

Chapter 1 MISDEMEANORS¹

SECTIONS:

- 6-1-1: Pornography**
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6-1-1: Pornography

A. Definition

1. Pornographic material means material that as a whole appeals to the prurient interest, is patently offensive to contemporary community standards, and lacks serious literary, artistic, political or scientific value. (Ord. 11-1986, 10-7-1986)

B. It shall be unlawful for any person to possess, to sell, to offer for sale, or to circulate or distribute any pornographic book or picture or perform or present any pornographic picture, play, lecture, demonstration, motion picture, or any other exhibition before an audience within the town of Westcliffe, Colorado. (Ord. 11-1986, 10-7-1986)

C. Any person who shall be convicted of a violation shall be guilty of a misdemeanor and shall, for each offense, be fined in a sum of not more than three hundred (\$300.00) dollars and not less than fifty (\$50.00) dollars or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned. (Ord. 6-1986, 10-7-1986)

6-1-2: Unsafe Transport of Animals

A. It shall be unlawful for any person to ride, drive, heard, lead, transport, or in any manner move animals about in the Town of Westcliffe, Colorado, in such a manner as to cause damage or endanger property or the well being of any person. (Ord. 14-1986, 10-7-1986)

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Ordinance 6-1986, 10-7-1986, sets the minimum and maximum penalties for violations in each of the sections in this Chapter.

B. Any person who shall be convicted of a violation shall be guilty of a misdemeanor and shall, for each offense, be fined in a sum of not more than three hundred (\$300.00) dollars and not less than twenty-five (\$25.00) dollars or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned. (Ord. 6-1986, 10-7-1986)

6-1-3: Damage to Public Thoroughfares

A. It shall be unlawful for any person to drive, tow or push any vehicles injurious to pavement upon public thoroughfares unless the person in control of such vehicles shall first protect such streets from damage. (Ord. 24-1986, 10-7-1986)

B. Any person who shall be convicted of a violation shall be guilty of a misdemeanor and shall, for each offense, be fined in a sum of not more than three hundred (\$300.00) dollars and not less than fifty (\$50.00) dollars or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned. (Ord. 6-1986, 10-7-1986)

6-1-4: Nuisances

A. NUISANCE DEFINED

Anything which is injurious to the health or morals or indecent or offensive to the senses or an obstruction to the free use of property so to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. (Ord. 25-1986, 10-7-1986)

B. COUNTY HEALTH DEPARTMENT POWERS

The Custer County Health Department has the full power to take all measures necessary to promote the health and cleanliness, to abate all nuisances of every description on public and private property; to prevent the introduction of spreading within the town of Westcliffe of malignant, contagious and infectious diseases and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease, or have been exposed thereto; to promulgate such rules and regulations as may be necessary to perform its functions. The Custer County Health Department shall have the authority to enforce such rules of the Health Department of the State as are applicable to particular situations. (Ord. 25-1986, 10-7-1986)

C. NOTICE TO ABATE

Any state of things prohibited by this section shall be deemed a nuisance and any person who shall hereafter make or cause such nuisance to exist shall be deemed the

author thereof. Provided that any person who shall have possession or control of any private ground or premises, whether he is owner thereof or not, in or upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight (48) hours continuance of such nuisance after due notice given to abate the same. The written notice of forty-eight (48) hours may be given and served by the Chief of Police or other officers as the Board of Trustees may designate. (Ord. 25-1986, 10-7-1986)

D. DECLARATION OF NUISANCE BY BOARD

In the event that any such nuisance within or upon any private premises or grounds is not abated forthwith after the notice herein provided shall be given, the Board of Trustees may declare the same to be a nuisance and order the Chief of Police or other designated officer to abate the same, which said order shall be executed without delay; and the Chief of Police or other designated officer shall have the authority to call for the necessary assistance therefor. (Ord. 25-1986, 10-7-1986)

E. ABATEMENT WITHOUT NOTICE

In case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway, or public grounds in the town of Westcliffe, the Chief of Police or other designated officer may abate the same forthwith without such notice given. (Ord. 25-1986, 10-7-1986)

F. ASSISTANCE TO ABATE AUTHORIZED

Any officer who shall be duly authorized to abate any nuisance specified in this ordinance shall have authority to engage the necessary assistance and incur the necessary expenses thereof. (Ord. 25-1986, 10-7-1986)

G. RECOVERY OF EXPENSES

The expense incurred by the Town of Westcliffe in abating any nuisance may be recovered back by proper action from the creator thereof. (Ord. 25-1986, 10-7-1986)

H. AUTHORITY TO ENTER ON PROPERTY

The Mayor, Chief of Police, Trustees or any other persons who may be directed or deputized by the Board of Trustees may enter upon or into any lot, house, or other building or premises, with proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be

free from any action or liability on account thereof. (Ord. 25-1986, 10-7-1986)

I. NUISANCE OFFENSES

1. Unwholesome Business Prohibited

Offensive or unwholesome businesses or establishments are prohibited. From and after the effective date of this Code, it shall be unlawful for any person of any kind to allow or suffer upon his premises or any premises which he is entitled to possess any offensive or unwholesome business or establishment within the Town of Westcliffe, or within one (1) mile beyond the outer limits of the said town as such outer limits are now, or may be hereafter, constituted. (Ord. 25-1986, 10-7-1986)

2. Junkyards and Dumping Grounds

All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and house trailers, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are hereby declared to be a nuisance. (Ord. 25-1986, 10-7-1986)

3. Discharge of Nauseous Liquids

It shall be unlawful to discharge out of or from, or permit to flow from any house or place, foul or nauseous liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley or public place in the town of Westcliffe. (Ord. 25-1986, 10-7-1986)

4. Stale Matter

It shall be unlawful to keep, collect, or use or cause to be kept, collected, or used in this city, any stale, putrid, or stinking fat or grease or other matter. (Ord. 25-1986, 10-7-1986)

5. Sewer Inlet

It shall be unlawful to deposit in or throw into any sewer, sewer inlet, or privy vault that shall have a sewer connection, any article whatsoever that might cause such sewer, sewer inlet, or privy vault, to become nauseous or offensive to others or injurious to public health. (Ord. 25-1986, 10-7-1986)

6. Slaughterhouse

No slaughterhouse or other place for slaughtering animals shall be kept within the town of Westcliffe. (Ord. 25-1986, 10-7-1986)

7. Dead Animals: Removal

When any animal shall die in the town of Westcliffe, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the town. If such body shall not forthwith be removed, the same shall be deemed a nuisance, and such owner or keeper shall cause a nuisance to exist. When the body of any such dead animal shall be in any street, highway, or public grounds in this town, it shall be the duty of the Chief of Police to cause such body to be removed forthwith beyond the limits of the town. (Ord. 25-1986, 10-7-1986)

8. Stagnant Ponds

Any cellar, vault, drain, sewer, pond of water, or other place, upon or within any private premises or grounds in this town, that shall be nauseous or offensive to others, or injurious to public health through an accumulation or deposition of nauseous, offensive or foul water, or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this chapter or any other ordinance of the town of Westcliffe. (Ord. 25-1986, 10-7-1986)

9. Open Wells, Cisterns or Excavations

It is hereby declared that excavations exceeding five (5) feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a

locked lid, or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five (5) feet and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by him. (Ord. 25-1986, 10-7-1986)

10. Noise Making Devices to Attract Children

The use of bells, whistles, sirens, music horns or any other noise making devices for the purpose of attracting children or minors to any vehicle upon the streets, highways, rights-of-ways, alleys or public way of the town for the purpose of selling, distributing or giving away any product whatsoever, to such minors, is hereby declared to be a public nuisance and hazard and is expressly prohibited and shall be unlawful, excepting such activities carried on as part of duly authorized public parades or processions. (Ord. 25-1986, 10-7-1986)

11. Handbills, Posters and Placards

Any handbill, poster, placard, or painted or printed matter which shall be stuck, posted or pasted upon any public or private house, store, or other buildings, or upon any fence, power pole, telephone pole, or other structure without the permission of the owner, agent, or occupant of the house, shall be deemed a nuisance. (Ord. 25-1986, 10-7-1986)

a. Additional Provisions

The above enumerated provisions of this section are in no way deemed to be exclusive, and anything declared a nuisance under Section I of this ordinance shall be abated in accordance with the provisions contained therein and, in addition, subject to the penalties provided for in Ordinance 6 Series 1986. (Ord. 25-1986, 10-7-1986)

J. Any person who shall be convicted of a violation shall be guilty of a misdemeanor and shall, for each offense, be fined in a sum of not more than three hundred (\$300.00) dollars and not less than twenty-five (\$25.00) dollars or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned. (Ord. 6-1986, 10-7-1986)

6-1-5: Window Peeping

- A. It shall be unlawful for any person to trespass upon the property owned or occupied by another in the town of Westcliffe for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room or building. (Ord. 26-1986, 10-7-1986)
- B. Any person who shall be convicted of a violation shall be guilty of a misdemeanor and shall, for each offense, be fined in a sum of not more than three hundred (\$300.00) dollars and not less than fifty (\$50.00) dollars or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned. (Ord. 6-1986, 10-7-1986)

6-1-6: Skating and Bicycling

- A. It shall be unlawful for any person to skate or ride or drive any bicycle, skateboard, or any motorized vehicle other than a wheelchair on any sidewalk in the business district in the town of Westcliffe, Colorado. (Ord. 31-1986, 10-7-1986)
- B. Any person who shall be convicted of a violation shall be guilty of a misdemeanor and shall, for each offense, be fined in a sum of not more than three hundred (\$300.00) dollars and not less than twenty-five (\$25.00) dollars or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned. (Ord. 6-1986, 10-7-1986)