is a violation of this Section for a person to intentionally, by threat or physical action, place or attempt to place another person in fear of imminent bodily injury; provided, however, that if such threat or action involves a deadly weapon, then this Section shall have no application. (Ord. 708 §4.1, 1976)

9.08.110 Intimidation, coercion.

It is a violation of this Section for any person, alone or with others, without legal authority, to intentionally communicate, through voice or other means, a threat to another to confine, restrain or to cause bodily injury to the threatened person or another or to damage the property or the reputation of the threatened person or another with the intent thereby to induce the threatened person or another against his or her will to do an act or refrain from doing a lawful act. (Ord. 708 §4.2, 1976)

9.08.120 Battery.

It is a violation of this Section for any person to intentionally, knowingly or recklessly cause bodily injury to another person; provided, however, this Section shall have no application where there is serious bodily injury or where a deadly weapon is used. (Ord. 708 §4.3, 1976)

IV. Offenses Against Public Decency

9.08.130 Disorderly conduct.

- (a) A person commits disorderly conduct if he or she intentionally, knowingly or recklessly;
- (1) Makes a coarse and obviously offensive utterance, gesture or display in a public place and the utterance, gesture or display tends to incite an immediate breach of the peace;
 - (2) Abuses or threatens a person in a public place in an obviously offensive manner;
 - (3) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy;
 - (4) Fights with another in a public place except in an amateur or professional contest of athletic skill;
 - (5) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or
 - (6) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.

(b) It is an affirmative defense to prosecution under Subsection (a)(2) above that the actor had significant provocation for his or her abusive or threatening conduct. (Ord. 1013 §§1, 2, 1990; Ord. 955, 1987; Ord 708 §7.1, 1976)

9.08.140 Disrupting lawful assembly.

It is unlawful for any person to disrupt a lawful assembly if with the intent to prevent or disrupt any lawful meeting, procession or gathering, he or she significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterances or any other means. (Ord. 708 §7.2, 1976)

9.08.160 Harassment.

It is unlawful for any person, with intent to harass, annoy or alarm another person, to:

- (1) Strike, shove, kick or otherwise touch a person or subject him or her to physical conduct;
- (2) In a public place direct obscene language or make an obscene gesture to or at another person;
- (3) Follow a person in or about in a public place or places;

(4) Engage in conduct or repeatedly commit acts that alarm or seriously annoy another person and that serve no legitimate purpose;

(5) Make a telephone call or cause a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose or legitimate conversation;

(6) Make repeated communications at inconvenient hours or in offensively coarse language;
or

(7) Repeatedly insult, taunt or challenge another in a manner likely to provoke a violent or disorderly response. (Ord. 708 §7.4, 1976)

9.08.170 Interference with staff, faculty or students of educational institutions.

(a) It is unlawful for any person, on or near the premises or facilities of any educational institution, to willfully deny to students, school officials, employees and invitees:

(1) Lawful freedom of movement on the premises;

(2) Lawful use of the property or facilities of such institution; or

(3) The right of lawful ingress or egress to the institution's physical facilities.

(b) It is unlawful for any person on the premises of any educational institution or at or in any building or other facility being used by any educational institution to willfully impede the staff or faculty of such institution in the lawful performance of their duties or willfully impede a student of such institution in the lawful pursuit of his or her educational activities, through the use of restraint, abduction, coercion or intimidation or when force and violence are present or threatened.

(c) It is unlawful for any person to willfully refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do so by the Chief Administrative Officer, his or her designees charged with maintaining order on the school premises and in its facilities or a dean of such educational institution, if such person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of the institution.

(d) Nothing in this Section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof. (Ord. 708 §7.5, 1976)

9.08.195 Substances of abuse.

(a) As used in this Code, the term *substances of abuse* shall mean any toxic, noxious or volatile chemical, compound or substance containing toluene, acetone or other solvent or chemical having the property of releasing toxic vapors.

(b) No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupification or dulling of the senses or nervous system, intentionally smell, inhale or ingest the fumes from any substance of abuse; provided, however, that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(c) No person shall, for the purpose of violating or aiding another to violate any provision of this Chapter, intentionally possess, buy, sell, transfer possession or receive possession of any substance of abuse.

(d) This Section shall have no application to alcoholic or fermented malt beverage, nor to any drug, compound or substance regulated under Title 12, C.R.S. (Ord. 1126 §1, 1994; Ord. 1114 §3, 1994; Ord. 935 §§1, 5, 1986)

V. Offenses Against Property

9.08.200 Trespassing.

It is unlawful for any person to commit trespass within the City limits. A person commits trespass if that person unlawfully enters or remains in or upon the premises of another as defined within the following sections, without a license, invitation or otherwise privileged by an authorized person. In order to aid in the enforcement of this action, the owner or person having legal possession or control of the premises, or their designated agents, may temporarily close, barricade or otherwise prevent use of any entrance, driveway or other means of access to the premises and erect barriers to interrupt the flow of traffic, so long as such actions do not interfere with fire protection and other public safety functions of the City. (Ord. 1080 §§1, 3, 1992; Ord. 708 §5.1, 1976)

9.08.201 Loitering.

(a) It shall be unlawful for any person to loiter for the purpose of begging;

(b) Loiter in or about a school building or grounds, not having reason or relationship involving custody of or reasonability for a pupil or any other specific, legitimate reason for being there, and not having written permission from a school administrator;

(c) Loiter with one (1) or more persons for the purpose of unlawfully using, dispersing or possessing a narcotic or dangerous drug or hallucinogenic substance; or

(d) Unlawfully enter or remain upon the premises of another without a license, invitation or otherwise privileged to do so. (Ord. 1080 §4, 1992)

9.08.202 Definitions.

(a) *Premises* means any real estate (public and private), all improvements erected thereon, within the City.

(b) *Unlawfully enters or remains* means:

(1) To enter in or remain upon premises when one is not licensed, invited or otherwise privileged to do so.

(2) Regardless of intent, to enter in or remain upon privately owned premises which is at the time open to the public, after receiving a lawful order not to enter or remain, personally communicated by the owner of the premises or some other authorized person.

(3) To enter or remain in that part of premises which is not open to the public without invitation.

(4) To enter or remain upon premises (public or private) that are posted with signs prohibiting trespassing during certain days or hours.

(c) *Licensed, invited or otherwise privileged* means to enter or remain on any public or privately owned premises which is normally open to the public or by invitation or which are unimproved and apparently unused and are neither fenced nor otherwise enclosed in a manner designed to exclude intruders. Notice against trespass need be personally communicated by the owner of the land or some other authorized person or notice forbidding entry may be given by posting with signs at intervals of not more than one hundred (100) yards along the outer boundary of the property or, if there is a readily identifiable entrance to the premises, by posting with signs at such entrance to the premises or the forbidden part of the premises.

(d) *Authorized person* means manager, employee, agent, designee or any person authorized in writing by the owner or a tenant of the premises to give notice against trespass by ordering persons to leave premises.

(e) *Loiter* means to be dilatory; to stand idly around; to lie or wander about; or to unlawfully enter a premises as defined herein. (Ord. 1080 §5, 1992)

9.08.203 Premises posting.

(a) Premises posting must be made on signs which contain lettering no less than one and one-half (1½) inches in height and must state clearly "No Trespassing." If the access to the premises is to be limited during certain specific hours or days, said signs must also state specific times and/or dates that access is limited.

(b) These sections shall apply to any public building and any public premises, so long as posting set forth in the preceding subparagraph is properly adhered to, and then, only as to the hours or days in which said access is limited by said posting.

(c) Lawful acts in the course of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise, shall not be held to be in violation of this Section. (Ord. 1080 §§6, 7, 8, 1992)

9.08.210 Destruction of public or private property.

No person shall intentionally or carelessly deface, mar, mutilate, tear down or destroy any real or personal property owned, leased or in any way used by the City or the real or personal property located within the City of any person, corporation or any other entity. (Ord. 708 §5.2, 1976)

9.08.220 Shoplifting or petty theft.

A person commits shoplifting or petty theft when he or she knowingly obtains or exercises control over anything of value of another without authorization, with the intent to deprive the owner permanently of the use or benefit of the thing of value. (Ord. 974, 1988; Ord. 843, 1982; Ord. 812, 1980; Ord 708 §5.9, 1976)

9.08.221 Concealment of goods.

If any person willfully 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 or her own person or otherwise and whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of shoplifting as defined in Section 9.08.220 of this Code. (Ord. 1005 §5, 1990)

9.08.230 Window peeping.

It is unlawful for any person to trespass upon the property owned or occupied by another in this City or to loiter in a public street, alley, parking lot or other public place for the purpose of looking, prowling or peeping into any window, door, skylight or any other opening in any house, dwelling, apartment or room, whether the place is located upon the property trespassed or not. (Ord. 708 §5.3, 1976)

9.08.250 Library books; taking in accordance with library rules.

No person shall take from the public library any book, pamphlet, periodical, paper or other property, except in accordance with rules of such library. (Ord. 708 §5.5, 1976)

9.08.260 Library books; abiding by notice to return.

No person shall take or borrow from the public library any book, pamphlet, periodical, paper or other property and neglect to return the same within two (2) weeks from the date of mailing a notice to his or her address. (Ord. 708 §5.6, 1976)

9.08.270 Library; destruction of property.

No person shall willfully, maliciously, wantonly or without cause write in, upon, or injure, deface, tear or destroy in whole or in part, any plate, book, picture, engraving, map, newspaper, magazine, pamphlet or manuscript or written, engraved or printed paper belonging to the public library of the City, allow any such injury to be inflicted while such property is in his or her custody or willfully, maliciously or wantonly injure any of the furniture or property in the building of the public library or upon the grounds of the public library or the public library building. (Ord. 708 §5.7, 1976)

9.08.280 Library; disposition of fines.

All fines collected pursuant to Sections 9.08.260 and 9.08.270, shall be payable to the library fund for the use of the public library of the City. (Ord. 708 §5.8, 1976)

VI. Offenses By or Affecting Minors

9.08.290 Juvenile curfew.

(a) No person up to eighteen (18) years of age shall be or remain upon any public street, sidewalk, alley or any public place or right-of-way between 11:00 p.m. and 5:00 a.m., except as provided in Subsection (b) below.

(b) In the following exceptional cases, a juvenile may be or remain in a public place beyond the hours set forth in Subsection (a) above:

(1) When accompanied by a parent or legal guardian, or a person between eighteen (18) and twenty-one (21) years of age with written parental authorization, or a person twenty-one (21) years of age or older without parental authorization.

(2) For one-half (½) 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.

(3) When conducting an errand directed by the parent or legal guardian.

(4) When returning home from events such as movies, school-sponsored events, theater or sporting events where attendance at said event was approved by said parent or legal guardian.

(5) Until 12:30 a.m. if the person is on the property or a sidewalk directly adjacent to a building in which such person resides or buildings immediately adjacent to the building in which such person resides.

(6) When exercising First Amendment rights under the United States Constitution, such as the free exercise of religion, speech and assembly.

(c) A police officer who has probable cause to believe that a juvenile is in violation of this Section shall take such juvenile into custody and immediately contact the juvenile's parent or guardian. If, after this contact, there is still probable cause to believe that the juvenile was violating this Section, the juvenile shall be turned over to the custody of the juvenile authorities until a parent or guardian can take custody of the juvenile.

(d) No parent or guardian shall permit or by inefficient control allow a violation of this Section by a juvenile in such person's custody or control. (Ord. 1061 §§1, 2, 3, 1992)

9.08.300 Permitting juveniles to violate curfew.

It shall be unlawful for anyone having the legal care and custody of any person, as described above, to allow or permit such person to go or be upon any public street, alley or other public place in the City in the nighttime as restricted in the preceding Section, except in case of necessity. (Ord. 1061 §§1, 2, 4, 1992)

9.08.310 Delinquent or mendicant juveniles.

If it shall appear that any juvenile taken into custody for a violation of Section 9.08.290 above is growing up in mendicancy or vagrancy, is incorrigible, for lack of proper parental care or has no home, proper proceedings shall be taken to have such juvenile placed in the care of the appropriate state agency as provided by the Colorado Revised Statutes. (Ord. 1061 §§1, 2, 5, 1992)

9.08.315 Responsibility for supervision of minors.

(a) Purpose and intent. The purpose and intent of this Section is to encourage parents to supervise their children and to prevent children from participating in criminal and delinquent behavior and to impose fines and penalties on parents who fail or refuse to supervise their children.

(b) Definitions.

(1) *Child* means a person under the age of eighteen (18) years.

(2) *Juvenile* means a person under the age of eighteen (18) years.

(3) *Parent* means a natural and biological mother or father of a child or such other individual responsible for the care, custody and control of a child. The term *parent* shall include, but not be

limited to, any individual providing shelter to and who is responsible for the supervision of a child regardless of the legal relationship of that child.

(4) *Violation of the law* means any violation or attempted violation of a federal statute, state statute or any municipal ordinance within the City.

(c) *Violation*. It shall be unlawful for any parent to fail to supervise a child. Failure to supervise a child shall occur when a parent knows or reasonably should have known that the minor child has committed a violation of the law. In the event it is determined that a parent knew or should have known that the minor child violated or attempted to violate any law, the parent shall be guilty of failure to supervise a minor child.

(d) *Penalty*. In the event a parent is found guilty of the offense of failure to supervise a minor child, the Municipal Court may impose a fine of up to two thousand dollars (\$2,000.00), may require the parent to participate in up to one hundred (100) hours of community service and may require the parent to pay restitution up to three thousand five hundred dollars (\$3,500.00) for any damage to property or personal injury caused by the minor child. (Ord. 1171 §§1--4, 1996)

VII. Offenses Relating to Weapons or Missiles

9.08.320 Definitions.

The following definitions shall apply to Sections 9.08.320 through 9.08.394:

(1) *Blackjack* includes any billy, sandclub, sandbag, sap or other hand-operated striking weapon consisting at the striking end of an encased piece of lead or other heavy substance and at the handle end, a strap or springy shaft which increases the force of impact or any device or article consisting of two (2) or more separate portions, linked together by a chain, strap or other fastener which configuration is designed to increase the striking force or impact of the device or article.

(2) *Conceal* means the deliberate hiding of a weapon upon or near the person with the intent to avoid the lawful detection thereof. It shall be evidence of concealment that the weapon is hidden in such manner as to make it immediately available for use in the fashion in which the weapon is designed to be used.

(3) *Crossbow* includes any device resembling a rifle or handgun in configuration, having a bow or similar device mounted perpendicularly to a stock, grip or frame, and usually equipped with a cinch or similar shaft from a groove or depression in the stock, grip or frame by the manipulation of a trigger or similar mechanism.

(4) *Firearm* includes any pistol, revolver, self-loading pistol, rifle, shotgun or any other device designed to shoot, project, throw or hurl a projectile or projectiles by means of an explosion of gunpowder or other explosive substance.

(5) *Gravity knife* includes any knife, the blade of which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which blade, upon release, becomes locked in place by means of a button, spring, plate, lever or other device.

(6) *Knife* includes any dagger, knife, bayonet, straight razor, dirk, machete, stiletto, sword or swordcane with a blade over three and one-half (3½) inches in length or any other dangerous instrument designed to inflict cutting, stabbing or tearing wounds, but, as used in this Section, does not include a knife or hatchet of the type customarily used in hunting, fishing or camping, when such is being carried for sporting use, and does not include any instruments being used in pursuance of a lawful trade, occupation or profession or otherwise being lawful under federal or state statutes or used as an item of display or a collector's item in any home or place of business.

(7) *Switchblade knife* includes any knife, the blade of which opens automatically by hand pressure applied to a button spring or other device in its handle.

(8) *Juvenile* shall mean any person who has not attained eighteen (18) years of age. (Ord. 1096 §2, 1993; Ord 708 §6.1, 1976)

9.08.330 Deadly weapons; concealment.

(a) It is unlawful for any person to knowingly carry a knife or firearm or other dangerous weapon otherwise legal under federal and state statutes concealed on or about his or her person; provided however, that Sections 9.08.010 through 9.08.420 shall not apply to persons in their own domiciles or places of business or on the property owned or under their control at the time of the act of carrying or to persons in a private automobile or other private means of conveyance, who are carrying a weapon for the lawful protection of their or another's or other person's property or for any other legal purpose.

(b) Nothing in this Section shall apply to peace officers or members of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of their duties.

(c) Nothing in this Section shall apply to persons who possess a valid permit or license to conceal such deadly weapons, which license or permit was duly issued pursuant to applicable Colorado or federal law. (Ord. 708 §6.2, 1976)

9.08.340 Deadly weapons; displaying, brandishing or flourishing.

(a) It is unlawful for any person to display, brandish or flourish a deadly weapon in a public place in a manner calculated to alarm or for any person to intentionally and unlawfully aim or point a firearm at another person; provided, however, that the provisions of this Section shall not apply to any situation that constitutes a felony under state law.

(b) As used in Subsection (a) of this Section, *deadly weapon* includes, but is not necessarily limited to, firearms, knives, hatchets and dangerous clubs.

(c) Nothing in this Section shall apply to peace officers or members of the Colorado National Guard or armed forces of the United States acting in lawful discharge of their duties. (Ord. 708 §6.5, 1976)

9.08.350 Deadly weapons; carrying where alcoholic beverages are sold or consumed.

(a) It is unlawful for any person to carry, conceal or display any dangerous or deadly weapon while such person is on the premises of any establishment where malt, vinous or spirituous liquors or fermented malt beverages are sold or consumed on the premises.

(b) The provisions of this Section shall not apply to peace officers or any other persons duly licensed or authorized under applicable Colorado or federal law to carry such weapon concealed or to persons carrying such weapons in their place of business or having control of the premises at the time of the act of carrying. (Ord. 708 §6.7, 1976)

9.08.360 Illegal weapons; possession or use.

(a) It is unlawful for any person to knowingly carry in his or her possession, conceal or cause to be concealed in any vehicle or to use any blackjack, gravity knife, multifixed bladed stellate throwing knife, switchblade or brass metallic knuckles.

(b) Nothing in this Section shall apply to peace officers or to members of the armed forces of the United States or the Colorado National Guard acting in the lawful discharge of their duties. (Ord. 708 §6.3, 1976)

9.08.370 Deadly or illegal weapons; confiscation and disposition.

(a) It shall be the duty of every police officer or agent, upon making any arrest and seizing a weapon carried or used in violation of any provisions of Section 9.08.010 through 9.08.426, to keep and place the same in such place of safekeeping as may be directed by the Director of Public Safety until the final determination of the prosecution of the offense or any offense in the prosecution of which such weapon may be evidence.

(b) Upon entry of a final judgment of guilt, the Director of Public Safety, or his or her designee, shall make such disposition of such weapon as may be ordered by the Municipal Court or other court having jurisdiction, and in the absence of such order, such disposition shall be as provided by law. (Ord. 708 §6.6, 1976)

9.08.380 Discharging firearms.

It is unlawful for any person, other than a peace officer or a member of the armed forces of the United States or the Colorado National Guard acting in lawful discharge of his or her duties, to discharge or cause to be discharged any firearm within or into the limits of the City; provided, however, that this Section shall not apply to persons discharging firearms in shooting galleries or at shooting ranges, where such firearms may be discharged so as not to endanger persons or property

and the projectile or projectiles from such firearms are prevented from traversing any grounds or space outside the limits of such gallery or range or to the discharge of a firearm in lawful defense of person or property. (Ord. 708 §6.4, 1976)

9.08.390 Throwing dangerous missiles or stones.

It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing, any container of liquid or other dangerous missile at or against the person, animal, building, structure, personal property, fixture or vehicle of another, except that the provisions of this Section shall not apply to persons throwing, projecting or shooting any such dangerous missile at any animal in order to protect his or her person or property or the person or property of another from physical injury. (Ord. 708 §6.8, 1976)

9.08.391 General penalty.

(a) Every person who pleads guilty or no contest to or is convicted of any violation of Sections 9.08.330, 9.08.340, 9.08.350, 9.08.360 or 9.08.380 may be required, by order of the Municipal Court, to forfeit any weapon and/or ammunition when such weapon and/or ammunition was used, possessed or displayed during the course of the criminal episode which gave rise to the conviction, no contest plea or guilty plea, or when such weapon and/or ammunition formed the basis of the complaint. Forfeiture may be an element of sentencing or a condition of probation or deferred judgment.

(b) Weapons and/or ammunition subject to forfeiture pursuant to this Section shall include, but are not limited to weapons and/or ammunition used, concealed, possessed, displayed or loaned in violation of sections herein contained. (Ord. 1096 §1, 1993)

9.08.392 Possession of firearms by juveniles.

(a) It shall be unlawful for any juvenile to have in such juvenile's possession any firearms.

(b) The prohibition contained in Subsection (a) of this Section shall not apply when a juvenile is in the actual company of the juvenile's parent or legal guardian.

(c) It shall be an affirmative defense to the offense described in Subsection (a) of this Section that the juvenile was, at the time of such possession:

(1) Traveling to, from or engaging in:

a. A hunter's safety course,

b. A firearms safety course,

c. Practicing the use of firearms at an authorized shooting range, or

d. An organized competition involving the use of firearms at an authorized shooting range;
or

(2) Holding a valid hunting license issued pursuant to Article 4 of Title 33, C.R.S., and was actively engaged in traveling to or returning from a lawful activity relating to hunting, pursuant to any such license; and such juvenile was at all times traveling or engaging in such activity with the permission of the juvenile's parent or legal guardian and, if the juvenile was traveling while in possession of a firearm, such firearm was not loaded. For purposes of this Subsection, an authorized shooting range shall include any shooting ranges whose safety rules have been approved by the Director of Public Safety and any established shooting ranges operating outside of the City limits. (Ord. 1384 §§1—4, 2004; Ord. 1126 §1, 1994; Ord. 1096 §3, 1993)

9.08.393 Forfeiture provision.

In the event a juvenile enters a plea of guilty or no contest to this Article or is found guilty at trial, the court shall order the forfeiture of the firearm which the juvenile possessed in violation of this Article. The court may order the return of the firearm to its lawful owner only if the owner shows to the court, by a preponderance of the evidence, that such firearm was unlawfully obtained by the juvenile. (Ord. 1096 §4, 1993)

9.08.394 Adult culpability.

It shall be unlawful for any adult to intentionally, knowingly or by criminal negligence provide a firearm to any juvenile in violation of this Article, or for any parent or legal guardian of any juvenile, who knows of such juvenile's violation of this Article to fail to make reasonable efforts to prevent such violations. (Ord. 1096 §5, 1993)

VIII. Miscellaneous Offenses

9.08.400 Blocking railway crossings.

(a) No railroad, train, car, engine or locomotive of any kind or description shall be permitted to remain standing on or across any street crossing or railway crossing within the City for a longer consecutive period of time than ten (10) minutes.

(b) For the purposes of this Section, a crossing shall be construed to be obstructed unless there is at least eighty (80) feet clear of all obstructions on each side of the center of the crossing. (Ord. 708 §9.1, 1976)

9.08.410 Spitting in public places.

It is unlawful for any person to spit upon any public sidewalk or other public way or place which is public in nature, upon the floor or any part of any public conveyance, or upon the floor or any part

of any theater or any hall or assembly room open to the public for general use, or any other public building. (Ord. 708 §9.2, 1976)

9.08.420 Clogging sewers.

It is unlawful for any person to deposit, or throw or cause to be deposited or thrown, into any vault, sink, cesspool, water closet or sewer, any article or thing whatever that may cause the same to choke or clog. (Ord. 708 §9.3, 1976)

9.08.425 Urinating in public places.

It is unlawful for any person to urinate upon any public sidewalk or other public way or in any place which is public in nature, upon the floor or any part of any public conveyance, or upon the floor or any part of any theater, any hall, any assembly room or any other area open to the general public for general use or in any other public building. (Ord. 986, 1988)

9.08.426 Notice to appear or pay fine; failure to appear; penalty.

(a) For the purpose of this Article, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine.

(b) It is a separate violation of this Article for any person to fail to appear to answer any offense.

(c) Any person who violates the provisions of this Article commits a separate offense in addition to the offense previously charged.

(d) A summons for failure to appear may be issued by the Clerk of the Municipal Court. (Ord. 1005 §6, 1990)

*IX. Offenses Occurring on Premises Licensed to Sell
Alcoholic Beverages by the Drink*

9.08.430 Failure of licensee to immediately report.

From and after the effective date of the ordinance codified in this Section and Section 9.08.440, it is unlawful for any licensee of any premises in the City, licensed to sell either intoxicating liquors or fermented malt beverages by the drink, to fail to immediately report or cause to be immediately reported to the Police Department, any fight, disturbance or other breach of the peace happening in or on the licensed premises. (Ord. 674 §1, 1973)

9.08.440 Failure of person in charge to report.

From and after the effective date of the ordinance codified in this Section and Section 9.08.430, it is unlawful for any person then and there in charge of or acting as manager of any premises in the City licensed to sell either intoxicating liquors or fermented malt beverages by the drink, to fail to immediately report or cause to be reported to the Police Department, any fight, disturbance or other breach of the peace happening in or on such licensed premises. (Ord. 674 §2, 1973)

X. Picketing Private Residences

9.08.450 City Council findings.

It is declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent of the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and that such practice constitutes a nuisance and is a practice which should be prohibited; and without resort to such practice full opportunity exists, and under the terms and provisions of this Section and Section 9.08.460, will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions enacted in this Section and Section 9.08.460 are necessary for the public interest to avoid the detrimental results set forth in this Section and are, therefore, enacted by the City Council. (Ord. 689 §1, 1975)

9.08.460 Unlawful.

It is unlawful within the corporate limits of the City for any person to engage in picketing before or about the residence or dwelling of an individual. (Ord. 689 §2, 1975)

CHAPTER 9.12

Alcoholic Beverages

I. General Provisions

9.12.010 Definitions.

(a) *Alcoholic beverage*, as used in this Chapter, means any malt, vinous or spirituous liquor, to include minted malt beverages (beverages obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or combination thereof) used for beverage purposes and containing any alcohol.

(b) *Motor vehicle* means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on rails.

(c) *Open alcoholic beverage container* means a bottle, can or other receptacle that contains any amount of alcoholic beverage, and:

- (1) That is open or has a broken seal; or
- (2) The contents of which are partially removed.

(d) *Passenger area* means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.

(e) *Person* means and includes the natural person, persons, copartnerships, corporations or any other association of persons, and includes the agent, manager or employee of any of the aforesaid.

(f) *Tavern* means any establishment in the City offering alcoholic beverages for sale and whose business in offering for sale said alcoholic beverages constitutes the portion of the gross receipts of the establishment. (Ord. 1402 §§1—3, 2005; Ord. 1037 §§1, 2, 1991; prior code §3-1)

9.12.030 Sale to minors and habitual drunkards prohibited.

(a) No person licensed to make sales of alcoholic beverages shall sell, serve, deliver or cause or permit to be sold, served or delivered within the City any alcoholic beverage to any person under the age of twenty-one (21) years or to an habitual drunkard.

(b) Every person selling, serving or delivering alcoholic beverages shall have the responsibility of determining the age of any person to whom they shall sell, serve or deliver such beverages and shall be directly responsible for such sales, service or gifts which may be made.

(c) No person shall serve, deliver, distribute, sell or provide any person under the lawful age for the consumption of alcoholic beverages, except as may be allowed pursuant to state statutes. (Ord. 1037, §3, 1991; prior code §3-3)

II. Sale and Consumption of 3.2 Beer

9.12.050 Persons under twenty-one prohibited in taverns.

It is unlawful for any person under the age of twenty-one (21) years to be in a tavern or for the proprietor or the keeper of such tavern to permit such person to be in his or her tavern, unless the person under twenty-one (21) years is accompanied by a parent or legal guardian. (Ord. 1016 §4, 1990; prior code §3-5)

9.12.060 Posting by tavern owner.

The owner of any tavern shall post conspicuously in his or her place of business a printed card of a minimum height of fourteen (14) inches and width of eleven (11) inches with each letter to be a minimum height of one-half (½) inch, which shall read as follows:

WARNING
MINORS UNDER THE AGE OF TWENTY-ONE (21) YEARS
ARE NOT ALLOWED HERE
UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

(Ord. 1016 §5, 1990; prior code §3-6)

9.12.070 Consumption in public places; generally.

No beverage covered by Sections 9.12.050 through 9.12.090 shall be consumed on any street, highway, alley, park, stadium or ball park within the City, except as provided in Section 9.12.080. (Prior code §3-7)

9.12.080 Consumption in public places; public park; permit.

Fermented malt beverages may be consumed in a public park, if the same is to be served at a picnic or other function where food shall be consumed; provided that the sponsoring organization or person obtains a permit to do so from the Police Department and pays ten dollars (\$10.00) for such permit. Hours of permitted consumption of alcohol in any public park in the City shall be limited to times after 12:00 p.m. No permit shall allow consumption for a period of time in excess of six (6) hours. (Ord. 1426, §§1, 2, 2006; Ord. 842, 1982; Ord. 710 §5, 1976; prior code §3-8)

9.12.090 Consumption in public places; public park; cleanup responsibility.

The person or organization obtaining the permit provided for in Section 9.12.080 shall be responsible for the cleanup of any debris or litter remaining as the result of the consumption of any fermented malt beverage. (Prior code §3-9)

III. Consumption in Public Places

9.12.100 Unlawful.

It is unlawful to drink malt, vinous or spirituous liquors or fermented malt beverages in the City upon any public street, alley or public way or upon any parking lot or drive-in area which is either publicly owned or privately owned and used by the public. (Ord. 797 §1, 1980)

9.12.105 Open container.

(a) Except as otherwise permitted in Subsection(b), it shall be unlawful for a person, while in the passenger area of a motor vehicle that is on a public highway in the City or the right-of-way of a public highway in the City, to knowingly:

- (1) Drink an alcoholic beverage; or
- (2) Have in his or her possession an open alcoholic beverage container.

(b) The provisions of this Section shall not apply to:

(1) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation;

(2) The possession by a passenger, other than the driver or a front seat passenger, of an open alcoholic beverage container in the living quarters of a house coach, house trailer or motor home, as defined in Section 41-1-102(57), C.R.S., or trailer coach, as defined in Section 41-1-102 (106)(a), C.R.S.;

(3) The possession of an open alcoholic beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or

(4) The possession of an open alcoholic beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk. (Ord. 1402 §5, 2005)

IV. Sale of Kegs

9.12.120 Identification seal required.

Any retail liquor establishment selling alcoholic beverages by the keg within the City shall be required to affix to the keg, at the time of sale, a self-locking plastic identification seal. (Ord. 1211 §1, 1998)

9.12.130 Identifying form required.

Any retail liquor establishment selling alcoholic beverages by the keg within the City shall be required at the time of sale to fill out an identifying form with information as to the purchaser's name, address, date of birth, driver's license number and date of sale. The form shall be provided by the Police Department. (Ord. 1211 §2, 1998)

9.12.140 Records maintenance.

At the time of sale of any keg of alcoholic beverage, the retail liquor establishment shall be obligated to affix the seal and fill out the form, and maintain those identifying records for purposes of inspection by the Police Department. (Ord. 1211 §3, 1998)

9.12.150 Forms available for inspection.

Retail liquor outlets shall keep said identifying forms for a period of six (6) months, and said forms shall be kept in a place open for inspection at all reasonable times at the request of the City. (Ord. 1211 §4, 1998)

9.12.160 Failure to affix seal or fill out forms.

Any retail liquor outlet who shall fail to affix the plastic seal as required in Section 9.12.120 above, or to fill out the forms as required pursuant to Section 9.12.130 above, shall be a violation of this Section, and as such, shall be subject to fines and penalties as authorized under the City Charter. (Ord. 1211 §5, 1998)

9.12.170 Failure of employees to comply.

Any owner or operator of any premises who, through act of omission or commission, fails to ensure that the owner's employees properly comply with this Division, shall be guilty of violation of Section 9.12.140 herein. (Ord. 1211 §6, 1998)

9.12.180 Removal of identification seal unlawful; exception.

It shall be unlawful for any person who has purchased alcoholic beverages by the keg within the City to remove the self-locking plastic identification seal required pursuant to Section 9.12.120. It shall not be a violation of this Section if the person removing the tag is an employee of an owner or operator of a retail liquor establishment, or a representative of a vendor of wholesale alcoholic beverages, who removes the tag after the return of the keg to the place of the retail establishment and after any deposit has been returned to the consumer. (Ord. 1211 §7, 1998)

9.12.190 Purchaser not to allow removal of seal.

It shall be unlawful for any purchaser of a keg of alcoholic beverage to allow anyone to remove the affixed seal from the keg prior to its return to the retail liquor outlet which had sold the keg. (Ord. 1211 §8, 1998)

9.12.200 Consumption by minor.

It shall be unlawful for any person to purchase a keg of alcoholic beverage pursuant to the terms of this Division, and to thereafter allow consumption of said alcoholic beverage by minors, unless said

consumption is authorized and allowed pursuant to the laws of the State as enumerated in Section 18-13-122, C.R.S. (Ord. 1211 §9, 1998)

9.12.210 Inspection of returned keg; notification of Police Department if tag removed or tampered with.

Any owner or operator of any retail liquor outlet, or an employee thereof, who, upon receipt of a keg being returned by any consumer of the alcoholic beverage, shall inspect the returned keg, and if the tag has been removed or in any way tampered with, said owner or operator shall immediately notify the Police Department of the same. It shall be unlawful for any owner, operator or employee to fail to notify the Police Department as required herein. (Ord. 1211 §10, 1998)

9.12.220 Possession of keg without identification seal.

It shall be unlawful for any person to be in possession of a keg of alcoholic beverage, wherein that keg was purchased within the City, and wherein that keg fails to have the appropriate self-locking plastic identification seal as required by Section 9.12.120. (Ord. 1211 §11, 1998)

CHAPTER 9.16

Fair Housing

9.16.010 Short title.

The ordinance codified in this Chapter shall be known and may be cited as the Fair Housing Ordinance of the City. (Ord. 826 §1, 1981)

9.16.020 Purpose and declaration of policy.

It is declared to be the policy of the City and the purpose of this Chapter, in the exercise of its policy and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of the persons in and residing in the City and for the maintenance and promotion of commerce, industry and good government in the City, to secure all persons living and/or working or desiring to live and/or work in the City fair opportunity to purchase, lease, rent or occupy real estate without discrimination based on race, color, religion, sex, age, physical limitations or national origin. (Ord. 826 §2, 1981)

9.16.030 Construction.

This Chapter shall be construed according to the fair import of its terms and shall be liberally construed to further the purpose and policy stated in Section 9.16.020 and the special purposes of the particular provision involved. (Ord. 826 §3, 1981)

9.16.040 Definitions.

For the purposes of this Chapter:

- (1) *Age* means chronological age.
- (2) *Board* means the Fair Housing Board.
- (3) *City Council* means the City Council of the City of La Junta.
- (4) *Lease* includes sublease, assignment and rental, and includes any contract to do any of the foregoing.
- (5) *Lending institution* means any bank, insurance company, savings and loan association or any other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.
- (6) *National origin* includes the national origin of an ancestor.
- (7) *Owner* means any person who holds legal or equitable title or owns any beneficial interest in any real property, or who holds legal or equitable title to shares of or who holds any beneficial interest in any real estate cooperative which owns any real property.
- (8) *Panel* means a panel comprised of three (3) or more members of the Board, designated by the Chairman of the Board, to investigate and to attempt to conciliate a complaint filed or made under Sections 9.16.050 through 9.16.120.
- (9) *Person* includes one (1) or more individuals, corporations, partnership, association, legal representatives, mutual companies, unincorporated organizations, trusts, trustees in bankruptcy, receivers and fiduciaries.
- (10) *Purchase* includes any contract to purchase.
- (11) *Physical limitation* means a limitation of physical capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion or a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property. Physical limitation includes but is not limited to blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of physical member, speech impairment and motor impairment.
- (12) *Real estate agent* means any real estate broker, any real estate salesman, and any other person who, as employee or agent or otherwise, engages in the management or operation of any real property.

(13) *Real estate broker* means any person licensed as a real estate broker in accordance with the provisions of the Colorado Revised Statutes.

(14) *Real estate transaction* means the purchase, sale, exchange, rental or lease of any real property or an option to do any of the foregoing.

(15) *Real property* means any real estate, vacant land or structure, or any part thereof, within the City limits.

(16) *Sale* includes any contract to sell, exchange, convey, transfer or assign legal or equitable title to or a beneficial interest in real property. (Ord. 1126 §§2, 10, 1994; Ord. 826 §4, 1981)

9.16.050 Board; created.

There is created a Fair Housing Board which shall consist of five (5) members as hereinafter provided. (Ord. 826 §14, 1981)

9.16.060 Board; members.

All five (5) members of the Board shall be appointed from the City at large and shall be citizens who are willing to expend the time and effort necessary to carry out the duties of the Board. (Ord. 826 §15, 1981)

9.16.070 Members; appointment.

Members shall be appointed by the Mayor subject to the approval of the City Council. In the first instance, three (3) members shall be appointed for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until his or her successor is duly appointed and qualified. The Board shall elect one (1) of its members to be its chairman. Three (3) members shall constitute a quorum, but the concurrence of the majority of the entire Board, obtained either at a meeting of the Board or in a pool conducted by the Chairman, shall be necessary for Board action. (Ord. 826 §16, 1981)

9.16.080 Board; powers and duties.

The Board shall have and exercise the following duties and powers:

- (1) To act to eliminate unlawful real estate practices that violate this Chapter;
- (2) To act to assure to persons living, working or desiring to live an opportunity to purchase, lease or occupy real property without discrimination because of race, color, religion, age, sex, physical limitations or national origin;
- (3) To receive and investigate complaints alleging unlawful real estate practices in violation of this Chapter;

(4) To attempt elimination of unfair real estate practices by conciliation, conference and/or persuasion;

(5) To hold public hearings in the event that its efforts under Subsection (4) of this Section are ineffective or where it deems that such efforts will be ineffective;

(6) To instruct the City Attorney to commence appropriate court action against those the Board has found to be in violation of this Chapter;

(7) To render from time to time, but not less than every twelve (12) months, a written report to the City Council of its activities and recommendations with respect to fair real estate practices, which written reports shall be made public after submission to the City Council.

(8) To exercise such other powers as are vested in the Board by other sections of this Chapter and to adopt such rules and regulations as may be necessary to carry out the purposes of this Chapter. (Ord. 826 §17, 1981)

9.16.090 Complaints; procedure.

(a) Any person aggrieved in any manner of any violation of any provision of this Chapter may file with the Board a written verified complaint setting forth his or her grievance. The complaint shall state the name and address of the complainant, the name and address of the person against whom the complaint is brought, if known to the complainant, and the alleged facts surrounding the alleged violation of this Chapter; and such complainant shall state the names and addresses of all persons believed to have knowledge concerning the alleged facts.

(b) After the filing of any complaint, the Board shall serve a copy of the complaint of the party or parties charged and the Chairman of the Board shall designate a panel, as defined in Section 9.16.040(8), to make a prompt investigation in connection therewith.

(c) If such panel shall determine after such investigation that probable cause exists for the allegations of the complaint:

(1) The Chairman of the Board shall set a time and date for a conference with the Board, which conference shall be private.

(2) At such conference, the Board shall interview the complaint and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion.

(d) If, at any time after the date of filing of the complaint, the Board shall determine that such attempt at conciliation and persuasion would not be in furtherance of the objectives of this Chapter, the Board shall thereupon proceed promptly to a full hearing on the complaint in accordance with Section 9.16.100. (Ord. 826 §18, 1981)

9.16.100 Hearing; generally.

Such hearings shall be conducted by the entire Board or a quorum thereof upon ten (10) days' notice to all parties. The Board shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Board shall have power to administer oaths and to take sworn testimony. The Board shall have the power to subpoena witnesses and pertinent documents, which power may be enforced by the Board by proper petition to the District Court of the county where the complainant resides. The complainant and any party alleged to have violated this Chapter shall be entitled to be represented by counsel and shall have the right to call witnesses on his or her own behalf and to cross-examine witnesses. (Ord. 826 §19, 1981)

9.16.110 Hearing; findings.

(a) If, upon all the evidence at the hearing, the Board finds that the person complained of has violated any of the provisions of this Chapter, the Board shall state its findings of fact and shall issue and cause to be served upon such person an order requiring such person to cease and desist from such violation, and to take such affirmative or other action as, in the judgment of the Board, will effectuate the purpose of this Chapter, including a report of the manner of compliance.

(b) If, upon all the evidence at the hearing, the Board finds that the person complained of has not violated any of the provisions of this Chapter, the Board shall state its findings of fact and shall issue and cause to be served upon the complainant an order dismissing the complaint.

(c) The Board shall retain jurisdiction of the case until it is satisfied the person to whom the order was directed has complied. The order of the Board and its findings of fact shall be issued within thirty (30) days after the filing of the complaint and shall be delivered to the complainant, the person charged and the Mayor.

(d) The Board shall be empowered at the conclusion of the proceedings held under Section 9.16.100 to instruct the City Attorney to do any one (1) or more of the following:

(1) To institute and prosecute proceedings in a court of competent jurisdiction to enforce against any person found in violation of this Chapter the fine provided for in Section 9.16.250; or

(2) To apply to any court of competent jurisdiction for:

a. An order restraining any person from violating any provision of this Chapter, and/or

b. Such other future relief as may seem to the court appropriate for the enforcement of this Chapter and for the elimination of violations hereof. (Ord. 826 §20, 1981)

9.16.120 Limitation of time to file complaints.

Any complaint filed hereunder with the Board must be filed within sixty (60) days after the alleged discriminatory practice occurred or it shall be barred. (Ord. 826 §21, 1981)

9.16.130 Remedies.

Any person aggrieved in any manner by the violation of any provision of this Chapter who has exhausted the remedies provided in Sections 9.16.100 and 9.16.110 may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

- (1) An order compelling compliance with this Chapter;
- (2) An order to prohibit any person found by the court to have violated any provision of this Chapter from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the subject of such violation;
- (3) An order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing, by any person who in violation of this Chapter refuses or fails to perform such contract;
- (4) Compensatory damages and, if appropriate, punitive damages; and
- (5) Such other and further relief as may seem appropriate to the court for the enforcement of this Chapter and the elimination of violations thereof. (Ord. 826 §22, 1981)

9.16.140 Complaint; temporary court order.

Any complainant under this Chapter may apply to a court of competent jurisdiction for an order temporarily prohibiting any transaction affecting the real property which is the subject of the complainant's pending complaint under this Chapter prior to final determination by the Board where the owner of the property is one (1) of the parties complained of. (Ord. 826 §23, 1981)

9.16.150 Judicial review of Board order.

Any party, complainant or person aggrieved by an order of the Board shall have the right to obtain judicial review of such order. (Ord. 826 §24, 1981)

9.16.160 Discriminatory terms.

It shall be an unlawful housing practice and a violation of this Chapter for any real estate broker, salesman, agent, owner or other person to sell, rent or offer to sell or rent any real property on terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, age, physical limitations or national origin. (Ord. 826 §5, 1981)

9.16.170 Refusal to negotiate.

It shall be an unlawful real estate practice and a violation of this Chapter for any real estate broker, salesman, agent, owner or other person to refuse to negotiate for, enter into or perform any sale or

lease of any real property because of the race, color, religion, sex, age, physical limitations or national origin. (Ord. 826 §6, 1981)

9.16.180 Withholding of housing.

It shall be an unlawful real estate practice and a violation of this Chapter for any real estate broker, salesman, agent, owner or other person to represent to any person that any real property is not available for inspection, purchase, sale, lease or occupancy when in fact it is so available or otherwise to hold real property from any person because of race, color, religion, sex, age, physical limitations or national origin. (Ord. 826 §7, 1981)

9.16.190 Advertisements, signs and notices.

It shall be an unlawful real estate practice and a violation of this Chapter for any real estate broker, salesman, agent, owner or other person to publish or circulate a statement or notice, or to post or erect any sign or notice upon any real property indicating any intent to sell or lease any real property in a manner that is unlawful under Sections 9.16.160 through 9.16.240. (Ord. 826 §8, 1981)

9.16.200 Refusal of offers.

It shall be an unlawful real estate practice and a violation of this Chapter for any real estate broker, salesman, agent or other person to refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any real property because of the race, color, religion, sex, age or national origin of person making such offer. (Ord. 826 §9, 1981)

9.16.210 Discrimination in lending.

It shall be an unlawful real estate practice and a violation of this Chapter for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds or in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation or repair of any real property, or to offer to agree to terms, conditions or privileges that discriminate between persons because of race, color, religion, sex, age, physical limitations or national origin of any party to such agreement, or of any member of the family of any such party or of the residents of the area in which such real property is located. (Ord. 826 §10, 1981)

9.16.220 Licensing.

Every real estate broker shall apply for and obtain a license from the Colorado Real Estate Commission prior to transacting any business involving real estate as a real estate broker and prior to advertising or assuming to act as such real estate broker. (Ord. 1126 §§2, 6, 1994; Ord. 826 §11, 1981)

9.16.230 Representation.

It shall be an unlawful real estate practice and a violation of this Chapter for any real estate broker, salesman, agent, owner or other person, for the purpose of inducing any other person to enter into a real estate transaction with such person, his or her principal or his or her agent, to:

(1) Represent that a change has occurred, will occur or may occur with respect to race, color, religion, sex, age, physical limitations or national origin in the composition of the owners or occupants in any block, neighborhood, or area in which the real property (which is the subject of the real estate transaction) is located; or

(2) Represent that a change with respect to the race, color, religion, sex, age, physical limitations or national origin in the composition of the owners or occupants in any block, neighborhood or area will result in the lowering of property values, or in an increase in criminal or antisocial behavior, or in a decline in the quality of schools in such blocks, neighborhood or area. (Ord. 826 §12, 1981)

9.16.240 Miscellaneous violations.

It shall be an unlawful real estate practice and a violation of this Chapter for any real estate broker, salesman, agent, owner or any other person:

(1) To aid, abet, incite or coerce a person to commit an unlawful real estate practice under this Chapter;

(2) To purchase, lease or rent real estate for residential purposes or authorize and direct one in his or her employment or on his or her behalf to do so, or solicit any other person to do so on his or her behalf for the specific reason and intention of preventing any other person or persons from purchasing, renting, leasing or occupying such residential real estate by reason of the race, color, religion, sex, age or national origin of such person or persons;

(3) To deliberately and knowingly refuse examination of copies of any listing of real property to any person because of race, color, religion, sex, age, physical limitations or national origin;

(4) To enter into a listing agreement which prohibits the inspection, sale, lease or occupancy of real property to any person because of race, color, religion, sex, age, physical limitations or national origin;

(5) To knowingly and willfully interfere with the performance of a duty or the exercise of a power by the Board or one (1) of its members or representatives;

(6) To willfully obstruct or prevent or attempt to obstruct or prevent a person from complying with the provisions of this Chapter or an order issued thereunder. (Ord. 826 §13, 1981)

9.16.250 Violation; penalty.

Any person violating any provision of this Chapter may be fined not to exceed three hundred dollars (\$300.00), or imprisoned up to ninety (90) days, or both such fine and imprisonment. (Ord. 826 §25, 1981)

CHAPTER 9.20

Alarm Systems

9.20.010 Approval for installation and maintenance of system.

It is unlawful without first obtaining approval of the Director of Public Safety, to install and thereafter operate and maintain any alarm devices of any level which result in the transmission of a telephone, electrical or electronic signal or impression to the Police or Fire Department or any other person, who acting in response thereto in turn transmits or releases a communication to the Police or Fire Department of an emergency. (Ord. 1384 §§1—4, 2004; Ord. 888(part), 1984)

9.20.020 Installation and maintenance costs.

Any and all costs and recurring charges attributable to the installation and maintenance of systems permitted by this Chapter, which terminate directly in the Police Department or Fire Department of the City, shall be borne entirely by the licensee or permittee. If the location of either the Police Department or Fire Department shall be changed at any time necessitating changing the location of any alarm systems terminating at such departments, such systems shall be moved at the expense of the licensee or permittee, and except as the City Council may deem appropriate, no part of such costs shall be borne by the City. (Ord. 888(part), 1984)

9.20.030 Rules and regulations.

The City Council may from time to time adopt such reasonable rules and regulations as it may deem necessary to assure the quality, efficiency and effectiveness of any such emergency alarm devices. (Ord. 888(part), 1984)

9.20.040 False alarms; charges for; suspension or termination of system.

(a) There is no charge for up to two (2) false alarms per calendar quarter year (three [3] months), twenty-five dollars (\$25.00) for the third false alarm within a quarterly year, and fifty dollars (\$50.00) for any subsequent false alarm within a quarterly year. Exceptions are false alarms occasioned by disaster, power failure or other causes clearly not within the control of the permittee, or by alarm company or subscriber testing, provided that the Police Department has been notified before and after completion of the test.

(b) The Director of Public Safety shall at all times have the authority to suspend the permit for any such system until such time as suitable personnel practices are instituted or satisfactory repairs or replacement is made correcting such faulty system. The Director of Public Safety shall have the authority at any and all times to terminate the permit for a violation of this Article or for any faulty system which cannot be made reliable against false alarms in keeping with the provisions of this Section. (Ord. 1384 §§1—4, 2004; Ord. 888(part), 1984)

9.20.050 When applicable to alarm systems originating outside City limits.

The provisions of this Article shall apply to any and all emergency alarm devices, the signal of which originates outside the corporate limits of the City when such signal terminates directly within or gives an alarm within the Police Department or Fire Department of the City. (Ord. 888(part), 1984)

CHAPTER 9.24

Municipal Disposition of Unclaimed Property

9.24.010 Purpose.

The purpose of this Chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the City. (Ord. 1058 §1, 1992)

9.24.020 Definitions.

Unless otherwise required by context or use, words and terms shall, be defined as follows:

(1) *Unclaimed property* means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the City and which has not been claimed by its owner for a period of more than two (2) years after it became payable or distributable and includes the definition of *unclaimed monies* as set forth in the City Board of Public Utilities Commissioners policies.

(2) *Owner* means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the City.

(3) *Director* shall mean the Director of Finance or designee thereof. (Ord. 1058 §2, 1992)

9.24.030 Procedure for disposition of property.

(a) Prior to disposition of any unclaimed property, the Director shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The notice shall include a description of the property, the amount or estimated value of the

property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(b) Prior to disposition of any unclaimed property having no last known address of the owner, the Director shall cause a notice to be published one (1) time in a newspaper of general circulation in the City. The notice shall include the value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Director with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(c) If the Director receives no written claim within the above sixty-day claim period, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(d) If the Director receives a written claim within the sixty-day claim period, the Director shall evaluate the claim and give written notice to the claimant within thirty (30) days thereof that the claim has been accepted or denied in whole or in part. The Director may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(e) In the event that there is more than one (1) claimant for the same property, the Director may, in the Director's sole discretion, resolve said claims or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action.

(f) In the event that all claims filed are denied, the property shall become the sole property of the City and any claim of the owner of such property shall be deemed forfeited.

(g) Any legal action filed challenging a decision of the Director shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Director pursuant to the order of the court having jurisdiction over such claim.

(h) The Director is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Chapter, including compliance requirements for other municipal officers and employees in the identification and disposition of such property. (Ord. 1058 §3, 1992)

CHAPTER 9.28

Defaced Property

9.28.010 Legislative intent.

The City Council finds and declares that defacing of public or private property by painting, drawing, writing, etching or carving, by use of paint, spray paint, ink, knife or any similar method, commonly referred to as *gang graffiti*, constitutes a serious and growing menace, injurious to the public health, safety, morals and general welfare of the residents of the City; that gang graffiti contributes substantially to the spread of gang activity, violence and crime; and that prompt eradication of gang graffiti is one (1) measure to control the spread of gang activity, violence and crime, prevent additional accumulations of gang graffiti, and promote the public health, safety, morals and general welfare of the residents of the City. (Ord. 1060 §1, 1992)

9.28.020 Definitions.

The following definitions shall apply when used in this Chapter:

- (1) *Gang graffiti* means the defacing of public or private property by members of gangs by means of painting, drawing, writing, etching or carving with paint, spray paint, ink, knife or any similar method.
- (2) *Gang* means a group of three (3) or more individuals with common interest, bond or activity characterized by criminal or delinquent conduct.
- (3) *Owner* and *property owner* means any person owning real property in the City as evidenced by the tax records of Otero County, Colorado. (Ord. 1060 §2, 1992)

9.28.030 Declaration of public nuisance.

All property defaced by gang graffiti which is visible to public view is hereby declared to be a public nuisance and, in the interest of public health, safety, morals and general welfare, shall be abated as set forth in this Chapter. (Ord. 1060 §3, 1992)

9.28.040 Concurrent remedies.

The abatement procedures set forth in this Chapter for defaced property shall not be exclusive and shall not restrict the City from concurrently enforcing other City ordinances or pursuing any other remedy provided by law. (Ord. 1060 §4, 1992)

9.28.050 Enforcement.

The Director of Public Safety shall be responsible for enforcement of this Chapter. After notice of the violation to the property owner, as set out in Section 9.28.060, the Director of Public Safety is

authorized to commence the abatement procedure provided herein and pursue any other remedy provided by law. (Ord. 1384 §§1—4, 2004; Ord. 1060 §5, 1992)

9.28.060 Notification of nuisance.

(a) The owner of any property defaced by gang graffiti, which is located within the City, shall be given written notice to abate the public nuisance on the owner's property by removal or eradication of the gang graffiti within five (5) days after service of the notice. Such notice shall be by personal service to the owner or by posting the notice on the defaced property together with written notice being mailed to the owner by first class mail, postage prepaid.

(b) The notice to the property owner shall direct the owner to remove or eradicate the gang graffiti from the property within five (5) days after service of the notice. The notice shall contain:

- (1) The location of and a description of the violation;
- (2) A demand that the owner remove or eradicate the gang graffiti from the property within five (5) days after service of the notice;
- (3) A statement that the owner may voluntarily agree to immediate removal or eradication of the gang graffiti by the City with the costs assessed to the property owner;
- (4) A statement that the owner's failure or refusal to remove or eradicate the gang graffiti may result in abatement by the City, in addition to any other available remedies, and the costs of such abatement, together with an additional fee of seventy-five dollars (\$75.00) for inspection and incidental costs, may be assessed as a lien against the property pursuant to the terms of this Chapter, and collected in the same manner as real estate taxes against the property;
- (5) A statement that if the costs of abatement plus the seventy-five dollar (\$75.00) fee for inspection and incidental costs is not paid to the City within thirty (30) days after notice to the property owner of costs owed to the City, the amount owed will be certified to the County Treasurer and an additional seventy-five dollars (\$75.00) will be assessed for administrative and other incidental costs incurred in certifying said amount to the County Treasurer; and
- (6) A statement that the owner may make written demand to the Director of Public Safety for an administrative abatement hearing before the City Manager, provided that the written demand is made within five (5) days after service of the notice and provided that the written demand for a hearing contains the owner's current address and a telephone number where the owner can be reached between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Written demand for a hearing shall be sent to Director of Public Safety, City of La Junta, P.O. Box 489, La Junta, Colorado, 81050. (Ord. 1384 §§1—4, 2004; Ord. 1060 §6, 1992)

9.28.070 Abatement procedure.

If the owner of property defaced by gang graffiti fails or refuses to remove or eradicate the gang graffiti as directed within the time permitted and has not made written demand for an administrative abatement hearing, the Director of Public Safety shall notify the City Manager of the violation. The City Manager may then cause the gang graffiti to be removed or eradicated by City employees or private contractor, and such persons are hereby expressly authorized to enter upon such property for that purpose, proceeding with due care and without any unnecessary destruction of property. (Ord. 1384 §§1—4, 2004; Ord. 1060 §7, 1992)

9.28.080 Administrative hearing.

(a) Upon receipt of a written demand by the property owner for an administrative abatement hearing, the Director of Public Safety shall notify the City Manager and a hearing shall be held within seven (7) days after receipt of the demand. Notice of the hearing date and location shall be mailed to the owner at the address listed in the written demand.

(b) At the administrative abatement hearing, the City Manager shall hear such statements and consider such evidence as the Director of Public Safety, code enforcement officers, the owner of the property or any other witness, shall offer which is relevant to the violation. The property owner and the Director of Public Safety may be represented by legal counsel at such hearing. The City Manager shall make written findings of fact based upon the evidence offered at the hearing regarding the violation and shall determine whether the gang graffiti shall be removed or eradicated. The City Manager shall, within three (3) days after the hearing, issue a written order stating whether a violation exists on the property in issue. If the City Manager finds a violation exists and the gang graffiti shall be removed, the order shall direct the owner of the property to remove or eradicate the gang graffiti. The written order shall be mailed to the property owner by first class mail, postage prepaid.

(c) If an order issued by the City Manager directing an owner to remove or eradicate gang graffiti has not been complied with within seven (7) days after its issuance, the City Manager may cause the gang graffiti to be removed or eradicated by the City employees or a private contractor and all costs associated with such removal or eradication shall be charged to the owner of the property. Persons designated by the City to remove or eradicate the gang graffiti are expressly authorized to enter upon the property for that purpose, proceeding with due care and without unnecessary destruction of property.

(d) Any property owner who fails to comply with such an order may be charged with the costs and expenses incurred in the removal or eradication of the graffiti. Costs and expenses shall include costs of removal, inspection fees, postal charges, attorney fees to enforce or collect such costs, legal expenses and other costs or expenses incurred by the City as a result of the enforcement of this Chapter.

(e) The order of the City Manager shall be subject to review by court action, in accordance with Rule 106 of the Colorado Rules of Civil Procedure.

(f) A record of hearings before the City Manager shall be kept, whether by electronic transcription, secretarial minutes or otherwise and such records shall be kept in the custody of the City Clerk for a period of one (1) year following the date of the hearing and shall be made available for transcription as may be required. The costs of any transcription shall be paid by the person or entity requesting the transcription. (Ord. 1384 §§1—4, 2004; Ord. 1060 §8, 1992)

9.28.090 Costs and charges.

(a) The property owner shall be liable for and pay and bear all costs and expenses of the graffiti removal or eradication, including reasonable attorney's fees for costs of collection, which costs and expenses may be collected by the City in any action at law, referred for collection by the City Attorney on a contingency basis, in his or her discretion, collected in connection with an action to abate a nuisance, or assessed against the property as hereinafter provided.

(b) The notice required in Section 9.28.060 shall, in addition to the requirements of that Section, state that if the graffiti is not removed or eradicated within the time stated in the notice, the costs of such removal or eradication, together with an additional fee of seventy-five dollars (\$75.00) for inspection and incidental costs, may be assessed as a lien against the property pursuant to the terms of this Chapter, and collected in the same manner as real estate taxes against the property. The notice shall further state that if the cost of graffiti removal or eradication plus the seventy-five dollar (\$75.00) fee for inspection and incidental costs is not paid to the City within thirty (30) days, the amount owed will be certified to the County Treasurer as set forth in Subsections (d) and (e), and an additional seventy-five dollars (\$75.00) will be assessed for administrative and other incidental costs incurred in certifying said amount to the County Treasurer. If the owner of the property is not personally served with a copy of such notice, then a copy of such notice shall be mailed by registered or certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of Otero County, Colorado, at the address of such owner as therein shown.

(c) If after the expiration of the period of time provided for in the notice or as extended by the Director of Public Safety for good cause, costs or expenses are incurred by or on behalf of the City in the removal or eradication of graffiti, or in connection with such removal or eradication, and the costs are not otherwise collected, then the City Manager may thereafter certify to the City Clerk the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of Otero County, Colorado, together with a statement of the work performed, the date of performance and the costs thereof.

(d) Upon receipt of such a statement from the City Manager, the City Clerk shall mail a notice to the owner of the premises as shown by the tax rolls, at the address shown upon the tax rolls, by registered or certified mail notifying such owner that work has been performed pursuant to this Chapter, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof, as certified by the City Manager, together with a fee of seventy-five dollars (\$75.00) for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days of mailing the notice, it shall become an assessment on and a lien against the property of the owner, describing the same, and will be certified as an assessment against such property in the amount set forth in Subsection (b) of this Section, together

with an additional fee of seventy-five dollars (\$75.00) for administrative and other incidental costs incurred in certifying said amount to the County Treasurer, and the above mentioned assessments will be collected in the same manner as a real estate tax upon the property.

(e) If the City Clerk does not receive payment within the period of thirty (30) days following the mailing of such notice, the City Clerk shall certify to the County Treasurer the whole cost of such work, including a charge of seventy-five dollars (\$75.00), which is the total amount owing for inspection costs, administrative costs and other incidental costs in connection therewith as set forth in Subsections (b) and (d) upon the lots and tracts of land upon which the graffiti was removed or eradicated. The County Treasurer shall collect the assessment in the same manner as other taxes are collected.

(f) Each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments. (Ord. 1384 §§1—4, 2004; Ord. 1060 §9, 1992)