TITLE 9

PUBLIC PEACE AND SAFETY*

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I. Offenses by or Against Officers and Government

Chapter 9.02

CUSTODY OF LOST, STOLEN, CONFISCATED OR ABANDONED PROPERTY

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9.02.010 Custodian of property.

The Chief of Police or his designee is designated the official custodian of all tangible lost, stolen, confiscated, or abandoned property coming into possession of the police or the city. Nothing in this chapter shall be held to require the Chief to take possession of or make a disposition of any property, the disposition or possession of which is otherwise provided for in this code. (Ord. O-92-38 § 1 (part), 1992).

9.02.020 Property held as evidence.

The Chief of Police or his designee shall keep in his custody all articles of tangible or intangible property seized or held as evidence, which property has been delivered to the custodian or one of his subordinates for care, custody, and control for use in any pending or prospective court proceeding, unless otherwise ordered by a court having jurisdiction, or upon proper authorization of a prosecuting attorney, until final disposition of any pending charges, including appeals or the lapse of time for filing an appeal. Thereafter, unless ordered to the contrary by the court having jurisdiction, the custodian or a designee thereof shall dispose of such property in accordance with the provisions of this chapter hereinafter set forth. (Ord. O-94-33 § 1, 1994; Ord. O-92-38 § 1 (part), 1992).

9.02.030 Records.

The custodian or his designee shall keep a record of all tangible or intangible property which may be seized or otherwise taken possession of by the Police Department. Such records shall show the date any such property is seized or otherwise comes into the possession of the Police Department, the means by which the property came into possession of the Police Department, any claims made by any persons for such property, and the final disposition of any such property. (Ord. O-92-38 § 1 (part), 1992).
9.02.040 Disposition generally.
All lost, stolen, confiscated, or abandoned property that has been delivered to the Chief of Police or his designee for care, custody, and control, not being held pending disposition of charges pursuant to Section 9.02.020 of this chapter, shall be subject to disposition according to the provisions of this chapter and Chapter 3.10 of this code, unless otherwise ordered by any court or otherwise provided for in this code. (Ord. O-92-38 § 1 (part), 1992).

9.02.050 Notification of owner.
The Chief of Police or his designee shall examine any such property, and if the identity of the owner appears from such examination, or if the identity of the owner is readily available to the custodian from public records available to him, or otherwise known to him, the custodian shall notify the apparent owner by letter, mailed by first class United States mail, postage prepaid to the last known address of such apparent owner, mailed within a reasonable time after identification of the apparent owner, describing the property and stating that the same is held by the custodian and may be sold or otherwise disposed of unless claimed within thirty days of mailing of such notice. (Ord. O-94-33 § 2, 1994; Ord. O-92-38 § 1 (part), 1992).

9.02.060 Disposal of unclaimed property.
If any such property remains unclaimed sixty days after the same is no longer required to be held as evidence pursuant to Section 9.02.020 of this chapter, or sixty days after the same has come into the possession of the Chief of Police or his designee, or thirty days after the mailing of any letter of notice provided for in Section 9.02.050, such property shall be delivered to the City Manager or a designee thereof for disposal pursuant to the provisions of Chapter 3.10 of this code, except as otherwise provided in this chapter. (Ord. O-92-38 § 1 (part), 1992).

9.02.070 Failure to claim property.
Failure to make claim of ownership within the time limits prescribed in this chapter, and before sale or donation of any article, shall forever bar the owner or any person claiming ownership by, through, or under the owner from making any subsequent claim of ownership. (Ord. O-94-33 § 3, 1994; Ord. O-92-38 § 1 (part), 1992).

9.02.080 Exceptions generally.
Notwithstanding the foregoing provisions of this chapter, objects and articles of property as described in Section 9.02.090 may be kept, held, or disposed of as in this chapter provided. The provisions of this chapter shall not apply to the sale of abandoned automobiles as provided for in Chapter 3.11; the disposition of lost or stray animals; or to the disposition of any property which is governed by the terms of any specific ordinance or applicable state statute. (Ord. O-92-38 § 1 (part), 1992).

9.02.090 Disposition of weapons and contraband.
A. Unless ordered to the contrary by a court of competent jurisdiction, or otherwise required by state or national law, firearms and other weapons which may not lawfully be kept, possessed, or retained by the owner or person otherwise entitled to possession thereof, or which may not otherwise lawfully be returned to the owner thereof, or which are unclaimed after notice to the owner pursuant to Section 9.02.050, or the owner of which is not known, may be kept and retained by the Police Department for use in its training programs or otherwise disposed of pursuant to the provisions of this section, except that antique or unique firearms, as determined by the Chief, may be disposed of pursuant to the provisions of
Section 3.10.020(D) of this code. Whenever such firearms or weapons are retained by the Police Department for use in its training programs or otherwise, such items shall be accounted for in accordance with the provisions of Section 3.10.020(E) of this code.

B. The Chief of Police or his designee may destroy each and every article of the following described property: burglary tools; firearms; cartridges; explosives; armor or bulletproof clothing; dangerous weapons; gambling apparatus; medicines; beer, wine, spirituous liquors or fermented malt beverages; soiled, bloody, or unsanitary clothing; solids or liquids of unknown or uncertain composition; drugs or hallucinogenic substances, hypodermic syringes and needles; obscene pictures, prints, effigies, or statues; any poisonous or noxious solids or liquids; or any other property which reasonably might result in injury to the health or safety of the public or be the subject of unlawful use. (Ord. O-94-33 § 4, 1994; Ord. O-92-38 § 1 (part), 1992).

9.02.100 Exceptions-Rights of finder.

Notwithstanding any other provision of this chapter, whenever any item of tangible or intangible property has been found and delivered to the Chief of Police or his designee for care, custody, and control, such property shall be returned to the original finder whenever claim has been made by the finder and the following conditions have been met:

A. The claimant is a person who originally found the lost or abandoned property;

B. The claimant, after surrendering the property to the custodian, has served written notice to the custodian of his intention to make a claim on that item within sixty days of surrender of the item;

C. Lost or abandoned property has remained unclaimed by the owner or person having a right to the property for sixty days after surrender of the same to the custodian;

D. The lost or abandoned property is not stolen or confiscated property, nor property held under the exceptions outlined in Sections 9.02.080 through 9.02.090, nor property held as evidence pursuant to Section 9.02.020;

E. Any tangible or intangible property found within the city by a city employee during his working hours shall be delivered to the Chief of Police or his designee and shall be processed in accordance with the provisions of this chapter. Any such employee shall have no rights of a finder under this section. (Ord. O-92-38 § 1 (part), 1992).

9.02.110 Intangible property.

A. For purposes of this chapter, “intangible property” shall be deemed to include such items of value, which are in the possession, custody or control of the Chief or the city, such as:

1. Checks, drafts, deposits, interest, dividends, income, stocks and bonds;

2. Deposits for any city service or program;

3. Overpayment or refunds on any city charge;

4. Street cut permit guarantees;

5. Refundable developer deposit accounts in the capital improvement fund;

6. Moneys unclaimed by beneficiaries of a pension or other custodial fund;

7. Intangible property left in safekeeping at any municipally owned or leased facility;

8. Uncashed payroll checks;

9. Municipal court cash bonds;

10. Lost and found money or other intangible property which is not claimed by the finder pursuant to the provisions of Section 9.02.100 hereof;

11. Uncashed court-ordered restitution payments; and

12. Any other intangible property in the custody and control of the city.
B. The City Manager or his designee is the custodian of all articles of intangible property except for intangible property which is being held pursuant to the provisions of Section 9.02.020 or Section 9.02.100 and shall keep a record of such articles of intangible property of which he is the custodian.

C. All intangible property in the custody and control of the City Manager or his designee shall be deemed abandoned one year after the date upon which it became payable or distributable. The City Manager or his designee shall examine any such intangible property which has been deemed to be abandoned and, if the owner is readily ascertainable to the custodian from public records available to him, or otherwise known to him, the custodian shall notify the apparent owner by letter, mailed by first class United States mail, postage prepaid to the last known address of such apparent owner, mailed within a reasonable time after identification of the apparent owner, describing the intangible property and stating that the same is being held by the custodian and may be disposed of unless claimed within thirty days of mailing of such notice.

D. All intangible property presumed abandoned in the custody of the City Manager or his designee shall be disposed of or shall escheat to the city in the same manner and under the same procedures as tangible property under the provisions of this chapter. (Ord. O-94-33 § 5, 1994; Ord. O-92-38 § 1 (part), 1992).
Chapter 9.06

FALSE REPORTING TO AUTHORITIES

Sections:

9.06.010 False reporting to authorities.
9.06.020 False information during investigation.

9.06.010 False reporting to authorities.
A. It is unlawful for any person to knowingly cause by any means, including but not limited to activation, a false alarm of fire or other emergency or a false emergency exit alarm to sound or to be transmitted to or within a fire department, ambulance service, law enforcement agency, or any other agency which deals with emergencies involving danger to life or property; or
B. It is unlawful for any person to prevent by any means, including but not limited to deactivation, a legitimate fire alarm, emergency exit alarm, or other emergency alarm from sounding or from being transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or other government agency that deals with emergencies involving danger to life or property;
C. It is unlawful for any person to knowingly report or knowingly cause the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur.
D. It is unlawful for any person to knowingly make a report or knowingly cause the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false.
E. It is unlawful to knowingly provide false identifying information to law enforcement authorities.
F. 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.
G. Any person convicted of a violation of this section or any person who enters a plea of guilty or nolo contendere to a violation of this section or is placed on a deferred judgment and sentenced for a violation of this section shall be responsible for the payment of any extraordinary expenses incurred by a law enforcement agency or a fire department as a result of such violation up to a maximum of two thousand dollars. "Extraordinary expenses" means any cost relating to a violation of the provisions of this section, including, but not limited to overtime wages for officers, firefighters, and rescue specialists, operating expenses of any equipment utilized as a result of such violation and costs relating to any laboratory testing or medical examinations conducted.
H. For purposes of this section, fire department means any fire protection district or firefighting agency of the state, county or municipalities whether the employees or officers of such agency are volunteers or receive compensation for their services as firemen, or both.

9.06.020 False information during investigation.
It is unlawful for any person to knowingly make a false statement or otherwise provide false information or to give a false name and/or address or to display any false identification to a police officer or fireman, when said police officer or fireman, while acting in his official capacity, is conducting an investigation into the commission or alleged commission of a crime or traffic
violation or if there is reasonable cause to believe that a crime or traffic violation is being or has been committed. (Ord. O-84-64 § 1, 1984).
Chapter 9.08

IMPERSONATING OFFICERS AND EMPLOYEES

Sections:

9.08.010 Unlawful to impersonate police officer.
9.08.020 Counterfeit insignias.
9.08.030 Impersonating city officers and employees unlawful.

9.08.010 Unlawful to impersonate police officer.
A. It is unlawful for any person other than a police officer of the city to wear the insignia of office of a police officer of the city or an other insignia of office like or similar to or a colorable imitation of that adopted and worn by the police officers of the city.
B. It is unlawful for any person to falsely claim, pretend, or hold himself out to be a sheriff, deputy sheriff, marshal police agent, or other peace officer or law enforcement officer of any kind in the state, county, or any town or city. (Ord. O-2004-35 § 2, 2004; Ord. O-97-13 § 1, 1997; Ord. O-74-1 § 1 (part), 1974).

9.08.020 Counterfeit insignias.
It is unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated or colorably imitated, the badge or insignia of office used by the Police Department of the city. (Ord. O-94-33 § 7, 1994; Ord. O-74-1 § 1 (part), 1974).

9.08.030 Impersonating city officers and employees unlawful.
A. It is unlawful for any person other than a city officer or city employee to willfully or fraudulently represent himself to be a city officer or an employee of the city. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.10

INTERFERING WITH PUBLIC OFFICERS

Sections:

9.10.010 Impeding police, firemen, or other officials by vehicle at scene of disaster.

9.10.020 Interference with police officers, firefighters, emergency medical services providers, rescue specialists, city employees, public officials, or volunteers in the performance of their duties.


9.10.040 Disobeying an order of a police officer or fireman-Refusing to aid a police officer.

9.10.010 Impeding police, firemen, or other officials by vehicle at scene of disaster.

It is unlawful for any person to drive a vehicle to or close by the scene of a fire, explosion, traffic accident, riot or impending riot, other disaster or investigation in such a manner as to obstruct or impede the arrival, departure or operation of any fire truck, police vehicle, ambulance or any 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 such fire, explosion, traffic accident, riot or impending riot, other disaster or investigation. (Ord. O-74-1 § 1 (part), 1974).

9.10.020 Interference with police officers, firefighters, emergency medical services providers, rescue specialists, city employees, public officials, or volunteers in the performance of their duties.

A. A person commits interference with a police officer, city employee, or public official when, by using or threatening to use violence, force, physical interference, or an obstacle, such person knowingly obstructs, impairs, hinders, or interferes with the discharge or attempted discharge of an official duty by a police officer, city employee, or public official while such person is acting under color of his or her official authority.

B. A person commits interference with a firefighter, emergency medical service provider, or rescue specialist when by using or threatening to use violence, force, or physical interference, or an obstacle, knowingly obstructs, impairs, hinders, or interferes with the prevention, control, or abatement of fire by a firefighter, while such person is acting under color of his or her official authority; or knowingly obstructs, impairs, hinders, or interferes with the administration of medical treatment or emergency assistance by an emergency medical service provider or rescue specialist, while such person is acting under color of his or her official authority.

C. It is unlawful for any person to threaten violence, reprisal, or any other injurious act to any police officer, firefighter, emergency medical services provider, rescue specialist, city employee, other public official, or volunteer who is engaged in the performance or attempted performance of his or her official duties or to make such a threat by reason or on account of the performance or attempted performance of his or her official duties.

D. Definitions. The following definitions shall apply in the interpretation of this section:

1. “Emergency medical service provider” means a member of a public or private emergency medical service agency, whether that person is a volunteer or receives compensation for services rendered as such emergency medical service provider.

2. “Rescue specialist” means a member of a public or private rescue agency, whether that person is a volunteer or receives compensation for service rendered as such rescue specialist.
E. It is not a defense to a prosecution under this section that the police officer was acting in an illegal manner, if he or she was acting under color of his or her official authority. A police officer acts “under color of his or her official authority” if, in the regular course of assigned duties, he or she makes a judgment in good faith based on surrounding facts and circumstances that he or she must act to enforce the law or preserve the peace. (Ord. O-2013-16 § 2, 2013; Ord. O-97-13 § 2, 1997; Ord. O-94-33 § 8, 1994; Ord. O-74-1 § 1 (part), 1974).

9.10.030 Resisting arrest – Escaping -- Rescuing a prisoner.
  A. It is unlawful for any person to prevent or attempt to prevent a peace officer, acting under color of his official authority, from effecting an arrest of any person by:
     1. Using or threatening to use physical force or violence against the peace officer or another; or
     2. Using any other means which creates substantial risk of causing physical injury to the peace officer or another.
  B. “Peace officer” as used in this section, means any person defined as a peace officer by Section 16-2.5-101, Colorado Revised Statutes, who is in uniform or, if out of uniform, one who has identified himself by displaying his credentials as a peace officer to the person whose arrest is being attempted.
  C. A peace officer is “acting under color of sufficient authority” when, in the course of his duties, he 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 the arrest was unlawful if the peace officer was acting under color of his official 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 the custody of a police officer, or in any manner aid another to escape who is in the custody of a peace officer, or to rescue or attempt to rescue a person from the custody of a peace officer or from the custody of any person aiding such peace officer; provided, however, the provisions of this section shall not apply whenever the escapee is being held on account of a felony or charged with or held for any felony. (Ord. O-2004-35 § 3, 2004; Ord. O-2002-46 § 1, 2002; Ord. O-94-33 § 9, 1994; Ord. O-77-16 § 1, 1977; Ord. O-74-1 § 1 (part), 1974).

9.10.040 Disobeying an order of a police officer or fireman -- Refusing to aid a police officer.
  A. It is unlawful for any person to knowingly disobey the lawful or reasonable order of any police officer, fireman, emergency personnel or military personnel given incident to the discharge of the official duties of such police officer or fireman, or incident to the duties of emergency personnel or military personnel when coping with an emergency, explosion or other disaster.
  B. A person commits an unlawful act when, upon command by a person known to him as a police officer, he unreasonably refuses to aid such police in coping with any emergency situation. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.12
LIMITATIONS ON USE OF
CERTAIN VEHICLES AND EQUIPMENT

Sections:
9.12.010  Blue or red lights – Illegal use or possession.

9.12.010  Blue or red lights – Illegal use or possession.
A. A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in Section 42-1-102(6), C.R.S. that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.
B. It shall be an affirmative defense that the defendant was:
1. A peace officer as described in Section 16-2.5-101, C.R.S.; or
2. In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or
3. A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to Section 42-4-222 (1)(b) C.R.S.; or
4. A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light.
5. A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle’s historical interest or as a collector’s item. (Ord. O-2006-21 § 2, 2006; Ord. O-2004-35 § 4, 2004; Ord. O-74-1 § 1 (part), 1974).

A. It is unlawful for any person or persons to drive or cause any tow truck or vehicle equipped to provide towing service to be driven to, or to stop or park any such vehicle, or cause the same to be stopped or parked, at or near the scene of any fire, explosion, traffic accident or other disaster, when such tow truck or vehicle has not been called to the scene by the owner or operator of a damaged vehicle, or the owner of property required to be towed from the scene, or by his duly authorized agent or insurance carrier, or by an agent or representative of the Police Department of the city, or by a fireman or other peace officer attending the scene.
B. It is unlawful for any person or persons to solicit any other person or persons at or near the scene of any fire, explosion, traffic accident or other disaster, for the purpose of procuring towing business, that is, for the purpose of securing authorization or agreement from any person or persons at or near such scene to tow or haul away any vehicle or other personal property from any such scene, for hire. (Ord. O-94-33 § 10, 1994; Ord. O-74-1 § 1 (part), 1974).
Chapter 9.14

REPORTS TO PUBLIC OFFICIALS

Sections:

   It shall be the duty of every physician or surgeon practicing within the city, who attends or has under his charge or care any patient or other person suffering from any gunshot, puncture or cutting wounds which appear to be a result of violence inflicted by another, to report to the Chief of Police the name of such patient or other person and all facts pertaining to such case within the knowledge of such physician or surgeon. (Ord. O-94-33 § 11, 1994; Ord. O-74-1 § 1 (part), 1974).
Chapter 9.16
MISTREATING, INJURING, DISABLING, KILLING, OR INTERFERING WITH POLICE DOGS

Sections:
  9.16.010 Cruelty to police dogs -- Unlawful.

9.16.010 Cruelty to police dogs -- Unlawful.
It is unlawful for any person to knowingly torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the Police Department of the City when such dog is being used in the performance of the functions or duties of such department. (Ord. O-94-33 § 12, 1994; Ord. O-80-10 § 1, 1980).
II. Offenses Against the Person

Chapter 9.20

ASSAULT

Sections:

9.20.010 Assault.

9.20.020 Menacing -- Without deadly weapon.

9.20.040 Reckless endangerment.

9.20.050 Violation of protection order.

9.20.060 Violation of bail bond conditions

9.20.010 Assault.

A person commits the crime of assault if he knowingly or recklessly causes bodily injury to another person or with criminal negligence he causes bodily injury to another person by means of a deadly weapon; provided, however, that this provision does not apply in the event of serious bodily injury. (Ord. O-83-87 § 1, 1983; Ord. O-74-1 § 1 (part), 1974).

9.20.020 Menacing -- Without deadly weapon.

A person commits the crime of menacing if, by any threat or physical action, he knowingly places or attempts to place another person in fear of imminent serious bodily injury; provided, however, that if committed by the use of a deadly weapon, then this section shall not apply. (Ord. O-87-27 § 1, 1987; Ord. O-74-1 § 1 (part), 1974).

9.20.040 Reckless endangerment.

It is unlawful for any person to recklessly engage in conduct which creates substantial risk of serious bodily injury to another person. (Ord. O-74-1 § 1 (part), 1974).

9.20.050 Violation of protection order.

A. It is unlawful for any restrained person to commit an act, which is prohibited by a court order issued by a Lakewood Municipal Judge pursuant to Section 1.16.080 of the Lakewood Municipal Code or for such restrained person to fail to perform any act mandated by such an order, after such restrained person has been properly served with a copy of any such order or has received actual notice of the existence and substance of such protection order.

B. Any jail sentence imposed for violation of subsection (A) of this section shall run consecutively and not concurrently with any jail sentence imposed for any offense or offenses, which gave rise to the issuance of the order.

C. No person charged with the violation of a protection order issued pursuant to Section 1.16.080 of the Lakewood Municipal Code shall be permitted, in the criminal action resulting from a violation of said order, to collaterally attack the validity of the order, which such person is accused of violating.

D. As used in this section, “restrained person” means the person identified in the protection order as the person prohibited from doing the specified act or acts or the person ordered to the specified act or acts. (Ord. O-2004-35 § 5, 2004; Ord. O-98-35 § 2, 1998).
9.20.060 Violation of bail bond conditions

It is unlawful for any person who is released on bail bond of whatever kind for a violation of the Lakewood Municipal Code, and either before, during, or after release is accused by complaint, information, indictment, or the filing of a delinquency petition of any misdemeanor or municipal offense arising from the conduct for which he or she was arrested, commits a violation of this section if he or she knowingly fails to appear for trial or other proceedings in the case in which the bail bond was filed or if he or she knowingly violates the conditions of the bail bond. (Ord. O-2009-15 § 1, 2009).
III. Offenses Against Public Health and Safety

Chapter 9.26

ABANDONED CONTAINERS

Sections:


A. It is unlawful for any person to discard, abandon or leave in any place accessible to children any refrigerator, icebox, deep-freeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half cubic feet or more, which is no longer in use, and which has not had the door removed or the hinges and such portion of the latch mechanism removed to prevent latching or locking of the door, or for any owner, lessee or manager to knowingly permit such a refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container to remain on premises under his control without having the door removed or the hinges and such portion of the latch mechanism removed to prevent latching or locking of the door.

B. The provisions of this section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, trunks or self-latching containers, who keeps or stores them for sale purposes in a showroom or salesroom ordinarily watched or attended by sales personnel during business hours, and locked to prevent entry when not open for business, or if such vendor or seller takes reasonable precaution to effectively secure the door of any such refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container so as to prevent entrance by children small enough to fit therein. (Ord. O-94-33 § 13, 1994; Ord. O-74-1 § 1 (part), 1974).
Chapter 9.28

FLAMMABLE LIQUIDS

Sections:
9.28.010 Storage or parking of tank vehicles.

9.28.010 Storage or parking of tank vehicles.
   It is unlawful to store or cause to be stored or parked, except for loading and unloading, any vehicle used for the purpose of transporting flammable liquids, gases, explosives or toxicants upon any streets or ways or avenues of the city, or any other part of the city, except those areas zoned for such uses. (Ord. O-94-33 § 14, 1994; Ord. O-74-1 § 1 (part), 1974).
Chapter 9.30

LITTERING AND DUMPING

Sections:
9.30.010 Dumping on private or public property.
9.30.030 Storage of trash or garbage.
9.30.040 Unlawful storage on public property.
9.30.050 Construction materials covered or secured.

9.30.010 Dumping on private or public property.
A. It is unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any offal composed of animal or vegetable substance, any dead animal, excrement, garbage, sewage, trash, debris, rocks or dirt, scrap construction materials, nails, mud, snow or ice, waste fuel, oil or other petroleum-based products, paint, chemicals or other waste, whether liquid or solid, or dangerous materials that may cause a traffic hazard in or upon any public or private highway or road, including the right-of-way thereof, or to place, deposit or dump such materials in or upon any private property without consent of the owner or in or upon any public grounds, save and except public property designated or set aside for such purposes. Such dumping upon any private property not zoned or designated by a visible sign or signs for dumping purposes shall be prima facie evidence of the lack of consent to such dumping by the owner of such property.
B. It is an affirmative defense to any charges brought under this chapter that the owner of the property upon which the waste material is placed has given his consent to the placement, depositing or dumping, provided that the placement, depositing or dumping is not in violation of any other ordinance of this city.
C. The Environmental Manager shall have the nonexclusive power and authority to enforce the provisions of this section. The Environmental Manager shall be considered a peace officer within the meaning of Section 1.04.010 of this code for purposes of enforcing this section. (Ord. O-2002-10 § 2, 2002; Ord. O-93-52 § 3, 1993; Ord. O-87-27 § 3, 1987; Ord. O-74-1 § 1 (part), 1974).

A. It is unlawful for any person to drive or move any truck or other vehicle within this city, unless such vehicle is loaded or covered so as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.
B. Garbage Transport Vehicles. It is unlawful for any person to operate or cause to be operated on any highway or public way in the city any truck or vehicle transporting manure, garbage, trash, swill or offal unless such truck or vehicle is fitted with a container thereon so that no portion of such matter will be thrown or fall upon the highway or public way. (Ord. O-94-33 § 15, 1994; Ord. O-74-1 § 1 (part), 1974).
9.30.030 Storage of trash or garbage.

Persons storing or placing trash, garbage, scrap construction materials, refuse, debris or waste of any nature whatsoever in any receptacle shall do so in such a manner as to prevent the trash, garbage, scrap construction materials, refuse, debris or waste from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. O-74-1 § 1 (part), 1974).

9.30.040 Unlawful storage on public property.

A. It is unlawful for any person to place, maintain, or store any materials, structure, shelter, enclosure, or other personal property on public property for a period of twenty-four (24) hours or more that is owned or used by the City including undeveloped land. This section shall not apply to any City property that is regulated pursuant to Chapter 9.32 of the Lakewood Municipal Code.

B. For the purposes of this section, the term “shelter” includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. (Ord. O-2013-16 § 3, 2013).

9.30.050 Construction materials covered or secured.

No person shall keep or store any construction materials unless such materials are covered or secured or in some manner protected so as to prevent such materials from being blown, scattered about or otherwise moved by wind, water or other natural causes. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.31

SNOW REMOVAL

Sections:

9.31.010 Snow removal.
9.31.020 Snow or ice deposited.
9.31.030 Notification.
9.31.040 Enforcement.
9.31.050 Penalty.

9.31.010 Snow removal.
The owner, agent, lessee, tenant, or occupant of any property within the city shall remove all snow and ice as is reasonably possible from all public sidewalks and bikeways adjacent to their property no later than twenty-four hours following the last accretion of such snow or ice. (Ord. O-87-1 § 1 (part), 1987).

9.31.020 Snow or ice deposited.
It is unlawful for any person to deposit or cause to be deposited any snow or ice onto a public street, roadway, sidewalk, walkway, bikeway, or any designated emergency access lane, or against any fire hydrant, official traffic control device or appurtenance. (Ord. O-94-33 § 17, 1994; Ord. O-87-1 § 1 (part), 1987).

9.31.030 Notification.
The person or entity listed as the owner of the property with the Clerk and Recorder of Jefferson County is the owner for purposes of service of a summons by certified mail. In lieu of service on the owner by certified mail, the city may personally serve the owner, agent, lessee, tenant, or occupant of the property. (Ord. O-87-1 § 1 (part), 1987).

9.31.040 Enforcement.
The police agents of the Police Department and the personnel of the Department of Public Works shall have all necessary power and authority to enforce this chapter pertaining to snow removal. (Ord. O-94-33 § 18, 1994; Ord. O-91-59 § 17, 1991; Ord. O-87-1 § 1 (part), 1987).

9.31.050 Penalty.
It is unlawful for any person to violate any of the provisions of this chapter. The penalty for violation of any provision of this chapter is a fine not less than twenty-five dollars and no more than three hundred dollars. Each day of a continuing violation shall be deemed to be a separate violation. (Ord. O-87-1 § 1 (part), 1987).
Chapter 9.32

PARKS AND RECREATION

Sections:

9.32.010 Definitions.
9.32.020 Authority.
9.32.030 Permits and use agreements.
9.32.040 Applicability.
9.32.050 Open carrying of a firearm prohibited parks, community centers, and recreational facilities.
9.32.070 Hours of use.
9.32.075 Interference with the Director or a Park Ranger unlawful.
9.32.080 Disobeying the lawful and reasonable order of the Director or a Park Ranger.
9.32.085 False information during investigation
9.32.090 Alcoholic beverages prohibited.
9.32.100 Fermented malt beverage and malt liquors regulations.
9.32.110 Open fires prohibited.
9.32.120 Commercial activity prohibited.
9.32.130 Defecation by dogs.
9.32.170 Fishing regulations.
9.32.180 Wildlife protected.
9.32.210 Nudity prohibited.
9.32.220 Horse riding prohibited.
9.32.230 Group and nonrecreational activities.
9.32.240 Hang gliding, paragliding, ultralight aircraft and hot air balloons prohibited.
9.32.250 Camping prohibited.
9.32.260 Destruction of public property.
9.32.265 Collection of natural resources.
9.32.266 Unlawful improvements on parks.
9.32.270 Littering prohibited.
9.32.280 Dangerous missiles.
9.32.085 False information during investigation
9.32.290 Unlawful to sell or use fireworks.
9.32.300 Animals running at large unlawful.
9.32.310 Motor vehicles.
9.32.320 Boating.
9.32.325 Prohibition of aquatic nuisance species.
9.32.330 Horse drawn carriages prohibited.
9.32.340 Commercial operation of horse drawn carriages.
9.32.360 Disobeying the order of a posted sign.
9.32.370 Glass containers prohibited.
9.32.380 Lakewood Civic Center enforcement.
9.32.390 Swimming, wading
9.32.400 Use of trails.
9.32.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the text clearly indicates to the contrary:

“City Manager” means the City Manager of the City of Lakewood or his designee.

“Community center” means a building or other structure, plus associated site improvements such as parking lots and drive aisles, open to the general public that provides services to the community, including but not limited to child care centers, which is City-owned or used by the City, including the Lakewood Civic Center as defined herein.

“Department” means the “Department of Community Resources” of the city.

“Director” means the “Director of the Department of Community Resources” of the city, or his designee.

“Group activities” means organized group use or activity, including, but not limited to, company picnics, athletic events, theatrical events, group meetings, and similar events, in which such group uses park areas, pavilions, athletic fields and buildings pursuant to reservations scheduled with the Director or his designee.

“Lakewood Civic Center” means that area generally described as the Lakewood Municipal Buildings and open public areas located at the Lakewood City Commons, including the buildings known as the Lakewood Cultural Center and Civic Center North located at 470 South Allison Parkway, Civic Center South located at 480 South Allison Parkway, the Regional Transportation District Transfer Station located at 490 South Allison Parkway, the Lakewood Public Safety Center located at 445 and 447 South Allison Parkway, the two parking structures, the plaza, the Firefighters Memorial, the Civic Center's sidewalks, streets, parking areas and open public areas, and the Jefferson County Library's sidewalks, open public areas and external walls, as all are shown on exhibit A which is on file in the City Clerk's office.

“Motorboat” means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

“Nonrecreational activities” means any use or activity not normally associated with the use of park or recreation facilities for amusement or educational purposes. Nonrecreational activities include, but are not limited to, trapping, commercial activities, surveying, construction, excavation, installation of utilities, and any activity associated with a disturbance, whether temporary or permanent, of the surface of the land in any park, or any activity with an adverse effect which could endanger or impact the environment and wildlife in any park or recreation facility.

“Operate” means to navigate or otherwise use a vessel.

“Owner” means a person who claims lawful possession of a vessel by virtue of legal title or an equitable interest which entitles him to such possession.

“Park” means a park, reservation, playground, beach, recreation area, bikeway, trail, greenbelt, or other area in the City, owned or used by the City and devoted to active or passive recreation, including developed and undeveloped land and, for purposes of this Chapter 9.32 only and the regulations contained therein, the plaza and open public areas of Lakewood Civic Center.

“Park ranger” means any employee of the Department of Community Resources empowered by the City to enforce the provisions of this chapter, any provisions of Title 6 and Title 9 which pertain to wildlife, and any provisions of Title 10 which pertain to the operation of bicycles or the parking of vehicles.
“Person” means any individual or group of individuals, partnership, association, corporation, governmental entity or quasi-governmental entity, or the agent, manager, lessee, servant, officer or employee of any of them, except employees of the City of Lakewood and those acting under contract with the City of Lakewood, acting in their official capacity.

“Recreation facility” means a building, swimming pool, or other structure, plus associated site improvements such as parking lots and drive aisles, devoted to recreation which is city owned or used by the city.

“Sailboat” means any vessel propelled by the effect of wind on a sail. For the purposes of this chapter, any vessel propelled by both sail and machinery of any sort shall be deemed a motorboat, when being propelled by said machinery.


9.32.020 Authority.

A. The Director shall have the authority to promulgate rules and regulations for the proper management, operation, and control of city parks, community centers, and recreation facilities within the city. The role of the Department of Community Resources is to provide programs, services, and facilities for the recreational enjoyment, social benefit, and cultural enrichment of the community. The purpose of the rules and regulations is to allow all patrons of city parks, community centers, and recreation facilities within the city to use the facilities in a safe and reasonable manner during the regularly scheduled hours. Copies of the rules and regulations shall be on file in the City Clerk's office and available for public inspection during regular business hours.

B. The Director shall have authority to enforce the rules and regulations promulgated by the Director for the proper management, operation and control of City parks, open public areas, community centers, and recreation facilities within the City and all ordinances which affect or are applicable within City parks, community centers, and recreation facilities. The Director shall have authority to institute proceedings in the municipal court for the City against any person who violates any provision of Chapters 9.32, 9.33, 9.34, or 9.36 of this Code.

C. The Director shall have authority to institute Exclusion Procedures against any person who violates any Community Resources' rule and regulation, any provision of the Lakewood Municipal Code, or any state statute, while within any City park, community center, or recreational facility. If the Director desires to exclude the person for more than the day of the violation, the subject of the exclusion order has the right to appeal the imposition of the exclusion order prior to the commencement of the period of exclusion. To do so, the subject must deliver to the Lakewood City Attorney's Prosecution Office, within five (5) business days after service of the Notice of Exclusion, a written demand for a hearing. The hearing shall be conducted by a Lakewood Municipal Judge within seventy-two (72) working hours of receipt of the demand by the Lakewood City Attorney's Prosecution Office. The sole issue before the Municipal Court Judge shall be whether probable cause exists to support the exclusion order. If the Municipal Court Judge finds probable cause for the exclusion order exists, the Municipal Court Judge shall order that the exclusion order go into effect immediately. Failure of the subject to attend a scheduled appeal hearing shall be deemed a waiver of the right to such a hearing and the Municipal Court Judge shall order that the exclusion order go into effect immediately.

D. The Director shall have authority to prohibit the possession and/or consumption of fermented malt beverages or malt liquors, in any park within the city in which community events
are scheduled to take place for the period of said events, except for any designated area in which fermented malt beverages or malt liquors may be sold due to the issuance of a special events permit or license by the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. In the event the Director prohibits the possession and/or consumption of fermented malt beverages or malt liquors in a park in which a community event is conducted, the park shall be posted with signs which give notice to the public of the fact that such possession and/or consumption is prohibited and the dates and times during which such restriction is in effect.

E. The Director shall have the authority to prohibit the possession and/or consumption of fermented malt beverages and/or malt liquors in any park within the City in which the Director deems it appropriate based upon the deleterious effect on the recreational enjoyment of the park caused by persons becoming publicly intoxicated in the park. In the event the Director prohibits the possession and/or consumption of fermented malt beverages and/or malt liquors in a park, the park shall be posted with signs which provide notice to the public of the fact that such possession and/or consumption is prohibited. The Director may allow any person who has obtained a permit for a group activity pursuant to Section 9.32.030 to possess and/or consume any fermented malt beverages and/or malt liquors in compliance with the terms of said permit.


9.32.030 Permits and use agreements.

I. It is the intent of this Section 9.32.030 to provide for a procedure for the public to utilize certain meeting rooms within City buildings by entering into a use agreement with the City, to reserve portions of City parks for recreational activities by applying for a permit from the City, and to engage in outdoor meetings and rallies by applying for a permit from the City. This Section shall not apply to official functions of the City of Lakewood.

A. Use agreements will be required from the City Manager for the exclusive use or rental or other occupation of any interior room or space or associated outside space of any park, community center or recreation facility of the City. The purpose of the use agreement is for the rental or use or other occupation of rooms or outside spaces associated therewith for meetings, receptions, classes, community events, large gatherings and similar activities.

B. Permits will be required from the City Manager for the following:

1. Except for the uses set forth in Paragraph A above, any person engaging in any group activity who requests a reservation for a specific area of any park or open public area of the City.

2. Except for the uses set forth in Paragraph A above, any person engaging in any nonrecreational or commercial activity in a park, except that permits for parades, rallies and outdoor meetings for purposes of expressive activity on park property shall be governed by Part II of this Section.

3. Any person engaging in organized community events in a park, open public area, community center, or recreation facility such as festivals, celebrations, or organized walking, or running events.

4. Any person operating a commercial horse-drawn carriage in any park or recreation area within the City, except on designated park roads in Bear Creek Lake Park.

C. Permit applications shall be filed on application forms provided by the City Manager. Permit applications must be complete in all respects to be accepted for filing. An application may be denied if the City Manager finds that there is insufficient time to make the findings described in subsection (F) of this section from the date of the filing of the application until the date of the activity which would be authorized pursuant to the permit. In the absence of extraordinary circumstances, as determined by the City Manager, fifteen (15) days will be sufficient to make such findings.

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D. The City Manager may promulgate and publish criteria for obtaining a permit to engage in group or nonrecreational activities. The primary purpose of parks is to provide areas for the residents of the City and the general public to engage in recreational activities and temporarily exchange the urban environment for a more natural one. Therefore, the City Manager's primary consideration in issuing or denying a permit to use a park or public open space shall be to consider the safety and rights of citizens who use such areas, and to protect and preserve such areas for recreational use by the citizens of the City and the general public.

E. The City Manager shall review written permit applications and determine whether to issue such permits relating to any group or nonrecreational use or accommodation of any park, community center, or recreation facility. The City Manager shall establish the conditions for the issuance of any permit, including such reasonable conditions as are necessary and proper to preserve the park, community center, or recreation facility including but not limited to requiring proper insurance coverage be obtained by an applicant. The Director may impose a reasonable fee to process the application and impose reasonable fees for group or nonrecreational use of the park, community center, or recreation facility.

F. The City Manager shall issue a permit when he finds:
   1. That the proposed activity or use of the park, open public area, community center, or recreation facility will not unreasonably interfere with or detract from the general public enjoyment of such areas and is not inconsistent with the primary purpose of those properties;
   2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of the public health, welfare, and safety;
   3. That the proposed activity or use is not reasonably anticipated to incite violence, crime, violation of municipal ordinances, or disorderly conduct;
   4. That the proposed activity will not entail unusual, extraordinary or burdensome expense to the City;
   5. That the proposed activity will not violate any conditions of the City's ownership, occupancy or lease of the site;
   6. That the proposed activity will not unreasonably endanger or impact the improvements, environment or wildlife on the site;
   7. That the desired property has not been previously reserved for use at the day and hour requested in the application.

G. The City Manager may establish such reasonable conditions as he deems necessary to ensure compliance with standards for issuance established in subsection F. of this section, including a requirement for the posting of a bond or guarantee in a form acceptable to the City Manager and in an amount sufficient to ensure restoration of the site to its existing condition or to remedy any other unacceptable impact upon the environment, wildlife, or structures.

H. Any permit issued shall describe both the location and the date(s) and time(s) when it is valid, the nature of the activity permitted, and any conditions imposed upon the issuance of the permit.

I. The City Manager shall have the power and authority to revoke any permit for any violation of the conditions of the permit as well as for any violation of the ordinances or rules and regulations governing use of the site. In the event a permit is revoked, no portion of the permit fees shall be refunded to the permit holder.

J. The City Manager shall respond, in writing, to a written permit application within fifteen (15) days after receipt of all information necessary to make a determination. The City manager shall notify the applicant whether the permit has been granted or denied, and if denied, the reasons for the denial.
K. The City Manager may grant the permit, with or without conditions, deny the permit, or uphold the revocation of the permit. If the permit is denied or the revocation of the permit is upheld, the City Manager shall notify the applicant of the specific grounds for the denial or revocation. If the permit is issued subject to certain conditions, the permit shall state the conditions imposed. The decision of the City Manager shall be final.

L. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury to any park property, community center, or recreation facility and for any personal injury or property damage sustained by any person as a result of the negligence of such person or persons or an agent or employee thereof, and shall indemnify the City for any liability it may incur as a result of such negligence.

II. Outdoor Meeting on Public Property.

A. Permit required. It shall be unlawful to hold any outdoor rally, meeting, demonstration, or gathering for the purpose of expressive activity in a City park or open public area, or conduct a processional parade, unless a permit for such event has been issued by the Director, as stated in this subsection. The permit shall be granted if it is found that the proposed use will not violate any laws, ordinances, rules, or regulations, and will not endanger public health.

1. Application for use of a City park or open public area for a rally, meeting, or other expressive activity shall be made to the Director at least seven days prior to the event, with a copy sent to the police department, and shall contain the following information:
   a. A description of the event;
   b. The day, hour, and length of the event;
   c. Location of the event;
   d. A reasonable and good-faith approximation of the number of persons expected to attend the event;
   e. The name, address, and telephone number of the person conducting the event;
   f. If the rally, meeting, or other expressive activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

B. Proposed alternatives. In lieu of denial of a permit, the Director may propose alternative locations, times, routes, or other conditions. The applicant can either accept the Director's changes or submit a new application that does comply with the issues raised by the Director.


9.32.040 Applicability.

This chapter shall apply throughout the parks, community centers, and recreational facilities of the municipality of Lakewood, Colorado. (Ord. O-97-31 § 4, 1997; Ord. O-92-25 § 9, 1992; Ord. O-83-2 § 1 (part), 1983).

9.32.050 Open carrying of a firearm prohibited parks, community centers, and recreational facilities.

A. The open carrying or wearing of a firearm within or upon the grounds of any community center, recreational facility, the Lakewood Civic Center, City park, City trail, or City open space including any City owned, operated, or leased building or property is unlawful when said City building or City property is posted with a sign at the entrance to any City building or City property informing persons that the open carrying of a firearm is prohibited in such building or area.
B. Nothing in this section shall be construed to prohibit the following:
1. A peace officer from openly carrying or wearing a firearm as shall be necessary in the proper discharge of his or her duties;
2. An employee of any armored car service agency providing money transport services pursuant to a contractual arrangement with the City from openly carrying or wearing a firearm as may be necessary in the proper discharge of his duties so long as the employee has been duly authorized by his employer to carry firearms and the employee is acting within the course and scope of his or her employment at the time the firearms are being carried or worn;
3. A person from openly carrying or wearing a firearm while upon the grounds of the Rooney Valley Law Enforcement Training Facility who is acting in compliance with the rules and regulations of the shooting range facility; or
4. A person from openly carrying or wearing a firearm when authorized by the Director to do so for the purpose of presenting a public demonstration or exhibition or for the purpose of participating in an athletic event.

C. Possession of a valid concealed handgun permit shall not constitute a defense to a charge of open carrying of a firearm in violation of this section.


9.32.070 Hours of use.
It is unlawful to enter or be in any park, community center, or recreational facility when it has been declared closed to the public by the Director. Parks shall normally be open daily during the hours posted on signs located at each entrance to the park area, except for activities and events sponsored by the Director or authorized by the Director. In the event the park is not posted with signs identifying specific open hours, the park shall be closed daily from ten p.m. to five a.m. The Director may declare any park closed at any time and for any interval of time as necessary to protect the public safety or to ensure proper management of the park, community center, or recreational facility. (Ord. O-2009-37 § 6, 2009; Ord. O-97-31 § 6, 1997; Ord. O-92-25 § 11, 1992; Ord. O-87-27 § 4, 1987; Ord. O-86-38 § 6, 1986; Ord. O-83-2 § 1 (part), 1983).

9.32.075 Interference with the Director or a Park Ranger unlawful.
A person commits interference with the Director, a park ranger, or any other city employee or official in the discharge of his official duties under this chapter when by using or threatening to use violence, force, physical inference, or obstacle, such person knowingly obstructs, impairs, hinder, or interferes with the discharge or attempted discharge by said city employee or official of an official duty while acting under color of his official authority. (Ord. O-2009-37 § 7, 2009).

9.32.080 Disobeying the lawful and reasonable order of the Director or a Park Ranger.
It is unlawful for any person to knowingly disobey the lawful or reasonable order of the Director or a park ranger given pursuant to the lawful discharge of the official duties of such person. (Ord. O-2009-37 § 8, 2009; Ord. O-92-25 § 2, 1992; Ord. O-83-2 § 1 (part), 1983).
9.32.085 False information during investigation

It is unlawful for any person to knowingly make a false statement or otherwise provide false information or to give a false name and/or address or to display any false identification to the Director or a park ranger when said city employee, while acting in his official capacity, is conducting an investigation into the commission or alleged commission of a crime or traffic violation or if there is reasonable suspicion to believe that a crime or traffic violation is being or has been committed. (Ord. O-2009-37 § 9, 2009).

9.32.090 Alcoholic beverages prohibited.

It is unlawful to possess and/or consume any alcoholic beverage or alcoholic liquor, as defined in the Colorado Liquor Code, Section 12-47-103, C.R.S., except as provided for in Section 9.32.100 of this Chapter, in any park, community center, or recreation facility within the City of Lakewood; except such possession and/or consumption shall be lawful:

A. At Fox Hollow at Lakewood Golf Course or Homestead Golf Course provided such premises are licensed for sale and consumption of alcoholic beverages or liquors pursuant to the Colorado Liquor Code, C.R.S. Section 12-47-101 et seq., or upon premises for which a special events permit has been issued pursuant to C.R.S. Section 12-48-101 et seq. provided the Director or his designee has approved use of the premises for such purpose.

B. It is unlawful to possess and/or consume any fermented malt beverages or malt liquors in any park within the city during scheduled community events if the Director has prohibited such possession and/or consumption in accordance with Section 9.32.020(C) of this chapter.


9.32.100 Fermented malt beverage and malt liquors regulations.

A. The possession and/or consumption of fermented malt beverages or malt liquors is permitted in any park within the city so long as said fermented malt beverages or malt liquors have been purchased in a manner authorized and are being consumed by persons permitted by applicable state law. It is unlawful to sell any fermented malt beverages or malt liquors within any park within the city unless said sales are made pursuant to a license or permit granted by the Lakewood Liquor and Fermented Malt Beverages Licensing Authority and unless said sales are made in accordance with the applicable provisions of the Colorado Beer Code, C.R.S. 12-46-101, et seq., the Colorado Liquor Code, C.R.S. 12-47-101, et seq. and a permit has been obtained from the Director in accordance with Section 9.32.030 of this Chapter. This subsection shall not apply to any situation which constitutes a violation of subsection (B) of this section.

B. It is unlawful to possess and/or consume any fermented malt beverages or malt liquors in any park within the city during scheduled community events if the Director has prohibited such possession and/or consumption in accordance with Section 9.32.020(C) of this chapter.

C. It is unlawful to possess and/or consume any fermented malt beverages and/or malt liquors in any park within the City when the Director has prohibited such possession and/or consumption in accordance with Section 9.32.020 (D) of this chapter. The park shall be posted with signs which provide notice to the public of the fact that such possession and/or consumption is prohibited. Any person engaging in any group activity for which a permit has been issued pursuant to Section 9.32.030 may possess and/or consume any fermented malt beverages and/or malt liquors in compliance with the terms of said permit.
D. It is lawful to possess and/or consume fermented malt beverages and alcoholic beverages within or upon those portions of a park, community center, or recreational facility for which the premises have been lawfully licensed for the sale and consumption of fermented malt beverages and alcoholic beverages. (Ord. O-2009-37 § 11, 2009; Ord. O-2000-15 § 5, 2000; Ord. O-97-31 § 8, 1997; Ord. O-92-25 § 14, 1992; Ord. O-87-50 § 3, 1987; Ord. O-83-2 § 1 (part), 1983).

9.32.110 Open fires prohibited.
A. Open fires shall be unlawful except in designated areas.
B. It is unlawful to allow a fire to burn in a careless manner, to leave any fire unattended, or to fail to completely extinguish any fire on park lands.
C. When the City Manager or designee declares fire restrictions or a fire ban, notice shall be published on the City of Lakewood website, and signs shall be posted at applicable park entrances and any other such public venue as deemed necessary and effective. (Ord. O-2013-12 § 1, 2013; Ord. O-97-31 § 9, 1997; Ord. O-92-25 § 15 & 16, 1992; Ord. O-83-2 § 1 (part), 1983).

9.32.120 Commercial activity prohibited.
It is unlawful to conduct any commercial activity or sell or offer for sale any service, product or activity for which a fee is charged, or to advertise in or on any park, community center, or recreation facility, except where such activity is authorized in writing by the Director. (Ord. O-97-31 § 10, 1997; Ord. O-83-2 § 1 (part), 1983).

9.32.130 Defecation by dogs.
It is unlawful for the owner or custodian of any dog which has defecated in any park, parkway, community center, or recreational facility to fail to clean up and remove such excrement or feces. (Ord. O-97-31 § 11, 1997; Ord. O-83-2 § 1 (part), 1983).

9.32.170 Fishing regulations.
It is unlawful for any person to violate any of the provisions contained in Chapter 1 of the Rules and Regulations of the Colorado Division of Wildlife, which is adopted by reference, pursuant to Title 31, Article 16, of the Colorado Revised Statutes. Any violation of Chapter 1 of the Rules and Regulation of the Colorado Division of Wildlife shall be a violation of this provision, punishable as specified in Section 1.16.020. (Ord. O-2009-37 § 12, 2009; Ord. O-86-38 § 7, 1986; Ord. O-83-2 § 1 (part), 1983).

9.32.180 Wildlife protected.
It is unlawful to place, set, or attend traps on park lands except as authorized by permit, or to possess, pursue, wound, take, or acquire any wildlife except as authorized in Section 9.32.170 of this chapter. (Ord. O-92-25 § 19, 1992; Ord. O-86-38 § 7, 1986; Ord. O-83-2 § 1 (part), 1986).

9.32.210 Nudity prohibited.
It is unlawful for any person to appear, or disrobe, so as to expose or uncover his or her lower torso in such a manner as to expose the cleft of the buttocks or genital organs. It is unlawful for any female who is twelve years or older to appear, or disrobe, in such a manner as to expose the areola. (Ord. O-83-2 § 1 (part), 1983).
9.32.220 Horse riding prohibited.

It is unlawful to ride a horse or other animal except upon the authorized bridle path or other areas which are specifically designated by the Director. (Ord. O-83-2 § 1 (part), 1983).

9.32.230 Group and nonrecreational activities.

A. It is unlawful:
   1. For any person to make false statements or give false information used in connection with an application for a permit hereunder;
   2. For any person to engage, or prepare to engage, in any group or nonrecreational activities in any park, community center, or recreation facility within the city except as authorized by a written permit issued by the Director. Any person engaging in group or nonrecreational activities within the park, community center, or recreation facility pursuant to permit must carry the permit in his possession while engaging in such activities, and must produce it upon the demand of the Director, his designee or a police agent.

B. Any person engaging in group or nonrecreational activities within the park pursuant to permit or expressive activity pursuant to a permit must carry the permit in his possession while engaging in such activities, and must produce it upon the demand of a park supervisor or park ranger or an agent of the Police Department. At the Lakewood Civic Center, any person engaging in group or nonrecreational activities within the Civic Center pursuant to permit or expressive activity pursuant to a permit must carry the permit in his possession while engaging in such activities, and must produce it upon the demand of a park supervisor or park ranger or an agent of the Police Department or a court marshal. (Ord. O-2000-15 § 6, 2000; Ord. O-97-31 § 17, 1997; Ord. O-94-33 § 22, 1994; Ord. O-92-25 § 20, 1992; Ord. O-86-38 § 9, 1986).

9.32.240 Hang gliding, paragliding, ultralight aircraft and hot air balloons prohibited.

A. Except as provided in subsections B. and C. of this section, it is unlawful to operate or attempt to operate any hang glider, paraglider, ultralight aircraft or hot air balloon within any park or recreation facility of the city unless such operation is pursuant to a bona fide emergency landing.

B. Paragliding is permitted within the City of Lakewood William F. Hayden Green Mountain Park provided the paraglider operator is certified by the United States Hang Gliding Association or another hang gliding association approved by the Director and provided the paraglider operator has a permit issued by the Director or his designee.

C. Hot air balloons are permitted to operate within any park or recreation facility of the city if authorized by a permit issued by the Director or his designee, and provided such operation is not in violation of any rule, regulation, or ordinance of the city. (Ord. O-97-45 § 1, 1997; Ord. O-92-25 § 21, 1992; Ord. O-86-38 § 10, 1986).

9.32.250 Camping prohibited.

It is unlawful to camp within any park, community center, or recreation facility of the city without a valid camping permit, and a valid parks pass when such pass is required to enter a park, community center, or recreation facility. Such camping is then only allowed within designated areas approved by the Director. (Ord. O-97-31 § 18, 1997; Ord. O-92-25 § 22, 1992; Ord. O-86-38 § 11, 1986).
9.32.260 Destruction of public property.

It is unlawful for any person to knowingly remove, destroy, mutilate, modify deface, or in any other way vandalize any building, structure, water control device, fence, gate, notice, survey or section marker, tree, shrub, rock, or other plant or vegetation or any other item or public property within any park, community center, or recreation facility of the city where the aggregate damage to the public property is less than one thousand dollars. (Ord. O-2009-37 § 13, 2009; Ord. O-2007-28 § 4, 2007; Ord. O-98-35 § 3, 1998; Ord. O-97-31 § 19, 1997; Ord. O-86-38 § 12, 1986).

9.32.265 Collection of natural resources.

It is unlawful for any person to take, collect, gather, or possess any vegetation, rock, wood, or other natural object within any park. (Ord. O-2009-37 § 14, 2009).

9.32.266 Unlawful improvements on parks.

It is unlawful for any person to construct, place, or maintain any road, trail, structure, fence, enclosure, or other improvement on any park without the written authorization of the Director except where permitted by Department Rules and Regulations to mitigate against the danger of wildfire or other natural occurrence. (Ord. O-2009-37 § 15, 2009).

9.32.270 Littering prohibited.

It is unlawful to leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere within any park, community center, or recreation facility of the city other than in the receptacles provided thereof. It is unlawful for any person to deposit yard clippings or other garbage or trash generated on private property in any receptacles provided for in this section or to otherwise leave said refuse within any park, community center, or recreation facility of the city. (Ord. O-2009-37 § 16, 2009; Ord. O-97-31 § 20, 1997; Ord. O-86-38 § 13, 1986).

9.32.280 Dangerous missiles.

It is unlawful to discharge, fire, or shoot any air gun, slingshot, pellet gun, blowgun, bow and arrow, paintball guns, air-soft guns, single-stage projectile, multi-stage projectile or projectile-launching device in any park, community center, or recreation facility of the city, except in designated areas, without written consent of the Director, which consent shall not relieve any person engaged in any such activity from liability for any damage or injury caused thereby, nor impose or create any such liability to the city or any of its employees or agents; provide, however, that this section shall not apply to any activity which is a felony under state law. (Ord. O-2009-37 § 17, 2009; Ord. O-97-31 § 21, 1997; Ord. O-94-33 § 23, 1994; Ord. O-92-25 § 23, 1992; Ord. O-86-38 § 13, 1986).

9.32.290 Unlawful to sell or use fireworks.

Except as provided in Sections 5.20.030 and 5.20.040, it is unlawful in any park, community center, or recreation facility of the city for any person to:

A. Possess, use or explode any fireworks; or
9.32.300 Animals running at large unlawful.

A. It is unlawful for the owner of any dog or other animal, excluding cats, to permit the same to run at large within any park, community center, or recreation facility of the city, except in designated areas.

B. For the purposes of this section, the following definitions shall apply:

1. “Animal” means any animal brought into domestic use so as to live and breed in a tame condition, including, but not limited to, dogs, other household pets excluding cats, horses, livestock, and animals generally regarded as farm or ranch animals;

2. “Owner” means any person owning, keeping, or harboring any dog or other animal.

3. “Running at large” means off the premises of the owner and not under effective control of that owner, his agent, servant, or competent member of his family by means of a leash, cord or chain, reasonable in length. (Ord. O-97-31 § 23, 1997; Ord. O-86-38 § 16, 1986).

9.32.310 Motor vehicles.

A. It is unlawful:

1. For any person to operate or park a motor vehicle within any park of the city except in designated areas or as authorized by signs, the Director or his designee, or a police agent;

2. For any person to operate or park a motor vehicle within Bear Creek Lake Park without a valid vehicle pass, except in areas designated for entrance without a parks pass;

3. For any person to leave a motor vehicle within any park of the city when it has been declared closed to the public by the Director, unless the motor vehicle is parked in a designated camping area. Parks shall normally be open daily during the hours posted on signs located at each entrance to the park area, except for activities and events sponsored by the Director or authorized by the Director.

4. For any person to park or leave unattended any inoperable vehicle within any park, or at any community center, or recreational facility of the City. Inoperable vehicle means a vehicle that is not capable of being promptly started and driven under its own power, does not have a current license plate, or which lacks one or more of the following items which are otherwise standard factory equipment on any particular vehicle model: windshield, side or rear window, door, fender, headlamp, muffler, wheel, or properly inflated tire.

5. For any person to park a motor vehicle within any park of the city for the primary purpose of displaying such vehicle for sale or displaying any other advertising.

6. For any person to park a motor vehicle within any park of the city for the primary purpose of painting, repairing, stripping or salvaging any part of such vehicle.

B. In any prosecution charging a violation of subsection A, proof that the particular vehicle described in the complaint was parked in violation of subsection A, together with proof that the Defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which, such violation occurred.

C. Any vehicle parked in violation of any provision of subsection A for a period of 24 hours or more is subject to towing by the Lakewood Police Department as provided for in Section 10.33.080. (Ord. O-97-31 § 24, 1997; Ord. O-92-25 § 24, 1992; Ord. O-86-38 § 17, 1986).
9.32.320  Boating.
A. Boating is prohibited in any body of water managed by the Department, or in any park or recreation facility, unless designated for boating by the Director or his designee.
B. It is unlawful for any person to violate any provisions contained in the Regulations of the Colorado Board of Parks and Outdoor Recreation governing the use of vessels on bodies of water, which are adopted by reference, pursuant to Title 31, Article 16 of the Colorado Revised Statutes. Any violation of such vessel regulations shall be a violation of this provision, punishable as specified in Section 1.16.020.
C. The following vessel operations shall be prohibited:
   1. No person shall operate a vessel in an area which has been declared closed to the public by the Director.
   2. No person shall operate a vessel on Bear Creek Lake above a wakeless speed and/or with a motor in excess of ten horsepower, except as authorized by the Director.
   3. No person shall operate any motorized vessel on Soda Lakes, except as authorized by the Director.
   4. No person shall operate a vessel while towing any person on a surfboard, inner tube, or similar device, except as authorized by the Director.
D. The Director, his designee, or a police agent shall be authorized to stop and board any vessel to perform a vessel inspection. (Ord. O-2009-37 § 18, 2009; Ord. O-92-25 § 25, 1992).

9.32.325  Prohibition of aquatic nuisance species.
A. No person shall:
   1. Possess, import, export, ship, or transport an aquatic nuisance species;
   2. Release, place, plant, or cause to be released, placed, or planted into the waters of the City an aquatic nuisance species; or
   3. Refuse to comply with a proper order issued under this provision.
B. The Director or a park ranger is authorized to temporarily stop, detain, and inspect a conveyance for aquatic nuisance species as set forth in Title 33 Article 10.5, Aquatic Nuisance Species, Colorado Revised Statutes and to enforce said article.
C. For the purposes of this Section, the term “aquatic nuisance species” shall mean exotic or nonnative aquatic wildlife or any plant species that have been determined by the Board of Parks and Outdoor Recreation in the Colorado Department of Natural Resources to pose a significant threat to the aquatic resources or water infrastructure of the state. (Ord. O-2009-37 § 19, 2009).

9.32.330  Horse drawn carriages prohibited.
It is unlawful to operate a horse drawn carriage, or conveyance drawn by any other animal, except in areas specifically designated for such conveyances by the Director or his designee. For purposes of this section, horse drawn carriage means any conveyance pulled by one or more horses. (Ord. O-92-25 § 26, 1992).

9.32.340  Commercial operation of horse drawn carriages.
Commercial operation of any horse drawn carriage shall be prohibited in any park or recreation facility, except on the roadways within Bear Creek Lake Park. Use of any other park or recreation facility for commercial horse drawn carriage activities shall be deemed a nonrecreational activity, shall require a permit issued to the person using or hiring the commercial horse drawn carriage service, and shall be governed by Section 9.32.030 of this chapter. (Ord. O-94-51 § 2, 1994; Ord. O-92-25 § 27, 1992).
9.32.360 **Disobeying the order of a posted sign.**

No person shall disobey the order of any official sign posted in any park, recreation facility, or community center within the City. All official signs posted in or on any park, recreation facility, or community center within the City shall be presumed posted pursuant to the official act or direction of the Director. (Ord. O-97-31 § 26, 1997; Ord. O-92-25 § 29, 1992).

9.32.370 **Glass containers prohibited.**

It is unlawful to possess or use any glass bottle or other glass container within or upon the grounds of any park, unless authorized by the Director. (Ord. O-97-31 § 27, 1997).

9.32.380 **Lakewood Civic Center enforcement.**

At the Lakewood Civic Center, City of Lakewood ordinances and regulations shall be enforced by agents of the Police Department, zoning inspectors, park supervisors or park rangers. Court marshals shall have that enforcement authority set forth in Chapter 2.20 of the Lakewood Municipal Code. (Ord. O-2000-15 § 7, 2000).

9.32.390 **Swimming, wading**

A. It is unlawful for any person to swim in any outside body of water within any city park or recreational facility, except in designated areas, or as part of recreational program that is authorized in writing by the Director.

B. It is unlawful for any person to wade in any body of water in any park or recreation facility, except in designated areas, or when wading is an integral part of a lawful water activity. As used herein, “wade” shall mean to enter into water up to waist height.

C. It is unlawful for any person to swim from any boat except when engaged in an attempt to rescue another person. (Ord. O-2009-37 § 20, 2009).

9.32.400 **Use of trails.**

A. Any person riding a bicycle or operating a toy vehicle upon a park trail shall yield the right-of-way to any pedestrian or equestrian.

B. Pedestrians on a park trail shall yield the right-of-way to any equestrian.

C. No trail user shall operate or act in a careless or imprudent manner on any park trail without due regard for the safety of persons or property.

Chapter 9.33

SWIMMING REGULATIONS

Sections:

9.33.020 Unlawful to swim or wade in irrigation ditches.

9.33.020 Unlawful to swim or wade in irrigation ditches.

It is unlawful for any person to swim or wade in any irrigation ditch within the city. The provisions of this section shall not apply to any rescue or officially sanctioned demonstration operations. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.34

POLLUTION

Sections:

9.34.010 Depositing debris in streams and waters.

9.34.010 Depositing debris in streams and waters.

It is unlawful for any person to throw or deposit or cause or permit to be thrown or deposited in any stream, storm or sanitary sewer, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near thereto as to be liable to pollute the water, any effluent composed of animal or vegetable substance or both, any dead animal, sewage, excrement or garbage, trash or debris, any waste fuel, oil or other petroleum-based products, paint, chemicals, whether liquid or solid, scrap construction materials or any other materials that may cause the water to become contaminated. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.36

WILDLIFE

Sections:

9.36.010 Harassing, killing or injuring wildlife.

9.36.010 Harassing, killing or injuring wildlife.

A. It is unlawful for any person to willfully and unnecessarily shoot, capture, harass, injure or destroy any wild bird or animal or to attempt to shoot, capture, harass, injure or destroy any such wild bird or animal anywhere within this city.

B. No person shall willfully destroy, rob or disturb the nest, nesting place, burrow, eggs or young of any wild bird or animal anywhere within this city.

C. Wild bird includes all undomesticated birds native to North America and undomesticated game birds implanted in North America by governmental agencies and includes any domestic duck or goose released by any private person or recreational authority upon any recreational area within this city.

D. Wild animal includes any animal native to the state, but does not include rattlesnakes, fish or any species of amphibians, Norway rats and common house mice.

E. The provisions of this chapter do not apply to personnel of any police, fire or animal control agency or the Colorado Division of Wildlife or Department of Health or other state or federal agency when such persons are acting within the scope of their official duties as employees of said agencies.

F. The provisions of this section are not intended to allow the destruction of any bird or animal protected by the laws of the state or the United States of America. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.38

SMOKING IN PUBLIC PLACES

Sections:

9.38.010 Purpose.
9.38.020 Definitions.
9.38.030 General smoking restrictions.
9.38.040 Exceptions to smoking restrictions.
9.38.045 Exceptions to marijuana smoking restrictions.
9.38.050 Optional restrictions.
9.38.060 Hookah Bars.
9.38.070 Cigar-tobacco Bars.
9.38.080 Signage.
9.38.100 Enforcement.
9.38.110 Severability.

9.38.010 Purpose.

This Chapter is enacted for the purpose of preserving and improving the health, comfort, and environment of the citizens of this City by limiting exposure to environmental smoke. (Ord. O-2014-14 § 1, 2014; Ord. O-2012-3 § 1, 2012; Ord. O-2009-36 § 1, 2009; Ord. O-86-78 § 1 (part), 1986).

9.38.020 Definitions.

As used in this Chapter, the following words and terms shall be defined as follows:

"Auditorium" means the part of a public building where an audience gathers to attend a performance, and includes any corridors, hallways, or lobbies adjacent thereto.

"Bar" means any indoor area that is operated and licensed under Article 47 of Title 12, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

"Cigar-tobacco bar" means a bar that, in the calendar year ending December 31, 2005, generated at least five percent or more of its total annual gross income or fifty thousand dollars in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines. In any calendar year after December 31, 2005, a bar that fails to generate at least five percent of its total annual gross income or fifty thousand dollars in annual sales from the on-site sale of tobacco products and the rental of on-site humidors shall not be defined as a "cigar-tobacco bar" and shall not thereafter be included in the definition regardless of sales figures.

"Electronic smoking device," means any electronic oral device such as one composed of a heating element, battery, and/or electronic circuit which provide a vapor of nicotine or any other substances for inhalation. This term shall include every variation and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pen, an electronic pipe, or an electronic hookah or any other product name or descriptor.

"Employee" means any person who does any type of work for the benefit of another in consideration of direct or indirect wages or profit; or provides uncompensated work or services to a business or nonprofit entity. "Employee" includes every person described in this paragraph, regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.
"Employer" means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons. "Employer" includes, without limitation, the legislative, executive, and judicial branches of state government; any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency; or any other separate corporate instrumentality or unit of state or local government.

"Entryway" means the twenty-five foot radius outside of every public entrance leading into a building or facility that is not exempted from this Chapter under Section 9.38.040. For multi-unit buildings with multiple public entrances, the City shall have the discretion, when appropriate, to interpret "Entryway" so as to encompass a single area around multiple public entrances and to revise the signage requirements accordingly.

"Environmental smoke," or "secondhand smoke," means the complex mixture formed from the escaping gases, particles, or vapors released into the air as a result of combustion, electrical ignition, vaporization or heating of a tobacco product or a marijuana product when the apparent or usual purpose of the combustion, electrical ignition, vaporization or heating is human inhalation of the byproducts, smoke of a burning tobacco product, also known as "sidestream smoke," and such gases, particles, vapors, or smoke exhaled by the smoker.

"Food service establishment" means any indoor area or portion thereof in which the principal business is the sale of food for on-premises consumption. The term includes, without limitation, restaurants, cafeterias, coffee shops, diners, sandwich shops, and short-order cafes.

"Hookah bar" is an establishment where patrons by themselves or by sharing with others smoke tobacco products or similar products from a communal hookah or nargile or similar device.

"Indoor area" means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

"Marijuana" shall have the same meaning as in section 16(2)(f) of article XVIII of the Colorado Constitution.

"Marijuana product" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended to be consumed by smoking or inhalation.

"Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

"Public building" means any building owned or operated by:
(a) The state, including the legislative, executive, and judicial branches of state government;
(b) Any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, a special district, an authority, a commission, or an agency; or
(c) Any other separate corporate instrumentality or unit of state or local government.

"Public meeting" means any meeting open to the public pursuant to Part 4 of Article 6 of Title 24, C.R.S., or any other law of this state.

"Smoke-free work area" means an indoor area in a place of employment where smoking is prohibited under this chapter.

"Smoking" means the burning, heating, electrical ignition or vaporizing of a lighted cigarette, cigar, pipe, electronic smoking device, or any other matter or substance that contains tobacco, nicotine, marijuana, or any other substance, or combination thereof, and the inhaling and exhaling of environmental smoke created thereby.

"Tobacco" means cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and...
twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco" also includes cloves and any other plant matter or product that is packaged for smoking.

"Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental.

"Tobacco product" means any product that contains nicotine or tobacco or is derived from nicotine or tobacco and is intended to be ingested or inhaled; or any electronic device that can be used to deliver nicotine to the person inhaling from the device including but not limited to electronic smoking devices, cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco product" also includes cloves and any other plant matter or product that is packaged for smoking.

"Work area" means an area in a place of employment where one or more employees are routinely assigned and perform services for or on behalf of their employer. (Ord. O-2014-14 § 2, 2014; Ord. O-2014-3 § 4, 2014; Ord. O-2012-3 § 1, 2012; Ord. O 2009-36 § 1, 2009; Ord. O-95-19 § 1, 1995; Ord. O-86-78 § 1 (part), 1986).

9.38.030 General smoking restrictions.

A. INDOOR AREAS. Except as provided in Section 9.38.040, and in order to reduce the levels of exposure to environmental smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to:

1. Public meeting places;
2. Elevators;
3. Government-owned or operated means of mass transportation, including, but not limited to, buses, vans, and trains;
4. Taxicabs and limousines;
5. Grocery stores;
6. Gymnasiums;
7. Jury waiting and deliberation rooms;
8. Courtrooms;
9. Child day care facilities;
10. Health care facilities including hospitals, health care clinics, doctors’ offices, and other health care related facilities;
11. Any place of employment that is not exempted. In the case of employers who own facilities otherwise exempted from this Chapter, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke;
12. Food service establishments;
13. Bars;
14. Indoor sports arenas;
15. Restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, and other multiple-unit residential facilities;
16. Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;

17. Bowling alleys;

18. Billiard or pool halls;

19. Facilities in which games of chance are conducted;

20. (a) The common areas of retirement facilities, publicly owned housing facilities, and, except as specified in Section 24-14-205(1)(k), nursing homes, but not including any resident's private residential quarters or areas of assisted living facilities specified in Section 25-24-205(1)(k);

(b) Nothing in this Chapter affects the validity or enforceability of a contract, whether entered into before, on, or after July 1, 2006, that specifies that a part or all of a facility or home specified in this paragraph (20) is a smoke-free area.

21. Public buildings;

22. Auditoria;

23. Theaters;

24. Museums;

25. Libraries;

26. To the extent not otherwise provided in Section 25-14-103.5, public and nonpublic schools; and

27. Other educational and vocational institutions.

B. OUTDOOR AREAS. Except as provided in Section 9.38.040, and in order to reduce the levels of exposure to environmental smoke, the smoking of tobacco products shall not be permitted and no person shall smoke tobacco in the following outdoor areas:

1. The entryways of all buildings and facilities listed in paragraphs (1) to (27) of subsection (A).

2. The following facilities in City-owned outdoor parks:

   a. Playgrounds, swimming pools, skate parks, athletic fields, picnic shelters, tennis courts and similar locations; and

   b. Outdoor locations where people congregate to partake in City events such as Cider Days or outdoor musical concerts.

3. Transit stops, including light-rail platforms and bus stops, with or without benches and/or shelters.

C. Nothing herein shall be deemed to permit the smoking of marijuana that is conducted openly and publicly or in a manner that endangers others or otherwise violates state law.


9.38.040 Exceptions to smoking restrictions.

A. The prohibitions set forth in Section 9.38.030 shall not apply to smoking tobacco products in:

1. Private homes, private residences, and private automobiles; except that this Chapter shall apply if any such home, residence, or vehicle is being used for child care or day care or if a private vehicle is being used for the public transportation of children or as part of health care or day care transportation;

2. Limousines under private hire;

3. A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty-five percent;

4. Any retail tobacco business; provided, however, that no person under eighteen (18) years of age shall be allowed on the premises. No retail tobacco business may be located in a liquor-licensed premises.
5. A cigar-tobacco bar as provided herein;
6. The outdoor area of any business, including the patios of liquor-licensed establishments and business establishments where food or beverages are served;
7. A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees;
8. A private, nonresidential building on a farm or ranch, as defined in Section 39-1-102, C.R.S., that has an annual gross income of less than five hundred thousand dollars; or
9. (a) The areas of assisted living facilities:
   i. That are designated for smoking for residents;
   ii. That are fully enclosed and ventilated; and
   iii. To which access is restricted to the residents or their guests.
   (b) As used in this paragraph (9), “assisted living facility” means a nursing facility, as that term is defined in Section 25.5-4-103, C.R.S., and an assisted living residence, as that term is defined in Section 25-27-102.
10. Hookah bars, as provided herein; and
11. The outdoor areas of golf courses.

9.38.045 Exceptions to marijuana smoking restrictions.
The prohibitions set forth in Section 9.38.030 shall not apply to smoking marijuana in:
private homes or private residences; except that this Chapter shall apply if such home or residence is being used for child care or day care. (Ord. O-2014-3 § 7, 2014).

9.38.050 Optional restrictions.
A. The owner or manager of any place not specifically listed in Section 9.38.030 including a place otherwise exempted under Section 9.38.040 may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited or restricted pursuant to this chapter.
B. If the owner or manager of a place not specifically listed in Section 9.38.030, including a place otherwise exempted under Section 9.38.040, is an employer and receives a request from an employee to create a smoke-free work area as contemplated by Section 9.38.030 (A)(11), the owner or manager shall post a sign or signs in the smoke-free work area as provided in subsection (A) of this section.

9.38.060 Hookah Bars.
A. After the effective date of this Ordinance, no new hookah bars shall be permitted within the City’s corporate boundaries. Existing hookah bars that are open and operating as of the effective date of this Ordinance may continue operating, but may not expand in size or change locations after the effective date of the Ordinance.
B. It shall be unlawful for a person under the age of eighteen (18) years to enter a hookah bar. It shall be unlawful for the owner or manager of a hookah bar to allow a person under the age of eighteen (18) years to enter the premises.
C. No hookah bar may be located in a liquor-licensed premises.
D. It shall be unlawful for any person to smoke marijuana in a hookah bar.
9.38.070  Cigar-tobacco Bars.
A. A cigar-tobacco bar shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005.
B. It shall be unlawful for a person under the age of eighteen (18) years to enter a cigar-tobacco bar. It shall be unlawful for the owner or manager of a cigar-tobacco bar to allow a person under the age of eighteen (18) years to enter the premises.
C. After the effective date of this Ordinance O-2012-3, no new cigar-tobacco bar shall be permitted to open.
D. It shall be unlawful for any person to smoke marijuana in a cigar-tobacco bar.

9.38.075  Tobacco Business.
It shall be unlawful for any person to smoke marijuana in a tobacco business.

9.38.080  Signage.
A. It shall be unlawful for an owner or lessee or person in charge of a building or business open to the public to fail to post a sign as described herein at each entrance available to the public. The City shall have the discretion, when appropriate, to modify the requirements for the location and number of signs, in applying this provision to multi-unit buildings with multiple public entrances.
   1. The sign shall state that no smoking is allowed within twenty-five feet of the entrance.
   2. The sign shall be posted on or adjacent to the entrance door, and shall use letters no less than one inch in height.
   3. The international No Smoking symbol may be used in conjunction with the required text on the sign.
B. For signs in all outdoor locations other than Entryways, the City shall have the sole discretion to determine the number, size, location and content of all such signs.
(Ord. O-2012-3 § 1, 2012).

A. It is unlawful for a person who owns, manages, operates, or otherwise controls the use of a premise subject to this Chapter to violate any provision of this Chapter.
B. It is unlawful for a person to smoke in an area where smoking is prohibited pursuant to this Chapter.
C. A person who violates this Chapter is guilty of a municipal offense and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed five hundred dollars for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation.

9.38.100  Enforcement.
Peace officers and code enforcement officers shall have the authority to enforce this Chapter. (Ord. O-2012-3 § 1, 2012; Ord. O-2009-36 § 1, 2009; Ord. O-95-19 § 5, 1995; Ord. O-86-78 § 1 (part), 1986).
9.38.110 Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable. (Ord. O-2012-3 § 1, 2012; Ord. O-2009-36 § 1, 2009; Ord. O-95-19 § 6, 1995; Ord. O-94-33 § 25, 1994; Ord. O-91-59 § 4 (part), 1991; Ord. O-86-78 § 1 (part), 1986).
Chapter 9.39
FIRE RESTRICTIONS AND FIRE BANS

Sections:
9.39.010 Authority.
9.39.020 Publication of Notice.
9.39.050 Type of Fire Ban or Fire Restriction that may be Declared by the City Manager.

9.39.010 Authority.
The City Manager or designee shall have the authority to declare fire restrictions or a fire ban, whenever the danger of grass or wildland fire is found to be high, based upon the national fire danger rating system and recommendations by Jefferson County Sheriff’s Office Critical Incident Response Section, the Wheat Ridge Fire Protection District and the West Metro Fire Protection District (both entities hereinafter referred to as Fire District.) Any declaration of fire restrictions or a fire ban made pursuant to this ordinance shall specify the effective date of the restrictions or ban and the parameters of the restrictions or ban, as deemed necessary and appropriate. (Ord. O-2013-13 § 1, 2013).

9.39.020 Publication of Notice.
In the event that the City Manager or designee declares fire restrictions or a fire ban pursuant to this ordinance, notice shall be published on the City of Lakewood website, and signs will be posted at applicable park entrances and any other such public venue as deemed necessary and effective. (Ord. O-2013-13 § 1, 2013).

A. It shall be unlawful for any person to start or maintain a fire that is in violation of fire restrictions or a fire ban declared pursuant to this Chapter.
B. It shall be unlawful to allow a fire to burn in a careless manner, to leave any fire unattended, or to fail to completely extinguish any fire.
C. It shall be unlawful to burn rubbish or debris.
D. It shall be unlawful to perform Open Burning without a permit from a Fire District.
E. It shall be unlawful to allow a fire to burn under an approved exemption permit issued from a Fire District without adequate measures to prevent uncontrolled fires. Possible preventive measures include, but are not limited to, the following items:

I. Containers of adequate water or dry soil nearby.
II. Shovels, fire extinguishers or other extinguishing agents readily available.
III. Coordination with the local fire department or district to be on scene or standby during a fire burning activity. (Ord. O-2013-13 § 1, 2013).

The Lakewood Chief of Police or his designee, Lakewood Park Rangers, and authorized members of the West Metro Fire Protection District and Wheat Ridge Fire Protection District are empowered to enforce the provisions of this Chapter. (Ord. O-2013-13 § 1, 2013).

9.39.050 Type of Fire Ban or Fire Restriction that may be Declared by the City Manager.

Stage I Possible Fire Restrictions:

A. No open burning
B. No smoking, except as allowed in Chapter 9.38 of the Lakewood Municipal Code and except within an enclosed vehicle or building, in a developed recreation site or while in an outdoor area less than 6 feet in diameter that is barren or cleared of all combustible material. (2009 IFC 320.8) No discarding of cigarettes or smoking materials except within approved containers.
C. No use of model rockets within City Parks.

Stage I Allowable Activities under the Fire Restrictions:

D. Use of liquid or gas fueled appliances
E. Underwriters laboratories (UL) approved wood pellet grills
F. Charcoal barbecue grills when not closer than 30 feet from an undeveloped area (2009 IFC 308.1.4)
G. Portable outdoor fireplaces when not closer than 30 feet from an undeveloped area (2009 IFC 307.4.3) These devices must be operated according to the manufacturer's instructions with all covers, screens, and grates in place
H. Recreational fires contained in a designated ring or grill in a park or recreation area when not closer than 30 feet from an undeveloped area (2009 IFC 307.4.2)
I. Permitted fires by persons with a permit specifically authorizing the prohibited act such as professional fireworks displays. Contact must be made with the permitting authority to verify the status of permits issued prior to the establishment of burn restrictions.
J. Burning of explosive wastes by manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by the fire protection district
K. Fire Protection District training fires
L. Open Burning by any federal, state, or local officer in the performance of official fire suppression functions

Stage II Fire Ban:

A. All Stage I fire restrictions shall be observed
B. No recreational fires
C. No welding or operating an acetylene or other torch with an open flame, except within an area that is barren or cleared of all combustible material or at least 30 feet in all directions from an undeveloped area. (2009 IFC 308.1.6)
D. No operation or using of a handheld internal combustion engine (e.g. chainsaw) within 30 feet of an undeveloped area without a United States Department of Agriculture (USDA) or Society of Automotive Engineers (SAE) approved spark arresting device properly installed and in proper working order. Additionally, the operator must have an extinguishing source, water, pressurized water extinguisher, or proper chemical
E. pressurized extinguisher, large enough to handle possible fires. Additionally, the operator must possess at least one large size pointed shovel with an overall length of at least thirty-six inches. All must be available for quick use.

F. No use of an explosive initiation system requiring a burning fuse line.

Stage II Allowable Activities under the Fire Ban:

G. Use of liquid or gas fueled appliances

H. Underwriters laboratories (UL) listed wood pellet grills

I. Permitted fires specifically authorizing the prohibited act such as professional fireworks displays may be allowed on a case by case basis

J. Fire District training fires

K. Burning of explosive wastes by manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by the fire protection district

L. Open Burning by any federal, state, or local officer in the performance of official fire suppression functions

M. Charcoal barbeque grills when not closer than 30 feet from an undeveloped area (2009 IFC 308.1.4). (Ord O-2013-13 § 1, 2013).

9.39.060. Definitions

Liquid or Gas Fueled Appliances: Appliances such as fire pits, grills, camp stoves, and Tiki torches that burn liquid or gaseous fuels and can be shut off. This does not include any device that burns solid fuels such as wood or charcoal and must be extinguished.

Open Burning: Any outdoor fire larger than a recreational fire and not contained within a portable outdoor fireplace that has a total fuel area of 3 feet or more in diameter and 2 feet or more in height. This includes but is not limited to, bonfires, the lighting of any fused explosives, and the burning of fence lines or rows, grasslands, fields, farmlands, ditches, rangelands, and wild lands.

Portable Outdoor Fireplace: A commercially purchased portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other non-combustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening at the top. These devices must be operated according to the manufacturer’s instructions with all covers, screens, and grates in place.

Recreational Fire: Any outdoor fire burning material other than rubbish or debris where the fuel being burned is not contained in a portable outdoor fireplace, or barbeque grill and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. This includes campfires, warming fires, fires in 55-gallon drums; fixed, permanent outdoor fireplaces; and barbeque pit fires.

Training Fires: A training fire must be approved by the West Metro Fire District for the purposes of a bona fide training of employees in firefighting methods. Training fires must take place in a designated training center and not in City Parks or open space areas during fire restrictions.

Undeveloped Areas: Lands that are not groomed, manicured, or watered, where grasses, brush and trees have been allowed to grow in a natural environment. This includes green belts that are not landscaped or manicured, open space lands, non-manicured City Parks, and other
areas where the fire hazard presented by the vegetation is determined to be an undue wildland fire hazard. (Ord O-2013-13 § 1, 2013).
IV. Offenses Against Public Decency

Chapter 9.40

SOLICITATION OF DRINKS

Sections:
9.40.010 Unlawful.

9.40.010 Unlawful.
   A. It is unlawful, in any place of business where alcoholic beverages are sold to be consumed upon the premises, for any person to beg or to solicit any patron or customer of or visitor in such premises to purchase any alcoholic beverage, for the one begging or soliciting.
   B. It is unlawful for the proprietor or operator or person in charge of any such establishment to knowingly permit or allow the presence in such establishment of any person who violates the provisions of this section. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.41

CONSUMPTION AND POSSESSION
OF ALCOHOLIC BEVERAGES

Sections:
9.41.010 Definitions.
9.41.020 Open containers-Unlawful.
9.41.030 Open container in motor vehicle-Unlawful.
9.41.040 Prima facie evidence.
9.41.050 Unlawful to sell or give ethyl alcohol to underage person.
9.41.060 Purchases of ethyl alcohol prohibited.
9.41.070 Underage possession or consumption of ethyl alcohol prohibited.
9.41.075 Unlawful to sell or give ethyl alcohol to intoxicated person.
9.41.080 Strict liability.
9.41.090 Affirmative defenses.
9.41.100 Unlawful to possess alcohol without liquid.

9.41.010 Definitions.
As used in this chapter, unless the context otherwise requires:
"Ethyl alcohol" means any substance which is or contains ethyl alcohol and includes fermented malt beverage.
"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 a rail or rails.
"Open container" means any bottle, can, box, glass, or other receptacle that is used for the storage and/or sale of beverage, which is open or has a broken seal or the contents of which are partially removed. Further, "open container" means any item used for the storage or transport of beverage which has no permanent cap, top, or sealer.
"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.
"Possession of ethyl alcohol" means that a person has or holds any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.
"Possession of an open container" means that a person has or holds an open container containing any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of an open container containing any amount of ethyl alcohol, or has an open container containing any amount of ethyl alcohol on or about his person.
"Private property" means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. Private property shall not include any establishment which has or is required to have a license pursuant to article 46, 47, or 48 of title 12, C.R.S., or any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold, or any establishment which leases, rents, or provides accommodations to members of the public generally. (Ord. O-2015-14 § 2, 2015; Ord. O-2001-12 § 1, 2001; Ord. O-87-73 § 1 (part), 1987).
9.41.020 Open containers-Unlawful.

It is unlawful for any person to possess any open container containing any amount of ethyl alcohol or to consume any ethyl alcohol on any public highway, street, alley, sidewalk, parking lot, or other public place; or upon any private property without the permission of the owner or person in lawful possession and control of such property or such person's agent. This provision shall not apply to any public highway, street alley sidewalk, or other public place for which a block party permit has been issued by the City Clerk's Office or to possession or consumption of a fermented malt beverage by a person twenty-one years of age or older in any park or recreation area of the city when permitted by Section 9.32.090 or Section 9.32.100 of the Lakewood Municipal Code. (Ord. O-2001-12 § 2, 2001; Ord. O-87-73 § 1 (part), 1987).

9.41.030 Open container in motor vehicle-Unlawful.

A. Except as otherwise permitted in subsection B of this section, it is unlawful for any person to possess any open container containing any amount of ethyl alcohol or to consume any ethyl alcohol within or on the passenger compartment of a motor vehicle, including motorcycles, while such vehicle is in motion, parked, stopped or standing on any public highway, street, alley, sidewalk, parking lot, or other public place, or private property without the permission of the owner or person in lawful possession and control of such property or such person's agent.

B. The provisions of this section shall not apply to:
   1. The possession by a passenger, other than the driver or a front seat passenger, of an open container of ethyl alcohol in the living quarters of a house coach, house trailer, motor home, as defined in Section 42-1-102(57), C.R.S. or trailer coach, as defined in Section 42-1-102(106)(a), C.R.S.;
   2. The possession of an open container of ethyl alcohol in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk;
   3. The possession of an open container of ethyl alcohol in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
   4. The possession or consumption of a fermented malt beverage by a person twenty-one years (21) of age or older in any park or recreation area of the city when permitted by Section 9.32.090 or Section 9.32.100 of the Lakewood Municipal Code.

C. Any person who commits a violation of this Section shall be punished by a fine of not more than one hundred and fifty (150) dollars.

9.41.040 Prima facie evidence.

Prima facie evidence of a violation of this chapter shall consist of:

A. Any liquid found in any container as described in this chapter, and which in the sensory perception of the investigating agent either looks or smells like ethyl alcohol, shall be prima facie evidence that the liquid is ethyl alcohol; or

B. During any trial for a violation of a provision of this chapter, any bottle, can or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence and shall not constitute hearsay. The fact finder may consider the information contained on any label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can, or other container as “beer”, “ale”, “malt beverage”, “fermented malt beverage”, “malt liquor”, “wine”, “champagne”, “whiskey”, “gin”, “rum”, “armagnac”, “vodka”, “tequila”, “schnapps”, “brandy”, “cognac”, “liqueur”, “cordial”, “alcohol”, or “liquor”, shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of ethyl alcohol; or
C. Prima facie evidence of the violation of section 9.41.070 of this chapter shall consist of evidence that the defendant was under the age of twenty-one years and possessed or consumed ethyl alcohol anywhere in this city, or evidence that the defendant was under the age of twenty-one and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in this city. (Ord. 2001-12 § 4, 2001; Ord. O-94-33 § 26, 1994; Ord. O-87-73 § 1 (part), 1987).

9.41.070 Underage possession or consumption of ethyl alcohol prohibited.
A. Except as described by Section 18-1-711, C.R.S., it is unlawful for any person under the age of twenty-one (21) years to possess or consume any ethyl alcohol.
B. Upon conviction of a first offense of subsection (A) of this section, the Court shall sentence the underage person to a fine of not more than one hundred and fifty (150) dollars and/or the Court shall order that the underage person complete a substance abuse program approved by the Division of Behavioral Health in the Department of Human Services.
C. Upon conviction of a second offense of subsection (A) of this section, the Court shall sentence the underage person to a fine of not more than four hundred and ninety-nine (499) dollars and the Court shall order the underage person to:
   1. Complete a substance abuse education program approved by the Division of Behavioral Health in the Department of Human Services;
   2. If determined necessary and appropriate, submit to a substance abuse assessment approved by the Division of Behavioral Health in the Department of Human Services and complete any treatment recommended by the assessment; and
   3. Perform up to twenty-four (24) hours of useful public service.
D. Upon conviction of a third or subsequent offense of subsection (A) of this section, the Court shall sentence the Defendant to a fine of up to one thousand (1,000) dollars, and the Court shall order the underage person to:
   1. Complete a substance abuse education program approved by the Division of Behavioral Health in the Department of Human Services;
   2. If determined necessary and appropriate, submit to a substance abuse assessment approved by the Division of Behavioral Health in the Department of Human Services and complete any treatment recommended by the assessment; and
   3. Perform up to thirty-six (36) hours of useful public service.

9.41.075 Unlawful to sell or give ethyl alcohol to intoxicated person.
It is unlawful for any person to sell, serve, give away, dispose of, exchange or deliver or permit the sale, serving, giving, or procuring of any ethyl alcohol to a visibly intoxicated person. (Ord. O-2002-46 § 2, 2002).
9.41.080  **Strict liability.**

The violation of Sections 9.41.020, 9.41.030, 9.41.050, 9.41.060, or 9.41.070 of this chapter shall be a strict liability offense. (Ord. O-2001-12 § 8, 2001).

9.41.090  **Affirmative defenses.**

It shall be an affirmative defense to Section 9.41.070 of this chapter that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:

A. While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption. A parent or legal guardian of a person under twenty-one (21) years of age or any natural person who has the permission of such parent or legal guardian may give or permit the possession and consumption of ethyl alcohol to or by a person under twenty-one (21) years of age under the circumstances described in this subsection. The subsection shall not be construed to permit any establishment which is licensed or is required to be licensed pursuant to Article 46, 47, or 48 of Title 12, C.R.S., or any members, employees, or occupants of such establishment to give, provide, make available or sell ethyl alcohol to a person under twenty-one (21) years of age; or

B. When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410(1)(i)(II) C.R.S.; or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion; or the ingestion of any substance which was manufactured, designed, or intended solely for medicinal or hygienic purposes; or solely from the ingestion of a beverage which contained less than one-half of one percent of ethyl alcohol by weight; or

C. The person is a student who:
   1. Tastes but does not imbibe an alcohol beverage only while under the direct supervision of an instructor who is at least twenty-one (21) years of age and employed by a post-secondary school;
   2. Is enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States Department of Education, a nationally recognized accrediting agency or association of the "Private Occupational Education Act of 1981," Article 59 of Title 12, C.R.S.;
   3. Is participating in a culinary art, food service, or restaurant management degree program; and
   4. Tastes but does not imbibe the alcohol beverage for instructional purposes as a part of a required course in which the alcohol beverage, except the portion the student tastes, remains under the control of the instructor.

D. The possession or consumption of ethyl alcohol shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.


9.41.100  **Unlawful to possess alcohol without liquid.**

A. Except as otherwise provided in subsection (B) of this section, it is unlawful for a person to possess, purchase, sell, offer to sell, or use an alcohol-without-liquid device (AWOL) in this City.

B. This section shall not apply to a hospital, as defined in Section 25.5-1-503(3), C.R.S., that operates primarily for the purpose of conducting scientific research, a state institution.
conducting bona fide research, or to a pharmaceutical company or biotechnology company conducting bona fide research and that complies with state law regulating the possession of an AWOL device.

C. For the purposes of this section “AWOL device” means a device, machine, apparatus, or appliance that mixes an alcohol beverage with pure or diluted oxygen to produce an alcohol vapor that an individual can inhale or snort. “AWOL device” does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication. (Ord. O-2006-21 § 3, 2006).
Chapter 9.42
HARBORING OF MINORS

Sections:
  9.42.010  Harboring of minors unlawful.

9.42.010  Harboring of minors unlawful.
  A. A person commits the crime of harboring if the person knowingly provides shelter to a minor without the consent of a parent, guardian, or custodian of the minor and if the person intentionally:
     1. Fails to release the minor to a police officer after being requested to do so by the officer; or
     2. Fails to disclose the location of the minor to a police officer when requested to do so, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or
     3. Obstructs a police officer from taking the minor into custody; or
     4. Assists the minor in avoiding or attempting to avoid the custody of a police officer; or
     5. Fails to notify the parent, guardian, or custodian of a minor or a police officer that the minor, who is ten years of age or younger, is being sheltered. Such notification shall be given within four hours after shelter has been provided; or
     6. Fails to notify the parent, guardian, or custodian of a minor or a police officer that the minor, who is over ten years of age, is being sheltered. Such notification shall be given within twelve hours after shelter has been provided.
  B. This provision shall not apply to police officers working in their official capacities or other persons working in their official capacities as employees or members of the staffs of agencies authorized by the state of Colorado to harbor minors except as provided in subsection C of this provision.
  C. If the shelter provided to the minor is by a licensed child care facility, including a licensed homeless youth shelter, the minor, despite the minor's status, may reside at such facility or shelter for a period not to exceed two weeks after the time of intake, pursuant to the procedures set forth in article 5.7 of title 26, C.R.S.
  D. Any person convicted of a violation of this section or any person who enters a plea of guilty or nolo contendere to a violation of this section or is placed on a deferred judgment and sentence for a violation of this section shall be responsible for the payment of any extraordinary expenses incurred by a law enforcement agency or fire department as a result of such violation up to a maximum of two thousand dollars. "Extraordinary expenses" means any cost relating to a violation of the provisions of this section, including, but not limited to overtime wages for officers, firefighters, and rescue specialists and operating expenses of any equipment utilized as a result of such violation.
  E. It shall be an affirmative defense to a violation of this section that the minor was emancipated at the time of the act of harboring. For the purposes of this section, emancipated juvenile means a juvenile over fifteen years of age and under eighteen years of age who has, with the real or apparent assent of the juvenile's parents, demonstrated independence from the juvenile's parents in matters of care, custody, and earnings. The term may include, but shall not be limited to, any such juvenile who has the sole responsibility for the juvenile's own support, who is married, or who is in the military. (Ord. O-98-35 § 4, 1998; Ord. O-84-76 § 1, 1984).
Chapter 9.43
OFFENSES RELATING TO MARIJUANA

Sections:
9.43.010 Legislative intent.
9.43.020 Definitions.
9.43.025 Illegal possession or consumption of marijuana by an underage person.
9.43.030 Illegal possession of marijuana.
9.43.040 Public display, consumption, or use of marijuana.
9.43.060 Exception.
9.43.070 Affirmative defense.
9.43.080 Abusing toxic vapors.
9.43.085 Marijuana Cultivation for Medicinal or Recreational Use.
9.43.090 Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and marijuana enterprises are prohibited.
9.43.100 Repealed - Production of Hash Oil – Prohibited.

9.43.010 Legislative intent.
It is the intent and purpose of this chapter not to cover or include offenses which are felonies under the Colorado Revised Statutes, as amended, and this chapter shall not be otherwise construed. (Ord. O-91-28 § 1 (part), 1991).

9.43.020 Definitions.
As used in this chapter, unless the context otherwise requires:
“Cultivation” means all growing stages of the marijuana plant. Unless otherwise stated, it shall also include all stages of cultivating, processing or preparing the plant material, including but not limited to, cutting, trimming and clipping, drying, curing, and storing the marijuana plant materials.
“Disabling medical condition” means post-traumatic stress disorder as diagnosed by a licensed mental health provider or physician.
“Enclosed” means a permanent or semi-permanent area covered and surrounded on all sides. Temporary opening of windows or the temporary removal of wall or ceiling panels does not convert the area into an unenclosed space.
“Locked Space” means secured at all points of ingress or egress with a locking mechanism designed to limit access such as with a key or combination lock.
“Marijuana” or “marihuana” mean all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. It does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
“Marijuana concentrate” means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of tetrahydrocannabinols.
“Possession of marijuana” means that a person has or holds any amount of marijuana anywhere on his or her person or that a person owns or has custody of marijuana within his or her immediate presence and control.
“Primary Residence” means that place in which a person’s habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence, and the use of the residential address for domestic purposes, including but not limited to slumber, preparation of meals, package delivery, vehicle and voter registration, or credit and utility billings. For purposes of this Chapter, a person shall have only one primary residence. (Ord. O-2017-15 § 12 & 13, 2017; Ord. O-2015-15 § 1, 2015; Ord. O-2015-14 § 6, 2015; Ord. O-91-28 § 1 (part), 1991).

9.43.025 Illegal possession or consumption of marijuana by an underage person.
A. Except as described by Section 14 of Article XVIII of the Colorado Constitution and Section 18-18-406.3, C.R.S., it is unlawful for any person under twenty-one (21) years of age to possess one ounce or less of marijuana or to consume marijuana. Illegal possession or consumption of marijuana by an underage person is a strict liability offense.
B. Prima facie violation of a violation of subsection (A) this section shall consist of evidence that the defendant was under twenty-one (21) years and possessed or consumed marijuana anywhere in this city, or evidence that the defendant was under the age of twenty-one years and manifested any of the characteristics commonly associated with marijuana impairment while present anywhere in this city.
C. The possession of marijuana shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.
D. Upon conviction of a first offense of subsection (A) of this section, the Court shall sentence the underage person to a fine of not more than one hundred and fifty (150) dollars and/or the Court shall order that the underage person complete a substance abuse program approved by the Division of Behavioral Health in the Department of Human Services.
E. Upon conviction of a second offense of subsection (A) of this section, the Court shall sentence the underage person to a fine of not more than four hundred and ninety-nine (499) dollars and the Court shall order the underage person to:
1. Complete a substance abuse education program approved by the Division of Behavioral Health in the Department of Human Services;
2. If determined necessary and appropriate, submit to a substance abuse assessment approved by the Division of Behavioral Health in the Department of Human Services and complete any treatment recommended by the assessment; and
3. Perform up to twenty-four (24) hours of useful public service.
F. Upon conviction of a third or subsequent offense of subsection (A) of this section, the Court shall sentence the Defendant to a fine of up to one thousand (1,000) dollars, and the Court shall order the underage person to:
1. Complete a substance abuse education program approved by the Division of Behavioral Health in the Department of Human Services;
2. If determined necessary and appropriate, submit to a substance abuse assessment approved by the Division of Behavioral Health in the Department of Human Services and complete any treatment recommended by the assessment; and
3. Perform up to thirty-six (36) hours of useful public service.
(Ord. O-2105-14 § 7, 2015).

9.43.030 Possession of marijuana.
A. It is unlawful for any person to knowingly possess more than one (1) ounce of marijuana but less than two (2) ounces of marijuana.
B. It is unlawful for any person to knowingly possess two (2) ounces or more of marijuana but less than six (6) ounces of marijuana or not more than two (2) ounces of marijuana concentrate.

C. It is unlawful for any person to knowingly possess six (6) ounces or more of marijuana but not more than twelve (12) ounces of marijuana or not more than three (3) ounces of marijuana concentrate.

D. Penalties.
1. Any person convicted of a violation of subsection (A) of this section shall be fined up to one hundred and fifty (150) dollars and/ or the Court shall order that the Defendant complete a substance abuse program approved by the Division of Behavioral Health in the Department of Human Services.
2. Any person convicted of a violation of subsection (B) or (C) of this section shall be punished as set forth in Section 1.16.020.


9.43.040 Public display, consumption, or use of marijuana.
A. It is unlawful for any person to openly and publicly display, consume, or use marijuana.
B. Definitions.
The following definitions shall apply in the interpretation of this section:
1. “Openly” means occurring or existing in a manner that is unconcealed, undisguised, or obvious.
2. “Publicly” means occurring or existing in a public place or occurring or existing in any outdoor location where the consumption of marijuana is clearly observable from a public place except as set forth in subsection (C) of this section.
3. “Public place” means a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, sidewalks, transportation facilities, school, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities.
C. It shall not be an offense under subsection (A) of this section if the conduct is occurring on private residential property and the person displaying, consuming, or using the marijuana is:
1. An owner of the property;
2. A person who has a leasehold interest in the property; or
3. Any other person who has been granted express or implied permission to display, consume, or use marijuana on the property by the owner or the lessee of the property.
D. Penalty. Except as described in Section 18-1-711, C.R.S., a person who openly and publicly displays, consumes, or uses two (2) ounces or less of marijuana shall be punished by a fine of up to two hundred (200) dollars for a first violation within a calendar year, and a fine not to exceed three hundred (300) dollars for a second violation within a calendar year, and a fine not to exceed five hundred (500) dollars for each additional violation within a calendar year.

Open and public display, consumption, or use of more than two (2) ounces of marijuana or any amount of marijuana concentrate is deemed possession thereof, and violations shall be as provided in Section 1.16.020.


9.43.060 Exception.
Pursuant to Section 14 of Article XVIII of the State Constitution which creates limited exceptions to the criminal laws of this state for patients, primary caregivers, and physicians concerning the medical use of marijuana, by a patient to alleviate an appropriately diagnosed debilitating medical condition or disabling medical condition, Sections 9.43.025 and 9.43.030, shall not

9.43.070 Affirmative defense.
A patient or primary caregiver charged with a violation of Section 9.43.030 or Section 9.43.025 of this Chapter related to the patient’s medical use of marijuana as set forth in Section 14 of Article XVII of the state Constitution will be deemed to have established an affirmative defense to such allegation where:
A. The patient was previously diagnosed by a physician as having a debilitating medical condition or disabling medical condition;
B. The patient was advised by his or her physician in the context of a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating medical condition or disabling medical condition; and
C. The patient and his or her primary caregiver were collectively in possession of the amounts of marijuana only as permitted under the State Constitution. (Ord. O-2017-15 § 15, 2017; Ord. O-2105-14 § 10, 2015; Ord. O-2001-34 § 4).

9.43.080 Abusing toxic vapors.
A. No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system. No person shall knowingly possess, buy, or use any such substance for the purposes described in this subsection (A), nor shall any person knowingly aid any other person to use any such substance for the purposes described in this subsection (A). This subsection (A) shall not apply to the inhalation of anesthesia or other substances for medical or dental purposes.
B. Any person who knowingly violates the provisions of subsection (A) commits the offense of abusing toxic vapors.
C. For the purposes of this section, the term “toxic vapors” means the following substances or products containing such substances:
1. Alcohols, including methyl, isopropyl, propyl, or butyl;
2. Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
3. Acetone;
4. Benzene;
5. Carbon tetrachloride;
6. Cyclohexane;
7. Freons, including freon 11 and freon 12;
8. Hexane;
9. Methyl ethyl ketone;
10. Methyl isobutyl ketone
11. Naphtha;
12. Perchloroethylene;
13. Toluene;
14. Trichloroethane; or
15. Xylene.
D. In a prosecution for a violation of this section, evidence that a container lists one or more of the substances described in subsection (C) of this section as one of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof. (Ord. O-2006-21 § 4).
9.43.085 Marijuana Cultivation for Medicinal or Recreational Use.

A. Cultivation restrictions. It shall be unlawful for any person to cultivate, attempt to cultivate, or in any way cause, allow, or permit the cultivation of marijuana plants for either medical or recreational purposes or to engage in any activity in violation of the following restrictions:

1. Restricted to Primary Residence. Marijuana plants shall be cultivated, produced, processed or maintained only on the property where the responsible person’s Primary Residence is located.

2. Restrictions on cultivation locations. Marijuana plants shall be cultivated, produced, processed or maintained only within the Primary Residence or in a garage attached to the Primary Residence. No marijuana plants may be cultivated, produced, processed or maintained outdoors or in any detached structure, except where the detached structure is an Accessory Dwelling Unit as defined in the City’s Zoning Ordinance and serves as the Primary Residence for one or more persons.

3. Enclosed, Locked Space required. The cultivation area for personal or medical marijuana shall be in an Enclosed, Locked Space that is inaccessible to anyone under the age of 21. If a person under 21 years of age lives at the residence, the cultivation area itself must be enclosed and locked. If no person under 21 years of age lives at the residence, the external locks of the residence constitute an Enclosed and Locked Space. If a person under 21 years of age enters the residence, the person must ensure that access to the cultivation site is reasonably restricted for the duration of that person’s presence in the residence.

4. Maximum number of plants. No more than six (6) marijuana plants may be cultivated, produced, processed or maintained in the Primary Residence, regardless of the number of qualified patients or caregivers or persons otherwise allowed to possess or grow marijuana for medical or personal use who reside in the dwelling unit. At any given time, no more than half of the total number of marijuana plants in any residence may be mature, flowering plants.

5. Light pollution. Marijuana cultivation shall not result in light pollution, glare or brightness that disturbs the repose of another person of ordinary visual sensitivity.

6. Compliance with other codes required. No person shall cultivate marijuana in any primary or accessory structure authorized to cultivate any type of marijuana without complying with applicable building, fire, plumbing, electrical, or mechanical codes as adopted and amended by the city and all applicable zoning codes, including but not limited to, lot coverage, setback, and height requirements.

B. Affirmative defense. It shall be an affirmative defense to prosecution under subsection (A)(3) that the cultivation area for medical marijuana is accessible to a person under the age of 21 if such person is a primary caregiver or if such person is in possession of a valid registry identification card authorizing the medical use of marijuana as described by Section 14 of Article XVIII of the Colorado Constitution and Section 18-18-406.3, C.R.S.

C. Right of entry for inspection purposes.

1. In the interest of public safety, and subject to the requirements and limitations herein, an authorized public inspector of the City shall have the right during reasonable hours to enter upon and into any residential structure within the City where marijuana plants are being cultivated, whether for medical or personal use, for the purpose of conducting an inspection of the premises to determine if the premises comply with the requirements of the Lakewood Municipal Code.

2. Such entry shall be with the permission of the owner or occupant of the residential structure; provided, however, if such permission is refused, the public inspector may request, and the municipal court judge may issue, an inspection warrant pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure.

3. In the case of an emergency involving imminent danger to public health, safety, or welfare, the public inspector may enter any residential structure within the city to conduct an inspection.
emergency inspection related to the cultivation of marijuana plants without a warrant and without complying with the requirements of this section.

4. The City Council finds and declares that the ordinance by which Section 9.43.085 is adopted is an ordinance the violation of which involves a serious threat to public safety or order within the meaning of Rule 241(a)(1) of the Colorado Municipal Court Rules of Procedure.

5. Nothing herein shall be construed to limit the availability of other types of warrants under Rule 241 of the Colorado Municipal Court Rules of Procedure, or the applicability of Rule 241 to other articles or provisions of this Chapter.


9.43.090  Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and marijuana enterprises are prohibited.

A. It is unlawful for any person to operate, cause to be operated, or permit to be operated, any Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, Marijuana Testing Facility, or Marijuana Enterprise within the boundaries of the City, and all such uses are prohibited on all property within the City.

B. Definitions. The following definitions shall apply in the interpretation of this section:

1. “Marijuana” shall have the meaning set forth in Section 16 of Article XVIII of the Colorado Constitution.

2. “Marijuana Cultivation Facility” shall have the meaning set forth in Section 16 of Article XVIII of the Colorado Constitution.

3. “Marijuana Enterprise” shall mean an organization, business, club, or commercial operation in any nonresidential area that allows its members or guests to sell, buy, transfer and/or consume marijuana or marijuana products on the premises. A Marijuana Enterprise does not include any Medical Marijuana Center or other Medical Marijuana business operating pursuant to Chapter 5.51 of the Lakewood Municipal Code.

4. “Marijuana Product Manufacturing Facility” shall have the meaning set forth in Section 16 of Article XVIII of the Colorado Constitution.


9.43.100  Repealed - Production of Hash Oil – Prohibited.

Chapter 9.44

OFFENSES RELATING TO DRUG PARAPHERNALIA

Sections:
9.44.010 Definitions.
9.44.020 Drug Paraphernalia-Determination-Considerations.
9.44.025 Illegal possession of marijuana paraphernalia by an underage person.
9.44.030 Unlawful possession of drug paraphernalia.
9.44.040 Drug paraphernalia – exemptions.

9.44.010 Definitions.
As used in this chapter, unless the context otherwise requires:
A. "Drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this state. "Drug paraphernalia" includes, but is not limited to:
1. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this state;
2. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
3. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marihuana;
4. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
5. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
6. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; or
7. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:
   a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
   b. Water pipes;
   c. Carburetion tubes and devices;
   d. Roach clips, meaning objects used to hold burning material, such as a marihuana cigarette that has become too small or too short to be held in the hand;
   e. Miniature cocaine spoons and cocaine vials;
   f. Chamber pipes;
   g. Carburetor pipes;
   h. Electric pipes;
   i. Air-driven pipes;
   j. Chillums;
   k. Bongs; or
   l. Ice pipes or chillers.
B. “Drug paraphernalia” does not include any marijuana accessories as defined in section 16(2)(g) of article XVIII of the state constitution.
C. "Marijuana paraphernalia" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.


9.44.020 Drug paraphernalia-Determination-Considerations.

A. In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors, the following:
   1. Statements by an owner or by anyone in control of the object concerning its use;
   2. The proximity of the object to controlled substances;
   3. The existence of any residue of controlled substances on the object;
   4. Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person reasonably should know that the object could be used to facilitate the use of a controlled substance in violation of state statute;
   5. Instructions, oral or written, provided with the object concerning its use;
   6. Descriptive materials accompanying the object which explain or depict its use;
   7. The existence and scope of legal uses for the object in the community;

B. In the event a case brought pursuant to this chapter is tried before a jury, the court shall hold an evidentiary hearing on issues raised pursuant to this section. Such hearing shall be conducted in camera. (Ord. O-97-13 § 4 (part), 1997).

9.44.025 Illegal possession of marijuana paraphernalia by an underage person.

A. Except as described by Section 14 of Article XVIII of the Colorado Constitution and Section 18-18-406.3, C.R.S., any person under twenty-one (21) years of age who possesses marijuana paraphernalia and knows or reasonably should know that the marijuana paraphernalia could be used in circumstances in violation of the laws of this state commits illegal possession of marijuana paraphernalia by an underage person. This is a strict liability offense.

B. Upon conviction of a first offense of subsection (A) of this section, the Court shall sentence the underage person to a fine of not more than one hundred and fifty (150) dollars, and/or the Court shall order that the underage person complete a substance abuse program approved by the Division of Behavioral Health in the Department of Human Services.

C. Upon conviction of a second offense of subsection (A) of this section, the Court shall sentence the underage person to a fine of not more than four hundred and ninety-nine (499) dollars and the Court shall order the underage person to:
   1. Complete a substance abuse education program approved by the Division of Behavioral Health in the Department of Human Services;
   2. If determined necessary and appropriate, submit to a substance abuse assessment approved by the Division of Behavioral Health in the Department of Human Services and complete any treatment recommended by the assessment; and
   3. Perform up to twenty-four (24) hours of useful public service.

D. Upon conviction of a third or subsequent offense of subsection (A) of this section, the Court shall sentence the Defendant to a fine of up to one thousand (1,000) dollars, and the Court shall order the underage person to:
1. Complete a substance abuse education program approved by the Division of Behavioral Health in the Department of Human Services and complete any treatment recommended by the assessment;

2. If determined necessary and appropriate, submit to a substance abuse assessment approved by the Division of Behavioral Health in the Department of Human Services and complete any treatment recommended by the assessment; and

3. Perform up to thirty-six (36) hours of useful public service.


9.44.030 Unlawful possession of drug paraphernalia.

A. Except as described in Section 18-1-711, C.R.S., Section 9.44.040, and subsection (B) of this section, a person commits unlawful possession of drug paraphernalia if he possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of state statute.

B. 1. Prior to searching a person, a person’s premises, or a person’s vehicle, a peace officer may ask the person whether the person is in possession of a hypodermic needle or syringe that may cut or puncture the officer or whether such a hypodermic needle or syringe is on the premises or in the vehicle to be searched. If a hypodermic needle or syringe is on the person, on the person’s premises, or in the person’s vehicle and the person, either in response to the officer’s question or voluntarily, alerts the officer of that fact prior to the search, assessment, or treatment, the peace officer shall not arrest or cite the person pursuant to this section for the hypodermic needle or syringe for any minuscule, residual controlled substance that may be present in a used hypodermic needle or syringe, and the City Attorney shall not charge or prosecute the person pursuant to this section for the hypodermic needle or syringe for any minuscule, residual controlled substance that may be present in a used hypodermic needle or syringe. The circumstances described in subsection (B) may be used as a factor in a probable cause or reasonable suspicion determination of any criminal offense if the original stop or search was lawful.

2. Prior to assessing or treating a person, an emergency medical technician or other first responder may ask the person whether the person is in possession of a hypodermic needle or syringe that my cut or puncture the technician or first responder. If a hypodermic needle or syringe is on the person, and the person, either in response to the question or voluntarily, alerts the technician or first responder of that fact, a peace officer shall not arrest or cite the person pursuant to this section for the hypodermic needle or syringe for any minuscule, residual controlled substance that may be present in a used hypodermic needle or syringe, and the City Attorney shall not charge or prosecute the person pursuant to this section for the hypodermic needle or syringe for any minuscule, residual controlled substance that may be present in a used hypodermic needle or syringe.

C. Any person who commits possession of drug paraphernalia shall be punished by a fine of not more than one hundred and fifty (150) dollars.


9.44.040 Drug paraphernalia – exemptions.

A person shall be exempt from the provisions of this Chapter if he or she is participating as an employee, volunteer, or participant in an approved syringe exchange program created pursuant to Section 25-1-520, C.R.S. (Ord. O-2015-14 § 15, 2015).
Chapter 9.45

PROSTITUTION

Sections:
9.45.010 Definitions.
9.45.020 Prostitution prohibited.
9.45.030 Soliciting for prostitution.
9.45.040 Pandering.
9.45.050 Keeping a place of prostitution.
9.45.060 Patronizing a prostitute.
9.45.070 Prostitute making display.
9.45.080 Confiscation of moneys used in prostitution offenses.
9.45.090 Violation of probation for prostitution offense.

9.45.010 Definitions.
For the purposes of this Chapter, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

"Anal intercourse," means contact between human beings of the genital organs of one and the anus of another.
"Cunnilingus," means any act of oral stimulation of the vulva or clitoris.
"Masturbation," means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse.
"Nude" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
"Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.
"Sexual intercourse" means real or simulated intercourse, whether genital-genital, anal-genital, anal intercourse, cunnilingus, or fellatio, between human beings of the opposite or same sex or with an artificial device. (Ord. O-99-15 § 1, 1999).

9.45.020 Prostitution prohibited.
A. Any person who performs, offers, or agrees to perform any act of sexual intercourse, anal intercourse, cunnilngus, fellatio, or masturbation with or in the presence of any person not his or her spouse in exchange for money or other thing of value commits the crime of prostitution.
B. Any person while giving a massage or while appearing nude or semi-nude, who permits or encourages another person not his or her spouse to masturbate in exchange for money or other thing of value commits the crime of prostitution.
C. A person charged with a violation of this section which offense was committed as a direct result of being a victim of human trafficking, may assert as an affirmative defense that he or she is a victim of human trafficking.
D. As used in this section, unless the context otherwise requires:
1. "Human trafficking" means an offense described in Part 5 of Article 2 of Title 18, C.R.S.
2. “Victim of human trafficking” means a person who is alleged to have been, or who has been, subjected to human trafficking. (Ord. O-2015-14 § 16, 2015; Ord.O-2009-9 § 2, 2009; O-2006-21 § 6, 2006; Ord. O-99-15 § 1, 1999).

9.45.030 Soliciting for prostitution.
A. Any person who does any of the following commits the crime of soliciting for prostitution:
   1. Solicits another for the purpose of prostitution;
   2. Arranges or offers to arrange a meeting of persons for the purpose of prostitution;
   3. By word, gesture, or action, endeavors or arranges to further the practice of prostitution or to obtain the services of a prostitute; or
   4. Directs another to a place knowing such direction is for the purposes of prostitution. (Ord. O-2006-21 § 7, 2006; Ord. O-99-15 § 1, 1999).

9.45.040 Pandering.
Any person who for money or other thing of value knowingly arranges or offers to arrange a situation in which a person may practice prostitution commits the crime of pandering. (Ord. O-2006-21 § 8, 2006; Ord. O-99-15 § 1, 1999).

9.45.050 Keeping a place of prostitution.
A. Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits the crime of keeping a place of prostitution:
   1. Knowingly grants or permits the use of such place for the purpose of prostitution; or
   2. Permits the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution. (Ord. O-2006-21 § 9, 2006; Ord. O-99-15 § 1, 1999).

9.45.060 Patronizing a prostitute.
A. Any person who offers or agrees to pay money or other thing of value to a person not his spouse in exchange for the performance of an act of sexual intercourse commits the crime of patronizing a prostitute.
B. Any person who enters or remains in a place of prostitution, with intent to engage in an act of sexual intercourse with a person not his spouse, in exchange for the payment of money or other thing of value, commits the crime of patronizing a prostitute. (Ord. O-2006-21 § 10, 2006; Ord. O-99-15 § 1, 1999).

9.45.070 Prostitute making display.
Any person who by word, gesture, or action, endeavors to further the practice of prostitution in any public place or within public view commits the crime of prostitute making display. (Ord. O-2006-21 § 11, 2006; Ord. O-99-15 § 1, 1999).

9.45.080 Confiscation of moneys used in prostitution offenses.
In addition to any fines, costs, or other penalty that the court may impose, a conviction, plea of guilty, no contest, or the entry of a deferred judgment or sentence to a violation of this Chapter shall result in forfeiture to the seizure fund of the Lakewood Police Department of any monies used in the commission of a violation of this Chapter. (Ord. O-99-15 § 1, 1999).

9.45.090 Violation of probation for prostitution offense.
A peace officer may arrest any person placed on probation for a violation of this chapter when that peace officer has probable cause to believe that the conditions of probation or other
terms of probation or any other order of the municipal court relating to sentencing of the
probationer have been violated. Any probationer who has been arrested under these
circumstances shall be brought before the municipal court. Any probationer so arrested shall
have all the rights afforded by the provisions of the Lakewood Municipal Code to a person
incarcerated before trial on criminal charges and may be admitted to bail pending probation
revocation hearing. Alternatively, if facts are presented to the court upon application of the city
attorney or the probation division from which it reasonably appears that the conditions of
probation for a violation this chapter have been violated by any person on probation, the court
shall issue a warrant for the arrest of the probationer for violation of the conditions of probation
and require that person to be brought before the court. The probation revocation hearing shall
be held in compliance with Section 1.16.020 of the Lakewood Municipal Code. (Ord. O-2006-21
§ 12, 2006).
V. Offenses Against Public Peace

Chapter 9.50

DISORDERLY CONDUCT

Sections:
9.50.010 Disorderly conduct-Unlawful.
9.50.020 Disrupting lawful assembly.
9.50.030 Obstructing highway or other passageway.
9.50.040 Harassment.
9.50.050 Interference with staff, faculty or students of educational institutions.
9.50.060 Public buildings-Trespass, interference-Penalty.
9.50.070 Urination and defecation in public.
9.50.080 Public indecency.
9.50.090 Invasion of privacy.
9.50.100 Window peeping.
9.50.110 Criminal tampering.
9.50.120 Aggressive begging prohibited.
9.50.130 Begging in certain locations prohibited.

9.50.010 Disorderly conduct-Unlawful.
A. It is unlawful for any person to intentionally, knowingly or recklessly:
   1. Make a coarse and obviously offensive utterance, gesture or display in a public place
      when such utterance, gesture or display causes injury or tends to invite an immediate breach of
      the peace;
   2. Abuse or threaten a person in a public place in an obviously offensive manner when
      such abusive or threatening act causes injury or tends to invite immediate breach of the peace;
   or
   3. Fight with another in a public place except as a participant in a sporting event.
B. It is an affirmative defense to prosecution under subsection (A)(2) of this section where
the actor has significant provocation for his abusive or threatening conduct. (Ord. O-77-16 § 2,

9.50.020 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 significantly obstructs or interferes with
the meeting, procession or gathering by physical action, verbal utterances or any other means.
(Ord. O-74-1 § 1 (part), 1974).

9.50.030 Obstructing highway or other passageway.
A. It is unlawful for any person without legal authority to intentionally, knowingly, or
recklessly:
   1. Obstruct a highway, street, sidewalk, railway, waterway, building entrance, elevator,
      aisle, stairway, or hallway to which the public or a substantial group of the public has access or
      any other place used for the passage of persons, vehicles, or conveyances, whether the
      obstruction arises from his acts alone from his acts and the acts of others; or
2. Disobeys a reasonable request or order to move issued by a peace officer or a firefighter while such person is acting under color of his or her official authority, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.

3. Obstruct a highway or other passageway where a funeral procession is taking place.

B. For the purposes of this section, "obstruct" means to render impassable to or to render passage unreasonably inconvenient or hazardous. (Ord. O-2006-21 § 13, 2006).

9.50.040 Harassment.

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

1. Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or

2. In a public place directs obscene language or makes an obscene gesture to or at another person; or

3. Follows a person in or about a public place; or

4. Initiates communication with a person, anonymously or otherwise in writing, in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request, suggestion, or proposal in writing which is obscene; or

5. Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise by telephone, computer, computer network, computer system, or other interactive medium in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, or other interactive electronic medium that is obscene; or

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

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

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

9. Makes a credible threat to another person.

B. As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

C. Any act prohibited by subdivision (4), (5), (6), or (8) of this subsection (A) may be deemed to have occurred or to have been committed at the place at which the writing, telephone call, electronic mail, or other electronic communication was either made or received.

D. "Credible threat" means a threat or physical action that would cause a reasonable person to be in fear for the person's life or safety or the safety of his immediate family.

E. "Immediate family" includes the person's spouse and the person's parent, grandparent, sibling, or child.

F. This section is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United States Constitution or to prevent the constitutionally protected expression of any religious, political, or philosophical views.

9.50.045 Posting or possessing a private image by a juvenile

A. A juvenile commits the offense of posting a private image by a juvenile if he or she, through digital or electronic means:
   1. Knowingly distributes, displays, or publishes to the view of another person a sexually explicit image of a person other than himself or herself who is at least fourteen years of age or is less than four years younger than the juvenile:
      a. Without the depicted person’s permission; or
      b. When the recipient did not solicit or request to be supplied with the image and suffered emotional distress; or
      c. When the juvenile knew or should have known that the depicted person had a reasonable expectation that the image would remain private; or
   2. Knowingly distributes, displays, or publishes, to the view of another person who is at least fourteen years of age or is less than four years younger than the juvenile, a sexually explicit image of himself or herself when the recipient did not solicit or request to be supplied with the image and suffered emotional distress; or
   3. Commits a violation of subsection (A)(1) or (A)(2) with the intent to coerce, intimidate, threaten, or otherwise cause emotional distress to the depicted person.

B. A juvenile commits the offense of possessing a private image by a juvenile if he or she, through digital or electronic means, knowingly possess a sexually explicit image of another person who is at least fourteen years of age or is less than four years younger than the juvenile without the depicted person’s permission; except that it is not a violation of this subsection (B) if the juvenile:
   1. Took reasonable steps to either destroy or delete the image within seventy-two hours after initially viewing the image; or
   2. Reported the initial viewing of such image to law enforcement or a school resource officer within seventy-two hours after initially viewing the image.

C. As used in this section:
   1. “Juvenile” means a person under eighteen years of age.
   2. “Sexually explicit image” means any electronic or digital photograph, video, or video depiction of the external genitalia or perineum or anus or buttocks or pubes of any person or the breast of a female person. (Ord. O-2017-15 § 16, 2017).

9.50.050 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; or
   2. Lawful use of the property or facilities of such institution; or
   3. The right of lawful ingress and 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 education 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 educational activities, through the use of restraint, 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 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. It is unlawful for any person with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, to loiter in a school building or on school grounds or within one hundred feet of school grounds when persons under the age of eighteen are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his representative or by a peace officer. “Loiter” means to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide or tarry in a public place.

E. It shall be an affirmative defense that the defendant was exercising his right to 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.

F. A person shall not knowingly make or convey to another person a credible threat to cause death or to cause bodily injury with a deadly weapon against:

1. A person the actor knows or believes to be a student, school official, or employee of an educational institution; or
2. An invitee who is on the premises of an educational institution.
3. For the purposes of this subsection (F), “credible threat” means a threat or physical action that would cause a reasonable person to be in fear of bodily injury with a deadly weapon or death. (Ord. O-2006-21 § 14, 2006; Ord. O-87-27 § 8, 1987; Ord. O-74-1 § 1 (part), 1974).

9.50.060 Public buildings-Trespass, interference-Penalty.

A. It is unlawful for any person to so conduct himself at or in any public building owned, operated or controlled by the city, the state or any of its political subdivisions, as to willfully deny to any public official, public employee or any invitee on such premises, the lawful rights of such official, employee or invitee to enter, use the facilities of, or to leave, any such public building.

B. It is unlawful for any person, at or in any such public building, to willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, coercion or intimidation, or by force and violence or threat thereof.

C. It is unlawful for any person to willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer, or designee, charged with maintaining order in such public building, if such person has committed, is committing, threatens to commit or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in such public building.

D. It is unlawful for any person, at any meeting or session conducted by any judicial, legislative or administrative body or official at, or in, any public building, to willfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties of such meeting or session.

E. It is unlawful for any person, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official, or in any public building, to willfully impede, disrupt or hinder the normal proceedings of such body or official. (Ord. O-94-33 § 31, 1994; Ord. O-74-1 § 1 (part), 1974).

9.50.070 Urination and defecation in public.

It is unlawful for any person to urinate or defecate in the public view, whether in or on public or private property, except in a room or area designated and equipped for such purposes. (Ord. O-83-75 § 1, 1983).
9.50.080  **Public indecency.**

A. It is unlawful for any person to commit public indecency. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

1. An act of sexual intercourse; or
2. A lewd exposure of an intimate part as defined by Section 18-3-401(2), C.R.S. of the body, not including the genitals, done with intent to arouse or to satisfy the sexual desire of any person; or
3. A lewd fondling or caress of the body of another person; or
4. A knowing exposure of the person’s genitals to the view of a person under circumstances in which such conduct is likely to cause affront or alarm to the other person.


9.50.090  **Invasion of privacy.**

A. It is unlawful for any person to knowingly observe or take a photograph of another person’s intimate parts without that person’s consent, in a situation where the person observed or photographed has a reasonable expectation of privacy.

B. For the purposes of this section, “intimate parts” means the external genitalia or the perineum of the anus or the buttocks or the pubes or the breast of any person.

C. For the purposes of this section, “photograph” includes a photograph, motion picture, videotape, live feed, print, negative, slide, or other mechanically, electronically, digitally, or chemically reproduced visual material. (Ord. O-2013-16 § 5, 2013; Ord. O-2004-35 § 6, 2004; Ord. O-85-3 § 2, 1985).

9.50.100  **Window peeping.**

A. It is unlawful for any person to knowingly look, peer, or peep in to any window, door, skylight, or other opening of any dwelling of another, in a situation where the person being observed has a reasonable expectation of privacy, without that person’s consent, with the intent of spying on another or invading another’s privacy, or going onto another’s premises for that purpose.

B. It shall be unlawful for any person to knowingly look, peer, or peep into any window, door, skylight, or other opening of any dressing room, locker room, rest room, shower stall, tanning booth, or any area containing bathing facilities in any commercial business, public facility, or private club, in a situation where the person being observed has a reasonable expectation of privacy, without that person’s consent, with the intent of observing another person in the act of dressing or undressing or in a state of nudity.

C. For the purposes of this section, a "state of nudity" means the appearance of a bare buttocks, anus, male genitals, female genitals, or female breast.

D. This provision shall not apply to any act committed by a peace officer in the lawful discharge of his duties. (Ord. O-97-13 § 7, 1997; Ord. O-93-72 § 1, 1993).

9.50.110  **Criminal tampering.**

It is unlawful for any person to knowingly tamper with property of another with intent to cause injury, inconvenience, or annoyance to that person or to another.

Chapter 9.51

NIGHTTIME LOITERING BY JUVENILES

Sections:

9.51.010 Findings of fact.
9.51.020 Definitions.
9.51.030 Juvenile nighttime loitering.
9.51.040 Parental responsibility for juvenile nighttime loitering.

9.51.010 Findings of fact.

The City Council finds:

A. Juveniles congregating in the city on public streets and public places in the late evening and early morning hours have caused general disturbances to residents, disorderly assemblies, fights, and have been involved in an excessive number of other criminal activities such as drug and alcohol related crimes, thefts, violent crimes against persons, and property crimes.

B. Juveniles loitering in public during the nighttime hours are frequently the victims of criminal activity perpetrated by both juveniles and adults.

C. Special regulation of juveniles is necessary to protect juveniles from each other and from other persons in public during nighttime hours, to aid in crime prevention, to promote parental supervision and authority over juveniles, to assist parents to assert control and responsibility over their children, to decrease nighttime juvenile criminal activity, and to protect the public from nighttime criminal activities by juveniles. (Ord. O-93-53 § 1 (part), 1993).

9.51.020 Definitions.

For the purposes of this chapter, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

“Loiter” or “loitering” means to remain idle in essentially one location, to be dilatory, to tarry, to dawdle, whether in or out of a motor vehicle, and shall include but not be limited to standing around, hanging out, sitting, kneeling, sauntering, or prowling.

“Permit or allow” means to consent, to tolerate, to give permission, to authorize, or to give opportunity. (Ord. O-93-53 § 1 (part), 1993).

9.51.030 Juvenile nighttime loitering.

It is unlawful for any person under the age of eighteen years to loiter on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement, or eating place, whether public or private, without the consent or permission of the owner or occupant thereof, between the hours of eleven p.m. on any day and six a.m. of the following day; provided, however; that on Saturday and Sunday the effective hours of this prohibition are between twelve a.m. and six a.m. of the same day. No violation of this provision will have occurred if the person under the age of eighteen years is accompanied by a parent, guardian, or other adult person over the age of twenty-one years who is authorized by a parent or guardian of such juvenile to take said parent's or guardian's place in accompanying said juvenile for a designated period of time and purpose within a specified area. (Ord. O-93-53 § 1 (part), 1993).
9.51.040 Parental responsibility for juvenile nighttime loitering.

It is unlawful for the parent, guardian, or other adult person having the care and custody of a juvenile under the age of eighteen years to knowingly permit or allow such juvenile to loiter at the places and within the time prohibited by Section 9.51.030 of this chapter. The term “knowingly” includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent's or guardian's custody. It shall be no defense that a parent, guardian, or other person having the care and custody of the juvenile was indifferent to the activities, conduct or whereabouts of such juvenile. No violation of this provision will have occurred if the responsible adult has made a missing person notification to his local police department prior to the juvenile's violation of Section 9.51.030 of this chapter. (Ord. O-93-53 § 1 (part), 1993).
Chapter 9.52

NOISE*

Sections:

I. Short Title, Policy and General Definitions

9.52.010 Short title.
9.52.020 Declaration of policy.
9.52.030 Definitions.

II. Prohibited Noise-General Prohibition

9.52.040 Unlawful to make.
9.52.050 Unlawful noises generally.
9.52.060 Bells and chimes.
9.52.070 Radios, television sets, phonographs and similar devices—Use restricted.
9.52.080 Animals or birds.
9.52.090 Exhausts-Mufflers.
9.52.100 Defect in vehicle or load.
9.52.110 Quiet zone.
9.52.120 Dynamic braking devices.
9.52.130 Trash Truck Loading and Unloading.
9.52.135 Haul Route.

III. Prohibited Noise-Sound Level Standards

9.52.140 Construction.
9.52.150 Repair or Maintenance Power Equipment.
9.52.153 Exceptions.
9.52.155 Temporary exemption from ordinance.

IV. Amplified Sound

9.52.160 Amplified sound.
9.52.170 Application for permit to use sound-amplifying equipment in a motor vehicle.
9.52.190 Permit issuance.

I. Short Title, Policy and General Definitions

9.52.010 Short title.
This chapter shall be known as the Lakewood noise control ordinance. (Ord. O-86-42 § 1 (part), 1986).

9.52.020 Declaration of policy.
It is declared that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the city. This chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Lakewood through the reduction, prohibition and regulation of noise. It is the intent of this chapter to establish and provide for sound levels that will eliminate unreasonable and excessive noise, reduce community noise, promote a comfortable enjoyment of life, property and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community. (Ord. O-86-42 § 1 (part), 1986).

9.52.030 Definitions.
The following definitions shall apply in the interpretation and enforcement of this chapter.
“City Manager” means the Lakewood City Manager or that person’s designee.
“Commercial district” means the following: (A) an area where offices, clinics and the facilities needed to serve them are located; (B) an area with local shopping and service establishments; (C) a tourist-oriented area where hotels, motels and gasoline stations are located; (D) a business strip along a main street containing offices, retail businesses and commercial enterprises; (E) other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity. “Commercial district” includes, but is not limited to, any parcel of land zoned as a convenience commercial district, a neighborhood commercial district, a community commercial district, a commercial district, a large lot commercial district or an office district, under the zoning ordinance of the city.
“Commercial purpose” means and includes the use, operation or maintenance of any sound or amplifying equipment, for the purpose of advertising any business, any goods or any services, or for the purpose of attracting the attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.
“Construction” means any and all activities for the erection, demolition, assembling, altering or installing of buildings, structures, roads, utilities or appurtenances thereto, including land clearing, grading, excavating, filling, and warming up equipment for such activities but does not include activities common to non-construction work such as workers arriving at a job site and making work assignments.
“Construction activities” means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.
“Continuous noise” means a steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more during a period of eight hours.
“Device” means any mechanism which is intended to produce or which actually produces sound when operated or handled.
“Dynamic braking device” means a device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
“Emergency Work” means work made necessary to restore property to a safe condition or work required to protect persons or property from an imminent exposure to danger or potential danger.

“Industrial district” means an area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. “Industrial district” includes, but is not limited to, any parcel of land zoned as an industrial district or a planned development district with uses permitted in an industrial district under the zoning ordinance of the city.

“Motor vehicle” means any vehicle, such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer, propelled or drawn by mechanical power, and includes motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

“Muffler” means any apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

“Noncommercial purpose” means the use, operation or maintenance of any sound-amplifying equipment for other than a commercial purpose. “Noncommercial purpose” means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.

“Remodel” means any work necessary to replace pre-existing features of a building without demolishing any portion of any exterior wall and any work for which a building permit is not required by Title 14 of this Municipal Code.

“Repair or Maintenance Power Equipment” means, but is not limited to, lawn mowers, powered garden tools, electric or chain saws, log chippers, riding tractors, leaf blowers or powered hand tools.

“Residential district” means an area of single or multiple-family dwellings and includes areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. “Residential district” also includes, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities. “Residential district” includes, but is not limited to, land zoned as a large lot residential district, a small lot residential district, a duplex residential district, a high-density residential district, a medium-density residential district, or a mobile home residential district under the zoning ordinance of the city.

“Residential Use” means any single or multiple-family dwelling and including, but not limited to, hospitals, nursing homes, hotels, motels, homes for the aged, schools, and courts and similar institutional facilities.

“Sound-amplifying equipment” means any machine or device for the amplification of a human voice, music or any other sound, or by which the human voice, music or any other sound is amplified.

“Unreasonable noise” means any excessive or unusually loud sound, or any sound which disturbs the peace and quiet of any neighborhood or causes damage to any property or business. (Ord. O-2019-19 § 3, 2019; Ord. O-94-33 § 32 & 33, 1994; Ord. O-86-42 § 1 (part), 1986).
II. Prohibited Noise—General Prohibition

9.52.040 Unlawful to make.
   No person shall knowingly make or continue, or cause to be made or continued, any unreasonable noise within the city. (Ord. O-86-42 § 1 (part), 1986).

9.52.050 Unlawful noises generally.
   The following acts, enumerated in Sections 9.52.060 through 9.52.160, are declared to cause unreasonable noises in violation of this chapter; provided, however, that the following enumeration is not in limitation of Section 9.52.040, and is not exclusive. (Ord. O-86-42 § 1 (part), 1986).

9.52.060 Bells and chimes.
   No person shall use, operate, cause or permit to be sounded any bell or chime, or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school, between the hours of ten p.m. of one day and seven a.m. of the following day. (Ord. O-86-42 § 1 (part), 1986).

9.52.070 Radios, television sets, phonographs and similar devices—Use restricted.
   It is unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause any unreasonable noise. (Ord. O-94-33 § 34, 1994; Ord. O-86-42 § 1 (part), 1986).

9.52.080 Animals or birds.
   No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person. (Ord. O-86-42 § 1 (part), 1986).

9.52.090 Exhausts-Mufflers.
   No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. (Ord. O-86-42 § 1 (part), 1986).

9.52.100 Defect in vehicle or load.
   It is unlawful for any person to operate, or cause or permit to be operated or used, any automobile, truck, motorcycle or other motor vehicle so out of repair, so loaded or in such a manner as to cause any unreasonable noise. (Ord. O-94-33 § 35, 1994; Ord. O-86-42 § 1 (part), 1986).
9.52.110  Quiet zone.

The creation of any unreasonable noise is prohibited within the vicinity of any school, institution of learning, church or court while the same is in use or session, which unreasonably interferes with the workings of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospital or residents in the nursing home or home for the aged, provided conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court. (Ord. O-86-42 § 1 (part), 1986).

9.52.120  Dynamic braking devices.

No person shall operate any motor vehicle with a dynamic braking device engaged which is not properly muffled. (Ord. O-86-42 § 1 (part), 1986).

9.52.130 Trash Truck Loading and Unloading

Except as otherwise provided in this chapter, no person shall load or unload any garbage, trash or compactor truck within three hundred feet of any building containing a Residential Use:

A. On any Sunday;
B. On any Designated Holiday; or
C. Between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day.

9.52.135 Haul Route

The City Manager is authorized to limit, prior to or subsequent to the issuance of any permit, the route for transporting materials or equipment to and from the location of Construction. In approving or denying such route, consideration shall be given to limiting use of streets with adjacent Residential Use and to preferring use of arterial streets when reasonable. (Ord. O-2019-19 § 5, 2019).
III. Prohibited Noise-Sound Level Standards

9.52.140 Construction
Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in Construction:
   A. On any Sunday;
   B. On any Designated Holiday; or
   C. Between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day.

9.52.150 Repair or Maintenance Power Equipment
Except as otherwise provided in this chapter, no person shall operate or permit to be operated any Repair or Maintenance Power Equipment:
   A. On any Sunday;
   B. On any Designated Holiday; or
   C. Between the hours of 9:00 p.m. of one day and 7:00 a.m. of the next day.

9.52.153 Exceptions
The provisions of Sections 9.52.130, 9.52.135, 9.52.140 and 9.52.150 shall not apply to the following:
   A. Emergency Work;
   B. Remodel and use of Repair or Maintenance Power Equipment on any property containing a previously completed Residential Use except that such activities shall not occur between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day;
   C. Replacing a roof except that such activities shall not occur between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day;
   D. Snow and ice removal and plowing; and
   E. Sweeping of streets and parking lots.

9.52.155 Temporary Exemption from Ordinance
   A. Applications for a temporary exemption from the provisions of Sections 9.52.130, 9.52.140 and 9.52.150 shall be made to the City Manager.
   B. In approving or denying a temporary exemption, consideration shall be given to effective dates, hours of operation, type of noise, location, equipment noise characteristics and public health, safety and welfare.
   C. Any temporary exemption approved hereunder may provide for, without limitation, a public information program, restrictions on effective dates, hours of operation, type of noise, location, and equipment type relating to that particular activity giving rise to the relief requested.
IV. Amplified Sound

9.52.160 Amplified sound.

A. No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment for the purpose of giving instructions, directions, talks, addresses or lectures, or for transmitting music or sound to any persons or assemblages of persons, between the hours of ten p.m. of one day and seven a.m. of the following day, in such a manner as to be plainly audible at the property line. The intensity and loudness of any amplified sound, which is transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

B. No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment in a motor vehicle in such a manner as to be plainly audible at twenty-five feet from the motor vehicle, unless a permit has been issued by the City Clerk pursuant to Section 9.52.190 which allows such amplification. If such a permit has been issued, the intensity and loudness of any amplified sound, which is transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

C. The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

D. The provisions of this section shall not apply to sound made on property owned by, controlled by, or leased to the city, the federal government, or to any branch, subdivision, institution or agency of the government of this state or any political subdivision within it, and when such sound is made by an activity of the governmental body or sponsored by it or by others pursuant to the terms of a contract, lease, or permit granted by such governmental body.

(Ord. O-2002-16 § 1, 2002; Ord. O-86-42 § 1 (part), 1986).

9.52.170 Application for permit to use sound-amplifying equipment in a motor vehicle.

Any person, partnership, association, or corporation desiring to use or operate any loudspeaker, public address system, or other sound-amplifying equipment in or from a motor vehicle for either commercial or noncommercial purposes must first obtain a permit from the City Clerk. The permit may authorize the use or operation of such sound-amplifying equipment between the hours of seven a.m. and ten p.m. of one day. The application for the permit shall be filed with the City Clerk and shall provide the following information:

A. The name, address and telephone number of both the owner and the user of the sound-amplifying equipment;

B. The license number of the motor vehicle which is to be used;

C. The general description of the sound-amplifying equipment which is to be used;

D. Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and

E. The dates upon which and the streets over which the equipment is proposed to be operated.

(Ord. O-86-42 § 1 (part), 1986).
9.52.190 Permit issuance.

Permits required by Sections 9.52.170 may be issued by the City Clerk if the City Clerk finds that the conditions of motor vehicle movement or pedestrian movement are such that the use of the equipment will not constitute an unreasonable interference with traffic safety, that the applicant will not violate the hour restrictions of the permit, and that the use of the sound-amplifying equipment will not disturb the peace and quiet of any neighborhood. An applicant may appeal the denial of a permit by the City Clerk to the City Manager if such appeal is filed in writing with the City Manager within seven days of the denial of said permit by the City Clerk. The City Manager or his designee shall conduct any hearing and/or review of the denial of the permit request, and his decision shall be final. The City Manager may promulgate rules and regulations or procedures to govern any such hearing and/or review. (Ord. O-2002-16 § 3, 2002; Ord. O-86-42 § 1 (part), 1986).
VI. Offenses Against Property

Chapter 9.60

INJURING OR DESTROYING PROPERTY

Sections:

9.60.010 Criminal mischief.
9.60.015 Obstruction of telephone service.
9.60.020 Injury or removal of signs.
9.60.030 Destroying posters.
9.60.040 Lug wheels and treaded vehicles prohibited.
9.60.050 Defacing property.
9.60.055 Possession of graffiti materials by minors prohibited.
9.60.057 Unlawful possession of graffiti materials.
9.60.060 Arson

9.60.010 Criminal mischief.

It is unlawful for any person to knowingly injure, damage, or destroy the real or personal property of one or more other persons including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode where the aggregate damage to the real or personal property is less than one thousand dollars. (Ord. O-2007-28 § 8, 2007; Ord. O-2002-46 § 3, 2002; Ord. O-98-35 § 5, 1998; Ord. O-97-13 § 8, 1997; Ord. O-92-32 § 1, 1992; Ord. O-85-50 § 1, 1985; Ord. O-82-45 § 1, 1982; Ord. O-74-1 § 1 (part), 1974).

9.60.015 Obstruction of telephone service.

A person commits obstruction of telephone service if the person knowingly prevents, obstructs, or delays, by any means whatsoever, the sending, transmission, conveyance, or delivery in this city of any message, communication, or report by or through any telephone line, wire, cable, or other facility or any cordless, wireless, electronic, mechanical, or other device. (Ord. O-2002-46 § 4, 2002).

9.60.020 Injury or removal of signs.

It is unlawful for any unauthorized person to willfully remove, deface, injure, damage or destroy any street sign or official traffic control device erected or placed in or adjacent to any street where the aggregate damage to such street sign or traffic control device is less than one thousand dollars. (Ord. O-2007-28 § 9, 2007; Ord. O-98-35 § 6, 1998; Ord. O-97-13 § 9, 1997; Ord. O-92-32 § 2, 1992; Ord. O-87-27 § 9, 1987; Ord. O-74-1 § 1 (part), 1974).

9.60.030 Destroying posters.

It is unlawful for any person to intentionally tear down, deface or cover up any lawfully posted advertisement or bill of any person, firm, corporation or entity; provided, however, that this section shall not apply to any person possessing the lawful right or authority to tear down, deface or cover up any such advertisement or bill. (Ord. O-94-33 § 36, 1994; Ord. O-74-1 § 1 (part), 1974).
9.60.040 Lug wheels and treaded vehicles prohibited.

It is unlawful for any vehicle equipped with treads and/or lug wheels which are injurious to pavement to be operated or caused to be operated by any person upon public streets unless the operator of such vehicle first planks and protects such streets from damage. Nothing in this section shall be construed to prohibit the use of studded snow tires. (Ord. O-94-33 § 37, 1994; Ord. O-74-1 § 1 (part), 1974).

9.60.050 Defacing property.

A. It is unlawful for any person to knowingly deface or cause, aid in, or permit the defacing of public or private property without the prior consent of the owner by painting, drawing, writing, marking, etching, carving, scratching or any other unauthorized marking by use of paint, spray paint, ink, knife or by any other method of defacement.

B. Any person convicted of defacing property shall be ordered by the court to perform community service which shall include personally making repairs to any property damaged or properties similarly damaged. A person who defaces property shall be subject to the maximum penalties established in Section 1.16.020 of the Lakewood Municipal Code. The minimum penalty shall be as follows:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>First offense</td>
<td>$250.00</td>
</tr>
<tr>
<td>Second offense</td>
<td>400.00</td>
</tr>
<tr>
<td>Third or subsequent offense</td>
<td>650.00</td>
</tr>
</tbody>
</table>

(Ord. O-95-26 § 1, 1995).

9.60.055 Possession of graffiti materials by minors prohibited.

A. It shall be unlawful for any person under eighteen (18) years of age, except for a minor under the direction or supervision of the minor’s parent, legal guardian, instructor, employer, or law enforcement officer, to purchase, procure, or possess, or attempt to purchase, procure, or possess any prohibited graffiti material.

B. For the purposes of this section, the words and phrases are defined as follows:

1. “Broad tipped marker pen” means a felt-tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth (1/4) of an inch, containing a fluid which is not water soluble.

2. “Glass etching tool or instrument” means any tool, device, or substance that can be used to make permanent marks on any surface or to create a frosted effect on any surface or to deliver a solution to any surface in order to create an image, or any container of such solution, including, but not limited to, glass etching creams or solutions.

3. “Paint pen” means a tube, marker, or other pen-like instrument with a tip of greater than one-fourth (1/4) inch in diameter that contains paint or a similar fluid and an internal paint agitator.

4. “Prohibited graffiti material” means any can of spray paint, spray paint nozzle, broad tipped marker pen, paint pen, glass-cutting tool, or glass etching tool or instrument.

5. “Spray paint” means any aerosol container that is made or adapted for the purpose of applying spray paint or other substance capable of defacing property.

6. “Spray paint nozzle” means a nozzle designed to deliver a spray of paint of a particular width or flow from a can of spray paint.

C. Affirmative Defense. It shall be an affirmative defense to a violation of this section that the minor possessing the prohibited graffiti material was:
1. Within the minor’s home;
2. At the minor’s place of employment and the minor possessed the materials or devices within the scope of that employment;
3. Upon real property with permission to possess such materials from the owner, occupant, or person having lawful control of such property; or
4. Attending a school or traveling between any location set forth in this subsection (C) and a school, at which the minor was enrolled if the minor was participating in a class or a school sanctioned activity at the school that formally required the possession of the materials. (Ord. O-2008-18 § 1, 2008).

9.60.057 Unlawful possession of graffiti materials.

A person commits unlawful possession of graffiti materials if he possesses any tool, instrument, or other article adapted, designed, or commonly used for committing or facilitating the commission of an offense involving damaging, defacing, or destroying public or private property and intends to use the thing possessed, or knows that some other person intends to use the thing possessed, in the commission of such an offense. Graffiti materials include those tools, devices, materials, or substances meeting the definition of prohibited graffiti materials as set forth in Section 9.60.055. (Ord. O-2008-18 § 2, 2008).

9.60.060 Arson

A. It is unlawful for any person to knowingly set fire to, burn, cause to be burned, or by the use of any explosive, to damage or destroy, or cause to be destroyed, any property of another, other than a building or occupied structure, without the owner’s consent, if the damage is less than one hundred dollars.

B. It is unlawful for any person to knowingly or recklessly start or maintain a fire or cause an explosion, on his own property or that of another, and by so doing place any building or occupied structure of another in danger of damage.

C. It is unlawful for any person to knowingly and without lawful authority or with criminal negligence, set on fire, or cause to be set on fire, any woods, prairie, or grounds of any description, other than his own, or to knowingly or with criminal negligence, permit a fire, set or cause to be set a fire which passes from his own grounds and cause damage to the grounds of another.

D. Definitions. The following definitions shall apply in the interpretation of this section:
1. "Building" means a structure which has the capacity to contain, and is designed for the shelter of man, animals, or property, and includes a ship, trailer, sleeping car, airplane, or other vehicle, or place adapted for overnight accommodations of persons or animals, or for carrying on of business therein, whether or not a person or animal is actually present.
2. "Occupied structure" means any area, place, facility, or enclosure which, for particular purposes, may be used by persons or animals upon occasion, whether or not included within the definition of "building", and which is in fact occupied by a person or animal, and known by the defendant to be thus occupied at the time of his act of arson.
3. Property is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein.
4. If a building is divided into units for separate occupancy, any unit not lawfully occupied by the defendant is a "building of another."
9.60.060

5. “Fire investigator” means a person who:
   a. Is an officer or member of a fire department, fire protection district, or fire fighting agency of the state or any of its political subdivisions with enforcement authority within the city;
   b. Is engaged in conducting or is present for the purpose of engaging in the conduct of a fire investigation; and
   c. Is either a volunteer or is compensated for services rendered by the person.

Chapter 9.62

OBSTRUCTING TRAFFIC

Sections:
9.62.010 Obstructing traffic.

9.62.010 Obstructing traffic.
It is unlawful for any person to willfully, maliciously or recklessly place in any doorway or driveway not owned by him or under his lawful control, or on any sidewalk, public highway, street or alley in the city, any item, article or object which causes or tends to cause the obstruction thereof of any part thereof. (Ord. O-74-1 § 1 (part), 1974).
Chapter 9.63
BAD CHECKS

Sections:
9.63.010 Definitions.
9.63.020 Issuance of bad check.

9.63.010 Definitions.
The following definitions shall apply to this chapter; unless the context otherwise requires:
“Check” means a written, unconditional order to pay a sum certain in money, drawn on a bank, payable on demand, and signed by the drawer. “Check,” for the purposes of this section only, also includes a negotiable order of withdrawal and a share draft.
“Drawee” means the bank upon which a check is drawn or a bank, savings and loan association, industrial bank, or credit union on which a negotiable order of withdrawal or a share draft is drawn.
“Drawer” means a person, either real or fictitious, whose name appears on a check as the primary obligor, whether the actual signature be that of himself or of a person authorized to draw the check on himself.
“Insufficient funds” means not having a sufficient balance in account with a bank or other drawee for the payment of a check or order when presented for payment within thirty days after issue.

Issue. A person issues a check when he makes, draws, delivers, or passes it or causes it to be made, drawn, delivered, or passed.
“Negotiable order of withdrawal” and “share draft” mean negotiable or transferable instruments drawn on a negotiable order of withdrawal account or a share draft account, as the case may be, for the purpose of making payments to third persons or otherwise.
“Negotiable order of withdrawal account” means an account in a bank, savings and loan association, or industrial bank, and “share draft account” means an account in a credit union, on which payment of interest or dividends may be made on a deposit with respect to which the bank, savings and loan association, or industrial bank or the credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawal by negotiable order of withdrawal or share draft. (Ord. O-89-24 § 1 (part), 1989).

9.63.020 Issuance of bad check.
A. It is unlawful for any person to issue or pass a check or similar sight order for the payment of less than two thousand (2,000) dollars, knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment of in full of the check or order as well as all other checks or orders outstanding at the time of issuance.
B. It is unlawful for any person to issue or pass two or more checks or similar sight orders within any sixty-day period within the City of Lakewood for the payment of money totaling less than two thousand (2,000) dollars in the aggregate knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the checks or order as well as all other checks or orders outstanding at the time of issuance.
C. It is unlawful for any person to open a checking account, negotiable order of withdrawal account, or share draft account using false identification or an assumed name for the purpose of issuing fraudulent checks.
D. This section does not relieve the prosecution from the necessity of establishing the required knowledge by evidence. However, for the purposes of this section, the issuer’s knowledge of insufficient funds is presumed except in the case of a postdated check or order, if:

1. He has no account upon which the check or order is drawn with the bank or other drawee at the time he issues the check or order; or
2. He has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty days after issue.

Chapter 9.64

SHOPLIFTING

Sections:

9.64.010 Shoplifting-Unlawful.
9.64.020 Price switching.
9.64.030 Unlawful acts-theft detection devices.

9.64.010 Shoplifting-Unlawful.

It is unlawful for any person to knowingly conceal or otherwise carry away, or to knowingly aid another to conceal or otherwise carry away, unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment with the intent to avoid payment thereof and to permanently deprive the store or mercantile establishment of the benefit of the unpurchased goods, wares or merchandise; provided, however, that the aggregate value of such unpurchased goods, wares, or merchandise shall be less than two thousand dollars. (Ord. O-2014-3 § 12, 2014; Ord. O-2007-28 § 11, 2007; Ord. O-97-61 § 4, 1997; Ord. O-92-32 § 5, 1992; Ord. O-85-50 § 2, 1985; Ord. O-82-56 § 1, 1982; Ord. O-77-16 § 4, 1977; Ord. O-74-1 § 1 (part), 1974).

9.64.020 Price switching.

It is unlawful for any person to willfully alter, remove or switch the indicated price of any unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment; provided, however, that this section shall not apply to goods, wares or merchandise of a value of two thousand dollars or more. (Ord. O-2014-3 § 13, 2014; Ord. O-2007-28 § 12, 2007; Ord. O-97-61 § 5, 1997; Ord. O-92-32 § 6, 1992; Ord. O-85-50 § 3, 1985; Ord. O-77-16 § 5, 1977; Ord. O-74-1 § 1 (part), 1974).

9.64.030 Unlawful acts--theft detection devices

A. It is unlawful for any person to knowingly manufacture, distribute, or sell a theft detection shielding device or a theft detection deactivating devise with the knowledge that some person intends to use the device in the commission of an offense involving theft.

B. It is unlawful for any person to possess a theft detection shielding device or a theft detection deactivating device with the intent to use the device possessed, or with the knowledge that some person intends to use the device possessed, in the commission of an offense involving theft.

C. It is unlawful for any person to knowingly deactivate or remove a theft detection device or any component thereof in any store or mercantile establishment without authorization prior to purchase.

D. As used in this section:

1. “Theft detection deactivating device” means any tool, instrument, mechanism, or other article adapted, designed, engineered, used, or operated to inactivate, incapacitate, or remove a theft detection device without authorization. “Theft detection deactivating device” includes, but is not limited to, jumper wires, wire cutters, and electronic article surveillance removal devices.

2. “Theft detection device” means an electronic or magnetic mechanism, machine, apparatus, tag, or article designed and operated for the purpose of detecting the unauthorized removal of merchandise from a store or mercantile establishment.
3. “Theft detection shielding device” means any tool, instrument, mechanism, or article adapted, designed, engineered, used, or operated, to avoid detection by a theft detection device during the commission of an offense involving theft. “Theft detection shielding device” includes, but is not limited to, foil-lined or otherwise modified clothing, bags, purses, or containers capable of and for the sole purpose of avoiding detection devices. (Ord. O-2013-16 § 6, 2013; Ord. O-2002-46 § 5, 2002).
Chapter 9.65

PETTY THEFT

Sections:
  9.65.010  Petty theft-Unlawful.

9.65.010  Petty theft-Unlawful.
  It is unlawful for any person knowingly to obtain, retain, or exercise control over anything, of
the value of less than two thousand dollars, of another without authorization, or by threat or
deception; or to receive, loan money by pawn or pledge on, or dispose of anything of value or
belonging to another that he or she knows or believes to have been stolen, and:
  A. Intends to deprive such other person permanently of the use or benefit of such thing of
value; or
  B. Knowingly uses, conceals, or abandons such thing of value as to deprive such other
person permanently of the use or benefit of the same; or
  C. Uses, conceals, or abandons such thing of value, intending that such use, concealment,
or abandonment will deprive such other person permanently of the use or benefit of the same;
or
  D. Demands any consideration to which such person is not legally entitled, as a condition of
restoring such thing of value to such other person; or
  E. Knowingly retains the things of value more than seventy-two hours after the agreed-upon
time of return in any lease or hire agreement. (Ord. O-2014-3 § 14, 2014; Ord. O-2007-28 § 13,
1, 1978).
Chapter 9.66
TRESPASSING

Sections:
  9.66.010  Trespassing-Unlawful.
  9.66.020  Motor vehicle trespass.

9.66.010  Trespassing-Unlawful.
A. It is unlawful for any person to knowingly enter or remain upon premises when consent to enter or remain is absent, denied, or withdrawn by the owner, occupant, or person having lawful control thereof.
B. It shall be prima facie evidence that consent is absent, denied, or withdrawn, to enter or remain upon the premises of another when:
   1. Any person fails or refuses to remove himself from said premises when requested to leave by the owner, occupant or person having lawful control thereof; or
   2. Private property, which is not then open to the public, is posted with signs which give notice that entrance is forbidden; or

9.66.020  Motor vehicle trespass.
It is unlawful for any person to knowingly enter the motor vehicle of another without the consent of the owner, or the person having the right to possession or control thereof, or to fail or refuse to remove himself from said vehicle when requested to leave by the owner or the person having lawful possession or control of said vehicle; provided, however, that if such entry was made with the intent to steal anything of value or with the intent to commit a crime therein, then this section shall not apply. This provision shall include, but is not limited to, unlawful entries into passenger vehicles, semitrailers, tractor-trailer units, the bed of trucks, road machinery, and implements of husbandry. (Ord. O-92-32 § 9, 1992; Ord. O-85-4 § 1, 1985).
VII. Weapons

Chapter 9.70

DANGEROUS OR DEADLY WEAPONS

Sections:
9.70.010 Definitions.
9.70.020 Unlawfully carrying a concealed weapon.
9.70.025 Unlawfully carrying a concealed weapon in private vehicle.
9.70.030 Illegal weapons-Unlawful to possess or use.
9.70.040 Firearms-Unlawful to discharge.
9.70.050 Deadly weapon-Unlawful to display, brandish or flourish.
9.70.060 Deadly or illegal weapons-Confiscation and disposition thereof.
9.70.070 Deadly weapons-Unlawful to carry where vinous, spirituous or malt liquors sold.
9.70.080 Dangerous missiles-Stones.

9.70.010 Definitions.

The following definitions shall apply to this chapter:

"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 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.

"Deadly Weapon" means:
1. A firearm, whether loaded or unloaded; or
2. A knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

"Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive devices.

"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.

"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.


9.70.020 Unlawfully carrying a concealed weapon.

A. It is unlawful for any person to knowingly carry a knife or firearm concealed on or about his person.

B. It shall be an affirmative defense that the defendant was:
1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying;
2. A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to Section 18-12-105.1, C.R.S. to carry the weapon by the chief of police of a city or city and county, or the sheriff of a county; or
3. A peace officer who is allowed by Section 18-12-105, C.R.S. to carry a concealed weapon.
C. As used herein, “knife” means any dagger, dirk, knife, or stiletto with a blade over three and-one-half inches in length, or any dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife which is being carried for sports use. The blade includes the entire edge beyond the knife handle, regardless of whether it is serrated. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense. (Ord. O-2004-35 § 7, 2004; Ord. O-2000-44 § 6, 2000; Ord. O-97-13 § 15, 1997; Ord. O-87-27 § 12, 1987; Ord. O-74-1 § 1 (part), 1974).

9.70.025 Unlawfully carrying a concealed weapon in private vehicle.
A. It is unlawful for any person to knowingly carry a knife or firearm concealed on or about his person while in a private automobile or other private means of conveyance. It shall not be an offense under this section if the defendant was:
1. A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying;
2. Carrying a weapon for lawful protection of such person’s or another’s person or property while traveling;
3. A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to Section 18-12-105.1, C.R.S. to carry the weapon by the chief of police of a city or city and county, or the sheriff of a county; or
4. A peace officer who is allowed by Section 18-12-105, C.R.S. to carry a concealed weapon.
B. As used herein, “knife” means any dagger, dirk, knife, or stiletto with a blade over three and-one-half inches in length, or any dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife which is being carried for sports use. The blade includes the entire edge beyond the knife handle, regardless of whether it is serrated. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense. (Ord. O-2004-35 § 8, 2004; Ord. O-2000-44 § 7, 2000).

9.70.030 Illegal weapons-Unlawful to possess or use.
A. It is unlawful for any person to knowingly possess or to use, any blackjack, multifixed bladed stellate throwing knife, or brass or metallic knuckles.
B. It shall be an affirmative defense to the charge of possession of an illegal weapon, that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his or her duties. (Ord. O-2017-15 § 19, 2017; Ord. O-87-27 § 13, 1987; Ord. O-77-16 § 6, 1977; Ord. O-74-1 § 1 (part), 1974).

9.70.040 Firearms-Unlawful to discharge.
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 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 when the use of deadly physical force is allowed under Title 18, Article 1, Part 7 of the Colorado Criminal Code, C.R.S; further provided, however, that this section shall not apply to any activity which is a felony under state law. (Ord. O-94-33 § 38, 1994; Ord. O-87-27 § 14, 1987; Ord. O-74-1 § 1 (part), 1974).

9.70.050 Deadly weapon-Unlawful to display, brandish or flourish.
A. It is unlawful for any person to display, brandish or flourish a deadly weapon in a manner calculated to alarm or for any person to knowingly and without lawful excuse, justification, or purpose to 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. Nothing herein 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. O-97-13 § 16, 1997; Ord. O-87-27 § 15, 1987; Ord. O-74-1 § 1 (part), 1974).

9.70.060 Deadly or illegal weapons-Confiscation and disposition thereof.
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 this chapter, to keep and place the same in such place of safekeeping as may be directed by the Chief of Police until the final determination of the prosecution for the offense or any offense in the prosecution of which such weapon may be evidence. Upon entry of a formal judgment of guilt, the Chief of Police or his 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 Chapter 9.02 or by law. (Ord. O-94-33 § 39, 1994; Ord. O-74-1 § 1 (part), 1974).

9.70.070 Deadly weapons-Unlawful to carry where vinous, spirituous or malt liquors sold.
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 are sold for consumption on the premises.
B. The provisions of this section shall not apply to peace officers or any other person 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. O-74-1 § 1 (part), 1974).

9.70.080 Dangerous missiles-Stones.
It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing or other dangerous missile at or against the person, animal, building, structure, personal property or 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 person or property or the person or property of another from physical injury; further provided, however, that this section shall not apply to any activity which is a felony under state law. (Ord. O-94-33 § 40, 1994; Ord. O-74-1 § 1 (part), 1974).
VIII. Nuisances

Chapter 9.80

ABATEMENT OF NUISANCES

Sections:

9.80.010 Definitions.
9.80.020 Unlawful condition on property-Responsibility.
9.80.025 Unlawful condition of right-of-way.
9.80.030 Method of abatement.
9.80.040 Initiate legal action in court.
9.80.050 Abatement procedure.
9.80.060 Show cause.
9.80.070 Summary abatement authorized.
9.80.080 Notice.
9.80.090 Costs and charges.
9.80.100 Right of entry.
9.80.110 Cumulative remedies.
9.80.120 Concurrent remedies.
9.80.130 Affirmative defense.
9.80.140 Towing.
9.80.150 Declared nuisances.

9.80.010 Definitions.

As used in this chapter:

“Acceptable cover” shall be defined as desirable plant species present and sustaining themselves on a lot or tract of land to the extent that it covers two-thirds of the lot or tract of land given to vegetation.

“Code Enforcement Supervisor” means the person, or such person’s designee, empowered by the City to supervise the Code Enforcement Unit of the Police Department and to enforce the provisions of this Chapter and the Zoning Ordinance.

“Commercial trailer” is defined as set forth in Section 10.33.085 of the Lakewood Municipal Code.

“Commercial vehicle” means any vehicle, regardless of weight or height, which is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity or is used “for hire” or displays advertising thereon. Identification of the vehicle’s manufacturer, model, or dealer shall not be considered as advertising. Any passenger vehicle designed to transport no more than nine persons or any pickup truck or van not exceeding twenty-five (25) feet in length shall not be considered commercial vehicles.

“Compost” means the mixing of shredded and decayed organic matter with soil for the purpose of fertilizing and conditioning soil to support plant growth.

“Desirable plant species” Desirable plant species shall include the following species of grasses, shrubs and forbs.

Grasses
- All perennial species (Poa genus) of bluegrass including but not limited to varieties of Kentucky, Canada, and Fendler
- All perennial species of bentgrass (Agrostis genus)
- All perennial species of ryegrass (Lolium genus)
• All perennial species of fescues (Festuca genus)
• Alkaligrass (Puccinellia genus)
• All species of blue stem (Andropogon genus)
• All species of bromegrass (Bromus genus)
• Buffalograss (Buchloe genus)
• All perennial species of grama grass (Bouteloua genus)
• Indian grass (Sorghastrum genus)
• Needlegrass (Stipa genus)
• Indian rice grass (Oryzopsis genus)
• All species of Love grass (Eragrostis genus)
• All species of Orchard grass (Dactylis genus)
• Switch grass (Panicum genus)
• All species of wheatgrass (Agropyron genus)
• Alkali Sacaton (Sporobolus genus)
• Muhly grasses (Muhlenbergia genus)
• Timothy grass (Phleum genus)

Forbs and Shrubs - Pure stands of shrubs and/or forbs will generally not provide sufficient cover for a site to preclude the establishment of undesirable plants. Forbs and shrubs must be a component of acceptable cover which will include presence of the grass species previously listed.

• Antelope Bitterbrush
• Arrowleaf Balsamroot
• Aspen Daisy
• Blue Lupine
• Buffaloberry
• Chokecherry
• Fringed Sage
• Golden Banner
• Kinnikinnick
• Kochia, prostrate
• Lewis Blue Flax
• Louisiana Sage
• Mountain Mahogany
• Mountain Snowberry
• Oregon Grape
• Penstemon: Palmer and Rocky Mountain
• Prairie Coneflower
• Purple Prairie Clover
• Rubber Rabbitbrush
• Sagebrush, Big, Big Wyoming, and Mountain
• Saltbush: Fourwing, Gardner, and Shadscale
• Scarlet Globemallow
• Serviceberry
• Showy Goldeneye
• Silver Sage
• Skunkbush
• Small Burnett
• Utah Sweetvetch
• Winter Fat
• Woods Rose
• Yarrow

"Eradication" means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely infested regions to zero and permanently eliminating the species or population within a specified period of time. Once all specified weed populations are eliminated or prevented from reproducing, intensive efforts continue until the existing seed bank is exhausted.

“Junk” is:
1. Iron, brass, copper, tin, lead or other base metals; ropes, rags, fibers or fabrics; old bottles or other glass; rubber or rubber products; machinery, motor vehicle parts, inoperable/unlicensed trailers and inoperable/unlicensed motor vehicles as defined herein; tools, appliances, fixtures, lumber, unstacked firewood, utensils, cartons, containers, pipe and pipe fittings, conduit and conduit fittings; wastepaper; or other waste or discarded goods;
2. An inoperable/unlicensed motor vehicle is a motor vehicle which is inoperable, or does not display a current license plate, or which lacks one or more of the following items which is otherwise standard factory equipment on any particular vehicle model:
   • windshield
   • side or rear window
   • door
   • fender
   • headlamp
   • muffler
   • wheel
   • properly inflated tire
3. An inoperable motor vehicle is one that is not capable in its present condition of being promptly started and legally driven under its own power.
4. An inoperable/unlicensed trailer is a trailer which is inoperable due to a flat tire, lack of a wheel, lack of structural integrity, lack of a current plate, or other similar reasons which render it inoperable.

“Motor vehicle” is defined as set forth in Section 10.75.020 of the Lakewood Municipal Code.
“Multifamily Dwelling Unit” is a building designed for occupancy by three (3) or more households living in separate dwelling units to include motels or hotels.
“Nuisance” is a substance, act, occupation, condition or use of property which is of such nature and continues for such length of time as to:
1. Injure or endanger the comfort, health, repose or safety of the public; or
2. In any way render the public insecure in life or in the use of property; or
3. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway or other public way.
4. Constitute a failure to maintain detention ponds, drainageways, landscaping, lighting, trash enclosures, signage, retaining walls, irrigation systems, screening, fencing, parking lots,
private driveways and streets and other conditions of private property in accordance with the provisions of a rezoning, plat, official development plan, fencing or landscaping plan, site plan, design standards, permit, or any other land development document approved by the City.

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

“Outdoor Storage” is the use of an outdoor area for the keeping of possessions, belongings, goods, materials, or other items.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or any of their managers, officers or employees.

“Portable Storage Units” means a shipping container designed and intended for transport.

“Public view” means an observation from any location exterior to the property.

“Recreational vehicle” is defined as set forth in Section 10.33.085 of the Lakewood Municipal Code.

“Rubbish” includes, but is not limited to, all solid and liquid waste and litter, whether combustible or noncombustible, and includes but is not limited to ashes, cans, paper, rags, fiber, refuse, fabric, wrappings, cigarettes, cardboard, yard clippings, leaves, dead plant material, branches, wood, waste-building materials, glass, crockery, abandoned or unsafe household furnishings and appliances, discarded clothes or wearing apparel, carcasses of dead animals and other like materials, and animal feces.

“Suppression” means reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weed species to spread to surrounding lands, and mitigating the negative effects of noxious weed populations in infested lands. Suppression efforts may employ a wide variety of integrated management techniques as set forth in Section 35-5.5-101, et seq., C.R.S.

“Trailer” is defined as set forth in Section 10.75.020 of the Lakewood Municipal Code.

“Travel trailer” is defined as set forth in Section 10.33.085 of the Lakewood Municipal Code.

“Vehicle” is defined as set forth in Section 10.75.020 of the Lakewood Municipal Code.

“Vehicle Storage” is keeping or allowing a vehicle or trailer to remain parked on the property for 24 hours or more. (Ord. O-2015-4 § 8, 2015; Ord. O-2013-4 § 1, 2013; Ord. O-2002-30 § 1, 2002; Ord. O-98-20 § 1, 1998; Ord. O-97-41 § 1, 1997; Ord. O-94-78 § 1, 1994; Ord. O-93-1 § 1 (part), 1993).

9.80.020 Unlawful condition on property-Responsibility.

A. It is unlawful for any person having or being entitled to the possession of any real estate or leasehold, residence, apartment building, tenement, store, building or premises within this city, or any part thereof, to permit or allow:

1. The existence or outdoor storage of junk or rubbish or a nuisance upon any such premises, or part thereof, or on the sidewalk or the alleys abutting such premises for seven (7) days or more, except as otherwise provided in this section;

2. The growth of weeds or grass in excess of six (6) inches upon a tract or lot occupied by a habitable structure, or twelve (12) inches upon a tract or lot without a habitable structure or in irrigation and drainage ditches. However, on undeveloped vacant or open space tracts or lots where the species composition is such that the site is at least two-thirds covered with a pure or mixed stand of acceptable cover and desirable plant species as defined in Section 9.80.010 and does not result in a safety hazard or other hazard, such as causing limited sight distance, the vegetation is exempt from the height limitations with a permit.
Additionally, height limitations do not apply to flower gardens, xeriscape gardens, vegetable gardens, plots of shrubbery, grain plots, pastures used for feed, fodder, or forage; or city-owned developed, undeveloped, or open space or parks; or in situations where slope stabilization or erosion control is the purpose of the planting or vegetation; or on any city or privately owned tract where the property is managed to maintain a xeriscape treatment.

Any person wishing to deviate from the twelve-inch height limitation on undeveloped vacant or open space tracts or lots through use of acceptable cover and desirable plant species shall apply for a permit from the Department of Community Resources. Approval of the permit will be based upon the density and type of plant species covering the property, as set forth in this Chapter. When a permit has been issued and the exempt property is adjacent to a street, sidewalk, alley, or a lot with a habitable structure, a ten (10) foot wide perimeter shall be maintained in which the grass and weeds cannot exceed twelve (12) inches in height.

3. Notwithstanding anything to the contrary, noxious plants or designated undesirable plants as defined in Section 35-5.5-101, et seq., C.R.S. shall be eradicated or suppressed as directed by the Code Enforcement Supervisor in the notice given pursuant to Section 9.80.080. If the mowing of the noxious plants or designated undesirable plants is determined by the Code Enforcement Supervisor to be the appropriate means of suppression, said plants shall be mowed to a height no greater than six (6) inches if located within one hundred (100) feet of a habitable structure or twelve (12) inches if located farther than one hundred (100) feet from a habitable structure.

4. The accumulation of manure by any means within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened so as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. Manure pile(s) shall be removed from the property at a minimum of once every seven (7) days.

   a. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste.

   b. Manure shall not be spread or tilled into the ground for fertilizer. This restriction does not apply to composted or aged manure that is spread as fertilizer upon cultivated grounds or lawns in a manner that does not violate Section 9.80.150.

5. Portable storage units are not allowed as a storage shed or structure on properties in any zone district where a residential use is authorized for a period in excess of five (5) days. Portable storage units are only allowed on properties in any zone district where a commercial use is authorized as part of an approved site plan.

B. Motor Vehicle Parking

1. Inoperable/Unlicensed Vehicles or Trailers – it shall be unlawful to park inoperable/unlicensed motor vehicles or trailers in the front yard of any property. Up to two (2) inoperable/unlicensed motor vehicles or trailers may be stored or parked outside on properties in any zone district where a residential use is authorized provided such vehicles are stored or parked only in the side or rear yard and effectively screened from ordinary public view by means of a solid fence or a car cover. If a car cover is used for screening the cover shall be an opaque fitted cover made for the express purpose of covering a motor vehicle. The car cover shall be maintained at all times. Ripped, torn, or blowing car covers are not permissible. Such storage or parking areas shall be kept free of weeds, rubbish, and other waste items.

2. No more than fifty (50) percent of the front yard, rear yard, or side yard shall be used for such storage or parking of a motor vehicle, travel trailer, or any trailer. If the side yard is less than eight (8) feet wide, the storage or parking of such vehicles in said side yard is prohibited.
3. The outdoor storage of inoperable/unlicensed motor vehicles or trailers shall not be permitted on properties in any zone district where an office or commercial use is authorized unless associated with a permitted use as allowed by the Zoning Ordinance.

4. It shall be unlawful to park or store inoperable/unlicensed vehicles or trailers outside of multi-family dwelling units.

5. Parking is not allowed on landscaping, grass, or anywhere there is not an all-weather improved parking surface. This includes, but is not limited to stored or parked trailers, campers, camper shells, and commercial-type dumpsters.

6. All parking areas, driveways, or any part of the property used for vehicle travel shall be an all-weather improved surface, such as gravel at least 3/4-inch thick and 3-inches depth, hot mix asphalt or concrete paving, with the surface clearly delineated by curbs, landscaping, or other similar features to distinguish the parking area from the remainder of the yard. Approved surfaces shall not include materials such as carpet, shingles, wood or cardboard.

7. Prohibited Vehicles – the following vehicles are prohibited from being parked or stored on any property in any zone district where a residential or commercial use is authorized except where explicitly permitted by the Zoning Ordinance:
   a. Semi-trucks, semi-trailers, dump trucks, buses, tow trucks and any vehicle over ten (10) feet in height or over twenty-five (25) feet in length. Recreational vehicles or travel trailers shall not be considered a prohibited vehicle provided that such vehicle is parked in compliance with subsection (B) of this section; or
   b. Construction equipment weighing 10,000 pounds or more except when being used on the property in conjunction with an active building permit or other permit issued for that location; including but not limited to back-hoes, road-graders, or front-end loaders.

8. Construction equipment weighing less than 10,000 pounds shall be parked in the side or rear yard. Parking is prohibited if the side yard width is less than eight (8) feet.

9. No more than one (1) travel trailer, recreational vehicle, or camper unit per dwelling unit shall be parked on any property in any zone district where a residential use is authorized.

10. No more than two (2) trailers or not more than one (1) trailer and one (1) recreational vehicle shall be parked in the front yard on any property in any zone district where a residential use is authorized.

11. Unless prohibited by Subsection(B)(7) of this Section, no more than one (1) commercial vehicle or commercial trailer shall be parked per property in any zone district where a residential use is authorized.

12. No more than seven (7) vehicles shall be parked outside on any properties in any zone district where a residential use is authorized with a single-family detached home provided that such vehicle is parked in compliance with subsection (B) of this section.

13. No more than four (4) vehicles per dwelling unit shall be parked outside on any properties in any zone district where a residential use is authorized with a duplex or triplex provided that such vehicle is parked in compliance with subsection (B) of this section.

C. Occupancy of Motor Vehicle, Travel Trailer, Recreational Vehicle, or Camper Unit on Private Property. A travel trailer, recreational vehicle, or camper unit not located within an approved zone district for a campground, shall not be parked or occupied as a dwelling unit for a period of time to exceed two (2) weeks in a calendar year. During such time, an adequate water supply and adequate toilet facilities shall be available at all times to the occupants of the travel trailer, recreational vehicle, or camper unit. If a power source is hooked to the travel trailer, recreational vehicle or camper unit via an extension cord, such cord must be maintained as to not create a safety hazard. No motor vehicle that has not been designed for occupancy may be used as a dwelling.

D. Storage in Buildings. This section shall not apply to enclosed structures or as otherwise provided by law, except as provided in Section 9.80.150(C).
E. Storage of Firewood. It is unlawful to store more than two (2) cords of cut and stacked firewood on any property in any zone district where residential or commercial use is authorized except where explicitly permitted by the code.

F. It shall be unlawful to store junk or rubbish in or upon any vehicle which is not completely enclosed. A vehicle equipped with a topper, a tonneau cover, or a similar enclosure made for the express purpose of covering the contents of the vehicle shall be considered completely enclosed.


9.80.025 Unlawful condition of right-of-way.

It shall be the responsibility of the owner, agent, or lessee of any real property abutting a public right-of-way to provide landscape maintenance including, but not limited to, mowing of all right-of-way area between the property line and the curb line or edge of roadway or right-of-way. The vegetation in said area shall be maintained to the same levels required under Chapter 9.80 and be litter free.


9.80.030 Method of abatement.

In order to abate or remove any weeds, junk, rubbish, or nuisance, the city may elect to:

A. Initiate legal action in Lakewood Municipal Court or Jefferson County District Court; or

B. Cause abatement or removal by means of a notice and demand pursuant to Section 9.80.050; or

C. Cause abatement or removal by means of an Order to Show Cause pursuant to Section 9.80.060. (Ord. O-93-1 § 1 (part), 1993).

9.80.040 Initiate legal action in court.

If the city elects to initiate legal action in Lakewood Municipal Court or Jefferson County District Court, notwithstanding Section 9.80.050, no prior notice regarding the abatement or removal need be given to the defendant. (Ord. O-93-1 § 1 (part), 1993).

9.80.050 Abatement procedure.

The City shall give notice, as set forth in Section 9.80.080, that weeds, junk, rubbish or nuisance must be abated. If such weeds, junk, rubbish or nuisance are not removed or abated as required in the notice, or if an appeal to the Code Enforcement Supervisor has not been commenced within the seven (7) days stipulated therein, the Code Enforcement Supervisor is authorized and empowered to:

A. Cause such weeds, junk, rubbish or nuisance to be removed or abated and assess the costs as a lien against the property as stated in Section 9.80.090; or

B. Issue a show cause order as set forth in Section 9.80.060.


9.80.060 Show cause.

A. If the owner or occupant shall fail to eliminate weeds, junk, rubbish or nuisance after receiving notice to do so, and the Code Enforcement Supervisor chooses to issue a show cause order, the Code Enforcement Supervisor shall give written notice to the owner or occupant or lessee or any party in interest, as determined from the records of the County Assessor’s Office, to appear at an administrative hearing before the Municipal Court on a specified date to show cause why conditions complained of should not be removed or eliminated.
B. The notice to show cause referred to in subsection (A) above shall be specific as to the condition of rubbish, weeds, junk or nuisance or other violation, shall state that the owner's property may be subject to assessment for all costs associated with removal or elimination by the City of the stated conditions, and shall be served on the necessary parties personally or by mail. In addition, a copy of the notice of hearing shall be posted in a conspicuous place on the premises where the rubbish, weeds, junk or nuisance are found to exist. No further notice shall be necessary.

C. At the hearing referred to in subsections (A) and (B) above, the Municipal Court shall hear such statements and consider such evidence as the Code Enforcement Supervisor, or other enforcement officers, the owner, occupant, lessee, or other party in interest, or any other witness shall offer relevant to the existence of and removal or elimination of the weeds, junk, rubbish or nuisance. The Municipal Court shall make findings of fact from the statements and evidence offered as to whether the conditions complained of exist and must be eliminated. If the Court determines that weeds, junk, rubbish or nuisance do exist, and must be removed or eliminated, an order shall be issued based on the findings of fact within seven (7) days of the hearing directing the owner or occupant or lessee or any other party in interest to remove or eliminate said weeds, junk, rubbish or nuisance.

D. The order of the Municipal Court made pursuant to subsection (C) above, shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a party in interest to timely appeal said order constitutes a waiver by him of any right he may otherwise have to contest the City's right to eliminate or remove the weeds, junk, rubbish or nuisance from his property, and charge the resulting costs against him and/or the property.

E. If an order issued by the Municipal Court has not been complied with within thirty (30) days after its issuance, the City at the discretion of the City Manager or designee may cause the elimination or removal of the rubbish, weeds, junk, or nuisance.


9.80.070 Summary abatement authorized.

A. Each and every condition of rubbish, junk, weeds, or nuisance mentioned, declared or defined by any ordinance of the city is prohibited, and the City Manager, Police Chief or their designee is authorized, in his discretion, to cause the same to be summarily abated in such manner as he may direct subject to the limitations of subsection (B) of this section.

B. Upon authorization by the City Manager, Police Chief or their designee, if any rubbish, junk, weeds, or nuisance is a cause of imminent danger to the public health, safety or welfare, any such rubbish, junk, weeds or nuisance may be summarily abated by action of the City Manager, Police Chief, or their designee, and costs of abatement shall be charged to the landowner. Action for summary abatement shall be taken only where the City Manager, the Police Chief, or their designee determines that there is imminent danger to the public health, safety or welfare which cannot await abatement by any other means available under this chapter.

C. Notwithstanding anything to the contrary in this Chapter 9.80, the collection of abatement costs and method of appeal shall be pursuant to the following procedure:

1. After abatement, the City shall send a Notice and Demand for Payment by certified mail to the last known address of the property owner. The Notice and Demand for Payment shall state the reason for the Notice and Demand, the date that abatement of the property occurred, and the amount of the costs of abatement owed by the property owner.

2. The Notice and Demand for Payment shall state, and it shall be the law, that the property owner may appeal the Notice and Demand for Payment by filing a request for an appeal within fourteen (14) days of mailing of the Notice and Demand for Payment. Requests for appeal shall
be filed with the City Clerk. Appeals shall be heard by a hearing officer duly appointed by the City. Appeals from decisions of the hearing officer shall be to Jefferson County District Court.

3. Payment of the amount set forth in the Notice and Demand for Payment shall be made to the City within thirty (30) days of mailing the Notice and Demand for Payment or such time as any appeal reaches final judgment. Failure to pay the amount owed in the time specified shall result in the amount owed being certified to the Treasurer of Jefferson County, and said amount owed shall be collected in the same manner as a real estate tax upon the property. The City may collect said amount in an action at law. (Ord. O-2009-5 § 1, 2009; Ord. O-93-1 § 1 (part), 1993).

9.80.080 Notice.

A. Any person in violation of this chapter shall be given written notice of such fact, unless the City initiates an action in Lakewood Municipal Court or Jefferson County District Court, by the Code Enforcement Supervisor posting such notice on the property in a conspicuous place, directing the removal of weeds, junk, rubbish or nuisance. The date of posting of the notice by the City shall be included in the notice. A true copy of such notice shall also at the same time be mailed to the owner of such property as of that date as shown upon the tax rolls of Jefferson County, Colorado, at the address of such owner as therein shown. The notice shall inform the addressee that if such weeds, junk, rubbish or nuisance are not removed within seven (7) days of the date of the posted notice, or if a notice of appeal in writing is not filed with the Code Enforcement Supervisor within seven (7) days of the posted notice, the Code Enforcement Supervisor can cause such weeds, junk, rubbish or nuisance to be removed, and assess the costs of such removal as a lien against the property (describing the same) pursuant to the terms of this chapter. The notice shall further state, and it shall be the law, that costs and charges relating to the removal of weeds, junk, rubbish or nuisance shall be assessed as set forth at Section 9.80.090. A reasonable extension of time to effect such removal may be granted by the Code Enforcement Supervisor.

B. Any appeal filed with the Code Enforcement Supervisor shall be heard within thirty (30) days after receipt of appellant's notice of appeal. The administrative hearing shall be conducted as set forth in Section 9.80.060(C) through (E). (Ord. O-2013-4 § 6, 2013; Ord. O-97-39 § 3, 1997; Ord. O-93-1 § 1 (part), 1993).

9.80.090 Costs and charges.

A. The person or persons responsible for any weeds, rubbish, junk or nuisance within the City shall be liable for and pay and bear all costs and expenses of the abatement of the same, including reasonable attorneys’ fees for costs of collection, which costs and expenses may be collected by the City in any action at law, or collected in connection with an action to abate a nuisance, or assessed against the property as hereinafter provided.

B. The notice required in Section 9.80.080 shall state, in addition to the requirements of that section, that if the weeds, rubbish, junk or nuisance are not abated or removed within the time stated in the notice, the cost of such abatement or removal, together with an additional administrative fee of at least one hundred eight dollars ($108.00) for inspection and incidental costs, shall 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 abatement or removal plus the administrative fee for inspection and incidental costs is not paid to the City within thirty days, the amount owed will be certified to the Treasurer of Jefferson County as set forth in subsections (D) and (E) of this section, and an additional amount of at least one hundred eight dollars ($108.00), for a total administrative fee of at least two hundred sixteen dollars ($216.00), will be assessed for administrative and other incidental costs incurred in certifying said amount to the county.
C. The Code Enforcement Supervisor shall mail a notice to the owner of the premises as shown by the tax roll, at the address shown upon the tax rolls, 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 Clerk or designee), together with an administrative fee of at least one hundred eight dollars ($108.00) 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, together with an additional fee of at least one hundred eight dollars ($108.00), for a total administrative fee of at least two hundred sixteen dollars ($216.00), for administrative and other incidental costs incurred in certifying said amount to the Treasurer of Jefferson County, and the above-mentioned assessments will be collected in the same manner as a real estate tax upon the property.

D. If the Code Enforcement Supervisor does not receive payment within the period of thirty (30) days following the mailing of such notice, the Code Enforcement Supervisor shall subsequently certify to the Treasurer of Jefferson County the whole cost of such work, including the administrative fee of at least two hundred sixteen dollars ($216.00) which is the total amount owing for inspection costs, administrative costs and other incidental costs in connection therewith, upon the lots and tracts of land upon which the nuisance was abated. The Treasurer of Jefferson County shall collect the assessment in the same manner as other taxes are collected.

E. 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.

F. The minimum amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment shall be two hundred sixteen dollars ($216.00).

G. The amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment for a second violation on the same property within a time period of twenty-four months may be up to three hundred fifty-two dollars ($352.00).

H. The amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment for a third violation or more on the same property within a time period of twenty-four months may be up to five hundred fourteen dollars ($514.00).

I. Notwithstanding the foregoing, any person or persons responsible for any weeds, rubbish, junk or nuisance which has been removed or abated by the City, and for which the person or persons have paid the City the costs of removal or abatement, shall be subject to an inspection and administrative charge of one hundred sixty-two dollars ($162.00) for a second violation of this chapter within twenty-four months, in addition to the costs of removal or abatement. A third violation within twenty-four months shall subject the person or persons to an inspection and administrative charge of two hundred seventy dollars ($270.00), in addition to the costs of removal or abatement. (Ord. O-2015-4 § 1, 2015; Ord. O-2013-4 § 7, 2013; Ord. O-2004-47 §§ 10-16, 2004; Ord. O-2003-32 §§ 10-16, 2003; Ord. O-2002-40 § 1, 2002; Ord. O-94-78 §§ 3, 4, 1994; Ord. O-93-1 § 1 (part), 1993).

9.80.100 Right of entry.

A. It is lawful for the Code Enforcement Supervisor, or a police officer or code enforcement officer to go upon private property for enforcement of this chapter if:
   1. Emergency conditions dangerous to the public health, safety or welfare exists;
   2. The Code Enforcement Supervisor or police officer or code enforcement officer has obtained a search warrant or entry warrant;
3. The Code Enforcement Supervisor, or police officer or code enforcement officer has obtained the consent of the person in possession of the property; or
4. In any other case where a search warrant or entry warrant is not required by law.

B. A judge of the Lakewood Municipal Court shall have power to issue an entry warrant for the abatement of a nuisance only on an affidavit sworn to or affirmed before the judge and relating facts sufficient to:
   1. Identify or describe, as nearly as possible, the premises to be entered; and,
   2. Establish probable cause to believe that:
      a. A notice of a violation of Chapter 8.14, Chapter 9.80, or Chapter 9.85 has been provided to a property owner or occupant of real property and the owner or occupant has not appealed the notice within the time allowed; or
      b. The Municipal Court has found the property to be in violation of Chapter 8.14, Chapter 9.80, or Chapter 9.85 and that finding has not been appealed within the time allowed.

C. The affidavit required by this section may include sworn testimony reduced to writing and signed under oath by the witness giving the testimony before issuance of the entry warrant. A copy of the affidavit for an entry warrant shall be attached to the entry warrant filed with the court.

D. If the judge is satisfied that grounds for the application of the entry warrant exist, or that there is probable cause to believe they exist, the judge shall issue a warrant identifying the property to be entered. The warrant shall be directed to any city police agent or code enforcement officer. It shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. It shall command the officer or agent to enter upon the property specified. The entry warrant may be served at any time.

E. The entry warrant may be executed and returned only within ten (10) days after its date. The officer or agent executing this entry warrant shall give to the person whose property was entered a copy of the warrant and a receipt for any property taken or shall leave the copy and receipt at the place entered. (Ord. O-2015-4 § 11, 2015; Ord. O-2013-4 § 8, 2013; Ord. O-2012-8 § 8, 2012; Ord. O-2001-50 § 1; 2001; Ord. O-93-1 § 1 (part), 1993;).

9.80.110 Cumulative remedies.
No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this chapter in the municipal court of the city, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist. (Ord. O-93-1 § 1 (part), 1993).

9.80.120 Concurrent remedies.
Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law. (Ord. O-93-1 § 1 (part), 1993).

9.80.130 Affirmative defense.
It is an affirmative defense to a charge of storage of junk or rubbish if the zone district where such junk or rubbish is stored allows for such use. (Ord. O-93-1 § 1 (part), 1993).
9.80.140  **Towing.**

The towing, storage and sale of any junk motor vehicle, as defined herein, shall be subject to the public tow provisions for abandoned motor vehicles, pursuant to Section 42-4-1803, C.R.S.

A. Any section of the Colorado Revised Statutes in conflict with this chapter is superseded by the ordinance codified in this chapter.

B. At the time of towing and storage, the city shall perform an inventory search of the vehicle.

C. The Police Chief shall have the power to adopt rules and regulations for implementation of the towing and storage of junk motor vehicles by the city.

D. Nothing in this chapter shall affect the right of a private landowner to request that a junk motor vehicle be towed from his/her property pursuant to the private tow provisions of Section 42-4-2103, C.R.S.


9.80.150  **Declared nuisances.**

The following matters are declared to be nuisances and shall be unlawful:

A. Compost. It is unlawful and constitutes a nuisance for any person to maintain a compost pile or to spread compost in a manner which injures, or endangers the comfort, health or safety of the public and includes, but is not limited to, strong offensive odors or the presence of mice, rats or other vermin.

B. General Flood Hazard Area. It is unlawful and constitutes a nuisance for any person to obstruct any flood hazard area of the city as defined by ordinances of the City of Lakewood.

C. Interior of Structure. It is unlawful and constitutes a nuisance for any person to allow junk or rubbish to accumulate inside a residence or other structure to the extent it is a health and safety hazard to the occupants or the public.

D. Polluting Storm Sewers. It is unlawful and constitutes a nuisance to pollute a municipal storm sewer as such violation is defined in Chapter 13.14 of this code.

E. Offensive and Dangerous Businesses or Trade or Condition.

1. Any business where people congregate, which tolerates or permits a disturbance of the peace, or where the conduct of persons in or about that place is such as to disturb the peace of the occupants of or persons attending such place, or the residents in the vicinity, or the passersby on the street, highway or sidewalk, constitutes a nuisance.

2. Any business which tolerates or permits illegal gambling, unlawful use of drugs, narcotics or alcohol, unlawful sale or distribution of drugs, narcotics or alcohol, solicitation for prostitution or traffic in stolen property, constitutes a nuisance.

3. In no event shall conviction of a crime involving the enumerated types of conduct be necessary to support a finding that such types of conduct have taken place.

F. Scattering Debris. Dumping, throwing, placing or allowing any rubbish, junk, cans, boxes, debris, grass clippings or other waste materials on any public place in the city is a nuisance and is prohibited. Dumping of waste materials in a public area specifically designated by order of the City Manager or his designee in compliance with such regulations the City Manager may direct shall not be deemed a violation of this section.

G. Violations of Codes or Ordinances. It is unlawful and constitutes a nuisance for any person to maintain any property or building or any other structure in the city in a condition which is in violation of the codes or ordinances of the city.

H. Stagnant Water. Contaminated or Impure Well or Cistern.

1. Any well or cistern on any property within the limits of the city, whenever a chemical analysis or other proper test shows that the water of the well or cistern is contaminated, impure or unwholesome, or where the location of the well or cistern is dangerous, is a nuisance.
2. Every owner, tenant, occupant, lessee or other person in possession of any premises or any part thereof, upon which there is located a well containing contaminated, impure or unwholesome water, shall abandon the use of the same, and cause the same to be filled with earth or such other material as may be designated by the City Manager or his designee.

I. Obscenity. Any activity which takes place in or on any structure shall be deemed a nuisance and prohibited when such structure is:

1. Used to promote or display with intent to promote or display obscene material or obscene performances;
2. Used as a public or private place of prostitution;
3. The definition of “obscene” is that found at Section 18-7-101, C.R.S.

J. Failure to Maintain Site. It shall be unlawful and shall constitute a nuisance for any person to fail to install or maintain any detention ponds, drainageways, landscaping, lighting, trash enclosures, signage, retaining walls, irrigation systems, screening, fencing, parking lots, private driveways and streets and other conditions of private property required to be installed and maintained through the provisions of a rezoning, plat, official development plan, fencing or landscaping plan, site plan, design standards, permit or any other land development document approved by the City. (Ord. O-2015-4 § 12, 2015; Ord. O-98-20 § 2, 1998; Ord. O-93-1 § 1 (part), 1993).
Chapter 9.85
DEFACED PROPERTY

Sections:

9.85.010 Legislative intent.
9.85.020 Definitions.
9.85.030 Declaration of public nuisance.
9.85.040 Concurrent remedies.
9.85.050 Enforcement.
9.85.060 Notification of nuisance.
9.85.070 Abatement procedure.
9.85.080 Administrative hearing.
9.85.090 Costs and charges.

9.85.010 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, constitutes a serious and growing menace, injurious to the public health, safety, morals and general welfare of the residents of the city; that graffiti contributes substantially to the spread of criminal activity, and that prompt eradication of graffiti is one measure to control the spread of such criminal activity, prevent additional accumulations of graffiti, and promote the public health, safety, morals and general welfare of the residents of the city. (Ord. O-95-25 § 1, 1995; Ord. O-91-29 § 1 (part), 1991).

9.85.020 Definitions.
The following definitions shall apply to this chapter:

"Code Enforcement Supervisor" means the person, or such person's designee, empowered by the City to supervise the Code Enforcement Unit of the Police Department and to enforce the provisions of this Chapter and the Zoning Ordinance.

"Graffiti" means the defacing of public or private property by any person by means of painting, drawing, writing, etching or carving with paint, spray paint, ink, knife or any similar method without the prior consent of the property owner.


9.85.030 Declaration of public nuisance.
All property defaced by graffiti which is visible to public view is 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. O-95-25 § 3, 1995; Ord. O-91-29 § 1 (part), 1991).

9.85.040 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. O-91-29 § 1 (part), 1991).
9.85.050  Enforcement.

The Code Enforcement Supervisor shall be responsible for enforcement of this chapter. After notice of the violation to the property owner, as set out in Section 9.85.060, the Code Enforcement Supervisor is authorized to commence the abatement procedure set out herein and pursue any other remedy provided by law. (Ord. O-2015-4 § 14, 2015; Ord. O-95-25 § 4, 1995; Ord. O-94-33 § 41, 1994; Ord. O-91-29 § 1 (part), 1991).

9.85.060  Notification of nuisance.

A. The owner of any property defaced by graffiti, which is located within this municipality, shall be given written notice to abate the public nuisance on his property by removal or eradication of the graffiti within five 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 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 graffiti from the property within five 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 graffiti from the property within five days after service of the notice;
   3. A statement that the owner may voluntarily agree to immediate removal or eradication of the 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 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 administrative fee of at least one hundred eight dollars ($108.00) 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 administrative fee for inspection and incidental costs is not paid to the city within thirty 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 administrative fee of at least one hundred eight dollars ($108.00), for a total of at least two hundred sixteen dollars ($216.00) in administrative fees, 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 Code Enforcement Supervisor for an administrative abatement hearing before the Municipal Court, provided the written demand is made within five days after service of the notice, and provided the written demand for a hearing contains the owner's current address and a telephone number where he can be reached between the hours of eight a.m. and five p.m., Monday through Friday. Written demand for a hearing shall be sent to the Code Enforcement Supervisor, Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado 80226-3127. (Ord. O-2015-4 § 15, 2015; Ord. O-2004-47 §§ 17-18, 2004; Ord O-2003-32 §§ 17-18, 2003; Ord. O-2002-39 § 1, 2002; Ord. O-95-25 § 5, 1995; Ord. O-94-33 § 42, 1994; Ord. O-91-29 § 1 (part), 1991).

9.85.070  Abatement procedure.

If the owner of property defaced by graffiti fails or refuses to remove or eradicate the graffiti as directed within the time permitted, and has not made written demand for an administrative abatement hearing, the Code Enforcement Supervisor may then cause the graffiti to be removed or eradicated by city employees or private contractor pursuant to Section 9.80.100 (Ord. O-2015-4 § 16, 2015; Ord. O-2002-39 § 2, 2002; Ord. O-95-25 § 6, 1995; Ord. O-91-29 § 1 (part), 1991).
9.85.080 Administrative hearing.

A. Upon receipt of a written demand by the property owner for an administrative abatement hearing, the Code Enforcement Supervisor shall notify the Municipal Court and a hearing shall be held within seven 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 Municipal Court shall hear such statements and consider such evidence as the Code Enforcement Supervisor, 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 Code Enforcement Supervisor may be represented by legal counsel at such hearing. The Municipal Court shall make written findings of fact based upon the evidence offered at the hearing regarding the violation and shall determine whether the graffiti shall be removed or eradicated. The Municipal Court shall within three days after the hearing issue a written order stating whether a violation exists on the property in issue. If the Municipal Court finds a violation exists and the graffiti shall be removed, the order shall direct the owner of the property to remove or eradicate the graffiti. The written order shall be mailed to the property owner by first class mail, postage prepaid.

C. If an order issued by the Municipal Court directing an owner to remove or eradicate graffiti has not been complied with within thirty days after its issuance, the Code Enforcement Supervisor may cause the graffiti to be removed or eradicated by a private contractor in compliance with Section 9.80.100 and all costs associated with such removal or eradication shall be charged to the owner of the 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’s fees to enforce or collect such costs, legal expenses, and any other costs or expenses incurred by the city as a result of the enforcement of this chapter.

E. The order of the Municipal Court shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106. The city shall be considered to be a party to every proceeding before the Municipal Court.

F. A record of hearings before the Municipal Court shall be kept, whether by electronic transcription, secretarial minutes or otherwise and such records shall be kept in the custody of the Clerk of the Court for a period of one 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. O-2015-4 § 17, 2015; Ord. O-2002-39 § 3, 2002; Ord. O-95-25 § 7 & 9, 1995; Ord. O-91-29 § 1 (part), 1991).

9.85.090 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 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 9.85.060, 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 cost of such removal or eradication, together with an additional administrative fee of at least one hundred eight dollars ($108.00) 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 administrative fee for inspection and incidental costs is not paid to the city within thirty days, the amount owed will be certified to the County Treasurer as set forth in subsections (D) and (E) of this section, and an additional administrative fee of at least
one hundred eight dollars ($108.00), for a total administrative fee of at least two hundred sixteen dollars ($216.00), 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 to the owner of such property as shown upon the tax rolls of Jefferson County, Colorado, at the address of such owner as therein shown.

C. The Code Enforcement Supervisor shall mail a notice to the owner of the premises as shown by the tax rolls, at the address shown upon the tax rolls, 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 Clerk or designee), together with an administrative fee of at least one hundred eight dollars ($108.00) for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty 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 administrative fee of at least one hundred eight dollars ($108.00), for a total administrative fee of at least two hundred sixteen dollars ($216.00), 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.

D. If the Code Enforcement Supervisor does not receive payment within the period of thirty days following the mailing of such notice, the Code Enforcement Supervisor shall certify to the County Treasurer the whole cost of such work, including a fee of at least two hundred sixteen dollars ($216.00) 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 (C) of this section, 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.

9.90.010

IX. Provisions Applicable to Offenses Generally

Chapter 9.90

AFFIRMATIVE DEFENSES

Sections:

9.90.010  Affirmative defenses.

9.90.010  Affirmative defenses.

The affirmative defenses available in Section 18-1-701 through 18-1-709, C.R.S. shall be available as affirmative defenses to prosecutions in the municipal court under those provisions covered by this title. (Ord. O-87-27 § 16, 1987; Ord. O-74-1 § 1 (part), 1974).
Chapter 9.92

LEGISLATIVE INTENT

Sections:
  9.92.010 Legislative intent and construction.
  9.92.020 Purpose of title, statutory construction.
  9.92.030 Place of trial.

9.92.010 Legislative intent and construction.
It is the intent and purpose of this title not to cover and include those offenses which are
felonies under the Colorado Revised Statutes and this title shall be so construed
notwithstanding any language contained in the same which might otherwise be construed to the

9.92.020 Purpose of title, statutory construction.
With the exception of Chapter 9.02 and Chapter 9.85, it is the intent and purpose of this title
to criminalize the conduct set forth in Title 9. The provisions in Title 9 that are similar to conduct
that has been designated as a criminal offense under the Colorado Criminal Code, Title 18
C.R.S., shall constitute unlawful conduct under the Lakewood Municipal Code. Unless
otherwise stated by a specific provision within Title 9, upon conviction such conduct shall be

9.92.030 Place of trial.
Any act prohibited by Title 9 may be deemed to have occurred or to have been committed at
the place at which the writing, telephone call, electronic mail, or other electronic communication
was either made or received. (Ord O-2004-35 § 10, 2004).
Chapter 9.94
DEFINITIONS

Sections:
9.94.010 Definitions.

9.94.010 Definitions.
Terms used in this title shall be as defined in Title 18, Colorado Revised Statutes 1973, as amended. Terms not defined in Title 18 shall be as otherwise defined in this code, and if not herein defined, shall be construed as being used in their ordinary, usual and accepted sense and meaning. (Ord. O-77-16 § 7, 1977; Ord. O-74-1 § 1 (part), 1974).