

Attorney Wade then explained purposes and uses for a proposed ordinance to be read at this meeting to be known as "Offenses Ordinance" and which proposed ordinance was introduced by Alderman Nelson and is as follows:

#333-56

CITY OF LAS ANIMAS OFFENSES ORDINANCE
Ordinance No. 333

AN ORDINANCE RELATING TO AND ESTABLISHING CERTAIN ACTS AS OFFENSES AGAINST THE CITY OF LAS ANIMAS, SPECIFICALLY SETTING FORTH THOSE OFFENSES RELATING TO CHILDREN, OFFENSES AGAINST GOOD MORALS, OFFENSES RELATING TO PRESS, PUBLICATION, ASSEMBLY AND RELIGION, OFFENSES AGAINST PUBLIC ORDER AND SAFETY, AND OFFENSES AGAINST PROPERTY; FIXING PENALTIES FOR VIOLATIONS; PROVIDING FOR A TITLE; ESTABLISHING PARENTAL RESPONSIBILITY FOR UNLAWFUL ACTS OF MINORS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY THEREFOR.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS:

1
OFFENSES AFFECTING CHILDREN

1.1 WRONGS TO CHILDREN. It shall be unlawful for any person having the care, custody, control, or confidence of or influence over any child to willfully cause, or permit the life of such child to be endangered, or the health of such child to be injured, or the morals of such child to be impaired; or to willfully cause or permit such child to be placed in such a situation, business, or occupation that its life, health, or morals shall be endangered; or to willfully abandon such child; or to torture, torment, cruelly punish, or willfully or negligently deprive of necessary food, clothing or shelter, or in any other manner injure such child unnecessarily.

1.2 HIRING CHILDREN UNDER FOURTEEN DURING SCHOOL HOURS. It shall be unlawful for any person, firm, or corporation to take, receive hire, or employ any child under the age of fourteen (14) years to labor in or about any business or employment whatever within the City of Las Animas, during the school hours of any school day.

1.3 MINORS IN BILLIARD PARLORS AND POOL HALLS. It shall be unlawful for any person who keeps, conducts, or operates any billiard or pool table for profit, or who keeps, conducts, or operates any room or rooms wherein is kept, used, or operated for profit any billiard or pool table of any kind whatsoever, to permit or allow any minor under the age of sixteen (16) to play thereon or to use any such table, or to be, remain in, or frequent any such room.

1.4 MINORS UNDER THE AGE OF TWENTY-ONE YEARS IN GAMBLING OR DRINKING HOUSES. It shall be unlawful for any person who is the proprietor or keeper of a tavern to employ or permit any minor under the age of twenty-one (21) years to frequent or be in or about such place, or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same, or to engage or participate in any game of billiards, or any game, bet, or wager with any cards or any other gambling device, or any other game whatsoever in or about such place.

1.5 DUTY TO POST SIGN "MINORS NOT ALLOWED HERE." It shall be the duty of any person who is the proprietor or keeper of a tavern to post conspicuously in his place of business the following sign: "Minors Under The Age of Twenty-One (21) Years Not Allowed Here."

1.6 UNLAWFUL TO ALLOW CHILDREN ON STREETS AFTER CERTAIN HOURS. It shall be unlawful for any parent, guardian, or other person having care or custody of any child under the age of sixteen (16) years to allow or permit any such child to be or remain upon any street, alley, or other public place subsequent to the hour of ten-thirty (10:30) o'clock P. M., or prior to the hour of five (5:00) o'clock A. M., except for lawful employment or unless there exists a reasonable necessity therefor; or unless such child is accompanied by the parent, guardian, or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody and care of such child; or by any person between the ages of eighteen (18) years and twenty-one (21) years having in his or her possession written permission from the parent or guardian to have the care or custody of such child; provided, that on Friday and Saturday nights, the curfew hour for children between the ages of fourteen (14) years and sixteen (16) years shall be extended to the hour of eleven-thirty (11:30) o'clock P. M.

1.7 TATTOOING OF MINORS. It shall be unlawful for any person to tattoo any minor in the City of Las Animas or its police jurisdiction unless the parent, guardian, or other person having charge and custody of said minor shall first have given his or her written consent to such tattooing of such minor.

2
OFFENSES IN THE NATURE OF COMMERCIAL TRANSACTIONS INVOLVING CHILDREN

2.1 UNLAWFUL FOR SECOND-HAND DEALERS TO DEAL WITH MINORS. It shall be unlawful for any person licensed as a second-hand dealer, junk-shop keeper, or house-to-house second-hand buyer to purchase from, sell to, or in any manner deal with any minor under the age of eighteen (18) years, except that such licensees may purchase old rags and waste paper from minors under the age of eighteen (18) years. This section shall apply to employes, agents, or servants of the aforementioned licensees.

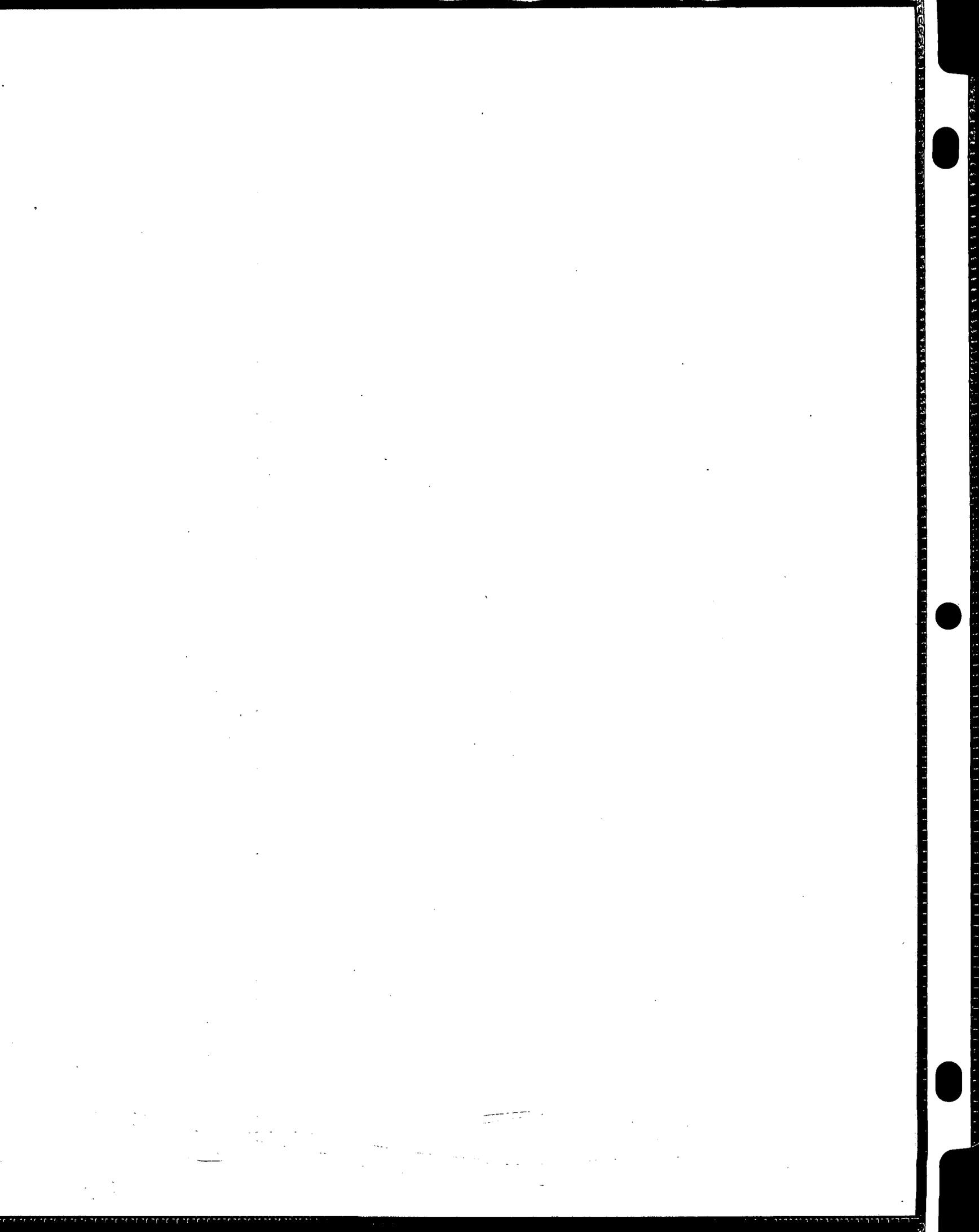
2.2 SECOND-HAND DEALERS NOT TO PURCHASE FROM MINORS. No dealer in second-hand articles and no keeper of a junk shop or junk wagon shall purchase any goods, articles or thing whatsoever, except old rags and waste paper, from any minor under the age of eighteen (18) years.

2.3 PURCHASE OF BICYCLE PARTS FROM MINORS PROHIBITED. No person licensed to deal in bicycles or bicycle parts shall purchase any bicycles, or parts of bicycles, or bicycle frames, or bicycle accessories from any minor.

2.4 UNLAWFUL TO SELL LIQUOR NEAR SCHOOLS. It shall be unlawful to sell, offer, or expose for sale or gift, beer or any vinous, spirituous, or malt liquors within a distance of five hundred (500) feet from any private, public, or parochial school, said distance to be computed by direct measurement from the nearest property lines; provided, however, that this prohibition shall not affect the rights of any person, firm, or corporation now holding a lawful permit or license to conduct such business within the restricted area hereby established; nor shall this prohibition prevent the renewal upon the expiration thereof of any license in effect at this time authorizing such business within the restricted area hereby established.

74100

Amended
Nov 9 - 1962
By Ord 347



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OFFENSES OF CHILDREN

3. 1 **CHILDREN NOT PERMITTED ON STREETS AFTER CERTAIN HOURS.** It shall be unlawful for any child under the age of sixteen (16) years to be or remain upon any street, alley or other public place subsequent to the hour of ten-thirty (10:30) o'clock P. M., or prior to the hour of five (5:00) o'clock A. M., except for lawful employment or unless there exists a reasonable necessity therefor; or, unless such child is going to or from some school function; or, unless such child is accompanied by the parent, guardian, or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody and care of such child; or by any person between the ages of eighteen (18) years and twenty-one (21) years having in his or her possession written permission from the parent or guardian to have the care or custody of such child provided, that, on Friday and Saturday nights, the curfew hour for children between the ages of fourteen (14) and sixteen (16) years shall be extended to the hour of eleven-thirty (11:30) o'clock P. M.

3. 2 **BOARDING OR ALIGHTING FROM MOVING RAILROAD CARS.** It shall be unlawful for any child under the age of twenty-one (21) years to catch hold of the railway cars, coaches, or public buses while the same are in motion, or to ride on the steps of said cars or to run along by the side of such cars when they are in motion near enough thereto to be in danger of being caught by the wheels thereof.

3. 3 **UNLAWFUL FOR MINOR TO MAKE FALSE STATEMENT OR PRESENT FALSE CREDENTIALS FOR PURPOSE OF GAINING ADMISSION TO PROHIBITED PLACES OR OBTAINING PROHIBITED ARTICLES.** It shall be unlawful for any minor to make false statements; or to furnish, present, or exhibit any fictitious or false registration card, identification card, or note or other document or to furnish, present, or exhibit such document or documents issued to a person other than the one presenting the same, for the purpose of gaining admission to pool or billiard rooms or other prohibited places or for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor or wine.

3. 4 **UNLAWFUL SERVICES OF OTHERS.** It shall be unlawful for any minor to engage or utilize the services of any other person, whether for remuneration or not, to procure for such minor any article which the minor himself is forbidden by law to purchase.

3. 5 **UNLAWFUL PURCHASE FOR MINOR.** It shall be unlawful for any person, whether for remuneration or not, to procure for any minor any article which the minor is forbidden by law to purchase.

3. 6 **REGULATIONS PERTAINING TO THE AGE OF NEWSPAPER VENDORS.** It shall be unlawful for any female under the age of twenty-one (21) years or any boy under the age of nine (9) years to sell newspapers, magazines, or periodicals upon any street, alley, avenue, boulevard, highway, or other public place in the City of Las Animas.

4

OFFENSES AGAINST GOOD MORALS

4 - 1

OFFENSES INVOLVING GAMBLING

4-1. 1 **MAINTAINING GAMBLING DEVICES, PLAYING GAMBLING DEVICES, BETTING ON GAMES PROHIBITED.** It shall be unlawful for any person to set up, have, or keep any keno table, faro bank, shuffleboard, bagatelle, playing cards, or other instrument, device, or thing whatever whereon or with which any money, liquor, or other article shall in any manner be played for; or to play for money or any valuable thing at any game with cards, dice, or with any article, device, or thing whatever, which may be used for the purpose of playing or betting upon, or winning or losing money or other property; or to bet on any game others may be playing; except the game may be conducted by local groups or associations and the gross proceeds be devoted and applied to the support of a charitable, educational, or religious activity of the immediate vicinity.

4-1. 2 **KEEPING THE GAMBLING HOUSE.** It shall be unlawful for any person to keep a disorderly or gambling house or to permit or suffer any faro bank, keno table or other instrument or device whatsoever, used for playing any game or games of chance to be set up or used in the City of Las Animas, whereon or wherewith any game or games of chance may be played for money or other article of value, in any room, building or tenement, in his possession or under his control.

4-1. 3 **CONFISCATION OF GAMBLING DEVICES.** It shall be the right of the members of the Council, the City Mayor, the Chief of Police, and all members of the Police Department of the City of Las Animas, to seize and take any cards, tables, checks, balls, wheels, or devices of any nature or kind used or kept for the purpose of gambling or playing at any game of chance, operated in violation of this article, without warrant or complaint, and to convey the same before the Municipal Court of the City of Las Animas, which Court shall order the same destroyed.

4-1. 4 **UNLAWFUL TO KEEP PLACE FOR FIGHTING ANIMALS.** No person, firm, corporation, partnership, owner or dealer shall keep or cause to be kept any place where any fowls or any animals are suffered to fight upon exhibition, or for sport upon any wager.

4-1. 5 **MAINTAINING LOTTERIES PROHIBITED.** It shall be unlawful for any person or persons to get up, maintain, or carry on in any place occupied by him or them or under his or their control, any lottery or chance gift distribution.

4-2

NARCOTICS, BARBITUATES, AND INTOXICATING LIQUORS
Division — NARCOTIC DRUGS

4-2. 1. **DEFINITION OF "NARCOTIC DRUG."**

4-2. 1. 1 The term "narcotic drug" includes opium, coca leaves, demerol, and the several alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin and codeine, obtained from opium, and cocaine derived from the coca plant; and all compounds, salt, preparations, or other derivatives obtained either from the raw materials or from the various alkaloids of opium, coca leaves, and demerol.

4-2. 1. 2 The term "Narcotic Drug" also includes India hemp and its various derivatives, compounds, and preparations, and peyote in its various forms, demerol and its derivatives, compounds, salts and preparations.

4-2-1. 2. The term "narcotic drug" shall also include marihuana, being a product of the plant *Cannabis sativa* L. and any preparation or derivative of the fibers of the plant *Cannabis sativa* L.

4-2-1. 4. Further the term "narcotic drug" shall include opiates which are drugs known to have addiction-forming or addiction-sustaining liability similar to morphine and cocaine, and which term "opiates" shall include by way of example, but not by way of limitation, the drugs Amidone, Isonidone, and Keto-Bemidone, and Tropacocaine Hydrochloride, a synthetic narcotic drug.

4-2-2 UNLAWFUL TO POSSESS NARCOTICS. Except as provided in Sections 4-2-4 and 4-2-5 hereof, it shall be unlawful for any person, firm, or corporation to sell, give away, use or possess for any purpose whatever any narcotic drug.

4-2-3 UNLAWFUL TO BE CONNECTED WITH PLACE FOR USE OF NARCOTICS. Except as provided in Sections 4-2-4 and 4-2-5 hereof, it shall be unlawful for any person, firm, or corporation to establish, contribute to, support, maintain, become an inmate of, or in any way be connected with any building or part thereof, or place of any description whatever, or to permit such building or part thereof, or place of any description whatever owned by or under the control of such person, firm, or corporation to be used for the manufacture, preparation, sale, storage, smoking, or use of any narcotic drug.

4-2-4 PROFESSIONAL SALE AND USE; PROFESSIONAL RECORDS; USE BY PATIENTS; MANUFACTURE AND WHOLESALE DELIVERY.

4-2-4. 1. Narcotic drugs may be dispensed or distributed to a patient by a licensed physician, dentist, or veterinary surgeon in the course of his professional practice only, and such physician, dentist, or veterinary surgeon may possess same for these purposes only.

4-2-4. 2. Narcotic drugs may be dispensed or distributed by licensed pharmacists to patients under and in pursuance of written prescriptions issued in accordance with the laws of this state by any licensed physician, dentist, or veterinary surgeon, and licensed pharmacists may possess the same for these purposes only.

4-2-4. 3. All such instances of professional distribution by licensed physicians, dentists, veterinary surgeons, and pharmacists shall be recorded in suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officers of the City of Las Animas.

4-2-4. 4. Any patient may possess and use narcotic drugs dispensed or distributed to him under the provisions of this section, but such possession and use must be in accordance with the terms of the prescription and prescribed treatment.

4-2-4. 5. No prescription for narcotic drugs may be renewed.

4-2-4. 6. Narcotic drugs may be possessed by any person, firm, or corporation who is a licensed wholesaler or manufacturer of narcotic drugs for purposes of wholesale delivery, compounding, preparation, and manufacture only, and the same may be resold to other persons, firms, and corporations permitted by the terms of this section to resell or dispense or distribute the same in the course of a licensed manufacturing or wholesale business, a licensed professional practice, or a licensed pharmaceutical business.

4-2-4. 7. Such licensed wholesaler or manufacturer may also be a licensed pharmacist and may dispense or distribute narcotic drugs upon valid prescription under the laws of this state, as provided herein, but shall not consume or permit to be consumed any narcotic drug except upon prescription as provided herein.

4-2-5 EXEMPTIONS. This division shall not apply to the administering or distributing or dispensing of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation in one avoirdupois ounce not more than one grain of codeine or any salt or derivative of it. Provided that the preparation administered or distributed or dispensed shall contain some drug or drugs of medicinal qualities in addition to those possessed by the narcotic drug alone. Such preparation shall be administered or distributed or dispensed in good faith and not for the purpose of evading this division. However, no person shall administer, dispense, or sell, under the exemption of this section, any preparation included in this section, when he knows, or can by reasonable diligence ascertain, that such administering, dispensing, or selling will provide the person to whom or for whose use such preparation is administered, dispensed, or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of codeine or any salt or derivative of it.

4-2-6 SEIZURE OF VEHICLE AND NARCOTIC DRUGS.

4-2-6. 1. All narcotic drugs in the possession of any person, firm, or corporation convicted of a violation of this division shall be seized by, confiscated by, and forfeited to the Chief of Police who shall make proper disposition thereof.

4-2-6. 2. Any vehicle from which such seized drugs are removed, which vehicle is owned by the person, firm, or corporation convicted of a violation of this division, shall also be seized by, confiscated by, and forfeited to the Chief of Police in the name of the City of Las Animas and subsequently sold at public auction to the highest bidder by the custodian of public property in the manner provided by law.

4-2-7 PERSONS EXEMPT FROM DIVISION. The provisions of this division restricting the possession and control of narcotic drugs shall not apply to common carriers or warehousemen, engaged in lawfully transporting or storing such narcotic drugs, or to any employe of such common carriers or warehousemen within the scope of his employment, or to public officers or employes in the performance of official duties requiring possession or control of narcotic drugs, or to persons aiding such officers or employes in performance of such duties.

4-3

BARBITURATES AND OTHER HYPNOTIC OR SOMNIFACIENT DRUGS

4-3-1. 1. DEFINITION OF BARBITURATE AND OTHER HYPNOTIC OR SOMNIFACIENT DRUGS. The term "barbiturate and other hypnotic or somnifacient drugs" includes the salts and derivatives of barbituric acid, also known as malony urea, having hypnotic or somnifacient action, and compounds, preparations, and mixtures thereof.

4-4

INTOXICATING LIQUORS

INTOXICATION; DRUG ADDICTION; DISORDERLY CONDUCT

4-4-1. It shall be unlawful for any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant to be on any street, thoroughfare, or other public place within the City of Las Animas.

4-4-2. It shall be unlawful for any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant in any private or public house or place to be drunk, turbulent, violent, menacing, or disorderly to such an extent as to jeopardize persons or property or to menace the public peace and safety.

4-4-3. All law enforcement officers are authorized and empowered to arrest or cause to be arrested with or without process, any persons found violating the provisions of this article.

4-5

OFFENSES RELATING TO SEX

4-5-1 DEFINITION OF "PROSTITUTION" AND "PROSTITUTE."

4-5-1. 1 The term "prostitution" includes the offering or receiving of the body for sexual intercourse or other physical sexual activity for hire.

4-5-1. 2 The term "prostitution" also includes the indiscriminate or promiscuous offering or receiving of the body for sexual intercourse or other physical sexual activity without hire.

4-5-1. 3 A "prostitute" is one who engages in prostitution as defined in this section.

4-5-2 DEFINITION OF "BAWDY HOUSE" OR "HOUSE OF ASSIGNATION", AND "HOUSE OF PROSTITUTION."

4-5-2. 1 A "bawdy house" or "house of assignation" is a house or place kept for the shelter and convenience of persons desiring unlawful sexual intercourse or other unlawful physical sexual activity and where such intercourse or activity is practiced.

4-5-2. 2 A "house of prostitution" is a house or place kept or resorted to for the purpose of prostitution.

4-5-3 DEFINITION OF "LEWD ACT."

4-5-3. 1 The term "lewd act" shall include an appearance in the state of nudity or in any indecent or lewd dress in a public or semi-public place or under such circumstances as to be offensive to the person to whom the appearance or exposure is made.

4-5-3. 2 The term "lewd act" shall also include indecent exposure and exposure of the private parts in a public or semi-public place or under such circumstances as to be offensive to the person to whom the appearance or exposure is made.

4-5-3. 3 A "lewd act" is an indecent, wanton, and lascivious act committed in the presence of another or in a place open to the public view.

4-5-4 DEFINITION OF "MERETRICIOUS DISPLAY." "Meretricious display" includes any act, sign, gesture, or manifestation which allure, or is calculated to allure, entice, or is calculated to entice by a false show, gaudiness, tawdry ornamentation, or lascivious suggestion for purposes of prostitution.

4-5-5 OFFENSES RELATING TO PROSTITUTION. It shall be unlawful for any person to:

4-5-5. 1 Commit or offer or agree to commit a lewd act or an act of prostitution;

4-5-5. 2 Secure or offer another for the purpose of committing a lewd act or an act of prostitution.

4-5-5. 3 Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution;

4-5-5. 4 Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.

4-5-5. 5 Transport knowingly any person to any place for the purpose of committing a lewd act or an act of prostitution;

4-5-5. 6 Receive, or offer, or agree to receive knowingly any person into any place or building for the purpose of performing a lewd act, or an act of prostitution; or to permit knowingly any person to remain in any place or building for any such purpose.

4-5-5. 7 Direct or offer or agree to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution.

4-5-5. 8 In any manner aid, abet, suffer, permit, or participate in the doing of any of the acts prohibited by Sections 4-5-5. 1 to 4-5-5. 7 above.

4-5-6 SOLICITATION OF DRINKS.

4-5-6. 1 It shall be unlawful for any woman to frequent or loiter in any tavern, cabaret, or night club, with the purpose of soliciting men to purchase drinks.

4-5-6. 2 It shall be unlawful for the proprietor or operator of any such establishment to allow the presence in such establishment of any woman who violates the provisions of this section.

4-5-7 PORNOGRAPH. It shall be unlawful for any person to possess or exhibit to sell or offer for sale, or to circulate or distribute any indecent or lewd book, picture, or other thing whatever of an immoral or scandalous nature, or to exhibit, perform or present any indecent, immoral or lewd play, motion picture, lecture, demonstration, or other representation.

4-5-8 INDECENT ACT; USE OF FILTHY LANGUAGE. It shall be unlawful for any person to commit any indecent or filthy act in any place within this City, or to utter any filthy word or any abusive or filthy language in the hearing of other persons publicly, or to make any obscene gesture to or about any other person publicly.

4-3-1. 2 The term "barbiturate and other hypnotic or somnifacient drugs" also includes amytal, veronal, barbital, acid diethyl-barbituric, or any salts, derivatives, compounds, preparations, and mixtures thereof having hypnotic or somnifacient action.

4-3-1. 3 The term "barbiturate or other hypnotic or somnifacient drugs" shall also include para-amino-benzene sulfonamide, sulfanilamide, sulfamidyl, prontylin, prontosil, neo prontosil, neo proutylin, edimalin, sulfonamid, or salts derivatives, compounds, preparations and mixtures thereof.

4-3-1. 4 The term "barbiturate and other hypnotic or somnifacient drugs" also includes any registered trademarked, or copyrighted preparation or compound registered in the United States Patent Office containing more than one grain of the avoirdupois or fluid ounce of the above substance.

4-3-1. 5 The term "barbiturate or other hypnotic or somnifacient drugs" also includes any other drug which has appreciable hypnotic or somnifacient effects.

4-3-2 UNLAWFUL TO POSSESS BARBITURATES, HYPNOTICS, AND SOMNIFACIENTS. Except as provided in Sections 4-3-4. 1 and 4-3-5. 1 hereof, it shall be unlawful for any person, firm, or corporation to sell, give away, use, or possess for any purpose whatever any barbiturate or other hypnotic or somnifacient drug.

4-3-3 UNLAWFUL TO BE CONNECTED WITH PLACE FOR THE USE OF BARBITURATES OR OTHER HYPNOTIC OR SOMNIFACIENT DRUGS. Except as provided in Sections 4-2-4. 1 and 4-3-5. 1 hereof, it shall be unlawful for any person, firm, or corporation to establish, contribute to, support, maintain, become an inmate of, or in any way be connected with any building or part thereof, or place of any description whatever, or to permit such building or part thereof, or any place of any description whatever owned by or under the control of such person, firm, or corporation to be used for the manufacture, preparation, sale, storage, or use of any barbiturate or other hypnotic or somnifacient drug.

4-3-4. 1 PROFESSIONAL SALE AND USE; PROFESSIONAL RECORDS; USE BY PATIENTS; MANUFACTURE AND WHOLESALE DELIVERY. Barbiturates and other hypnotic or somnifacient drugs may be dispensed or distributed to a patient by a licensed physician, dentist, or veterinary surgeon in the course of his professional practice only, and such physician, dentist, or veterinary surgeon may possess same for these purposes only.

4-3-4. 2 Barbiturates and other hypnotic or somnifacient drugs may be dispensed or distributed by licensed pharmacists to patients under and in pursuance of written prescriptions issued in accordance with the laws of this state, by any licensed physician, dentist, or veterinary surgeon, and licensed pharmacists may possess the same for these purposes only.

4-3-4. 3 All such instances of professional distribution by licensed physicians, dentists, veterinary surgeons and pharmacists shall be recorded in suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officer of the City of Las Animas.

4-3-4. 4 Any patient may possess and use barbiturates or other hypnotic or somnifacient drugs dispensed and distributed to him under the provisions of this section, but such possession and use must be in accordance with the terms of the prescription and prescribed treatment.

4-3-4. 5 No prescription for barbiturates, or other hypnotic or somnifacient drugs may be renewed without authority from the prescribing physician, dentist, or veterinary surgeon.

4-3-4. 6 Barbiturates and other hypnotic or somnifacient drugs may be possessed by any person, firm, or corporation who is a wholesaler or manufacturer of these items for purposes of wholesale delivery, compounding, preparation, and manufacture only, and the same may be resold to other persons, firms and corporations permitted by the terms of this section to resell, or dispense, or distribute the same in the course of a manufacturing or wholesale business, a licensed professional practice or a licensed pharmaceutical business.

4-3-4. 7 Such wholesaler or manufacturer may also be a licensed pharmacist and may dispense or distribute barbiturates and other hypnotic or somnifacient drugs upon written prescription valid under the laws of this state, as provided herein, but shall not consume or permit to be consumed any barbiturate or other hypnotic or somnifacient drug except upon prescription as provided herein.

4-3-5. 1 EXEMPTIONS. This division shall not apply to any compound, mixture, or preparations containing salts or derivatives of any barbiturate or other hypnotic or somnifacient drug which is sold in good faith for the purpose for which it is intended and not for the purpose of evading the provisions of this division if:

4-3-5. 2 Such compound, mixture, or preparation contains a sufficient quantity of another drug or drugs, in addition to the barbiturate or other hypnotic or somnifacient drug to cause it to produce an action other than its hypnotic or somnifacient action; or,

4-3-5. 3 Such compound, mixture or preparation is intended for use as a spray or gargle or for external application and contains, in addition to such salts or derivatives, some other drug or drugs rendering it unfit for internal administration.

4-3-6 PERSONS EXEMPT FROM DIVISION. The provisions of this division restricting the possession and control of barbiturates and other hypnotic or somnifacient drugs shall not apply to common carriers or warehousemen engaged in lawfully transporting or storing such items, or to any employe of such common carriers or warehousemen within the scope of this employment or to public officers or employes in performance of official duties requiring possession or control of barbiturates or other hypnotic or somnifacient drugs, or to persons aiding such officers or employes, in performance of such duties.

4-5-9 UNLAWFUL TO REGISTER FICTITIOUS NAME. It shall be unlawful for any person to write or cause to be written, or knowingly permit to be written, in any register in any hotel, lodging house, rooming house, or other place whatsoever where transients are accommodated in the City of Las Animas, any other or different name or designation than the true name of the person so registered therein, or the name by which such person is generally known.

4-5-10 UNLAWFUL TO RENT TO PERSONS OF OPPOSITE SEX UNLESS REGISTERED AS HUSBAND AND WIFE OR PARENT AND MINOR CHILD.

4-5-10. 1 It shall be unlawful for the proprietor, manager, or other person in charge of any such hotel, lodging house, rooming house, or other place where transients are accommodated, to rent, or suffer or permit to be rented, or assigned to, or privately occupied jointly by persons of opposite sex any room or rooms in such hotel, lodging house, rooming house, or other place where transients are accommodated, unless such persons shall be registered as husband and wife, or as parent and minor child.

4-5-10. 2 It shall be unlawful for such proprietor, manager, or other person in charge of such hotel, lodging house, rooming house, or other place where transients are accommodated, to receive any persons as guests therein, notwithstanding such registration, if he shall have reasonable cause to believe such persons not to be husband and wife or parent and minor child, and when such guests, or either of them, are unknown to him, it shall be unlawful for him to receive them as guests without first requiring some reasonable evidence of such relationship.

4-5-10. 3 UNLAWFUL FOR TWO PERSONS OF OPPOSITE SEX TO OCCUPY HOTEL ROOM TOGETHER; EXCEPTIONS. It shall be unlawful for any persons of opposite sex, except husband and wife or parent and minor child to occupy jointly and privately any room or rooms in any dwelling unit, apartment, lodging house, hotel, or rooming house, or any other place where transients are accommodated.

4-5-10. 4 UNLAWFUL TO LET ROOM MORE THAN ONCE BETWEEN 6 P. M. AND 6 A. M.; EXCEPTIONS. It shall be unlawful for any person to let for sleeping or lodging purposes any room, or rooms in any dwelling unit, apartment, lodging house, hotel, or rooming house or any other place where transients are accommodated, more than once between the hours of six o'clock in the evening and six o'clock in the morning of the next day, except to bona fide travelers with baggage.

4-5-11 INDECENT EXHIBITIONS OF ANIMALS.

4-5-11. 1 It shall be unlawful for any person to exhibit any stud horse, bull or other animal indecently.

4-5-11. 2 It shall be unlawful for any person to let any male animal to any female animal or animals unless the same be done in some place wholly enclosed and out of public view.

5 VAGRANCY, LOITERING AND UNLAWFUL CONGREGATION

5-1 VAGRANTS. The following persons shall be deemed vagrants in the City of Las Animas:

5-1.1 Any person having no lawful means of employment and having no lawful means of support realized solely from lawful occupations or sources; or, any person who lives idly and without visible means of support.

5-1. 2 Any person found loitering or strolling in, about, or upon any street, lane, avenue, alley, or any other public way or public place, or at any public gathering or assembly, or in or around any store, shop, or business or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior.

5-1. 3 Any person upon whose person or in whose possession shall be found any instrument, tool, or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred is designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, who shall fail to account satisfactorily for the possession of the same.

5-1. 4 Any person wandering abroad and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop, or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a satisfactory account of himself.

5-1. 5 Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself.

5-1. 6 Any person who is a common drunkard, found in any place where beer or intoxicating liquor is sold or kept for sale.

5-1. 7 Any person who wanders about the streets, alleys, or other public ways or places, or who is found abroad at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself.

5-1. 8 Any person who shall engage in any fraudulent scheme, device, or trick to obtain money or other valuable thing from others; or any person who aids or assists such trick, device or scheme.

5-1. 9 Any person who asks or receives any compensation, gratuity or reward for practicing fortune-telling, palmistry, or clairvoyance.

5-1. 10 Any person who keeps a place where lost or stolen property is concealed.

5-1. 11 Any person who shall be the keeper, proprietor, exhibiting, or user of any gambling table or device, or who shall assist or attend at any gambling table or device; or, any person who, for the purposes of gambling or gaming, travels about from place to place or frequents places where alcoholic beverages are sold, railroad cars, trains or depots, or buildings or structures, whether occupied or vacant.

5-2. In the prosecution of any person charged with violating section 1.6 hereof, it shall be sufficient to establish him as a common drunkard to show three (3) prior convictions of drunkenness during the next previous six (6) months.

5-3. PENALTY FOR VAGRANCY. Any person who shall be convicted of being a vagrant according to the terms of this article, shall be guilty of a violation of this ordinance and subject to the penalty provided therefor.

5-4. LOITERING PROHIBITED. It shall be unlawful for any person or persons to be upon any public way or place of public nature in such manner as to:

5-4. 1 Interfere with the free and unobstructed use of such public way or place of public nature by any other person or persons; or,

5-4. 2 To be profane, lewd or wanton in speech or behavior in such public way or place.

5-5 UNLAWFUL CONGREGATION. It shall be unlawful for any persons to congregate in any public way or place, or in or around any store or shop, or at any public gathering or assembly and conduct themselves in a profane, lewd or wanton manner.

6 CRUELTY TO ANIMALS

6-1 CRUELTY TO ANIMALS UNLAWFUL. It shall be unlawful for any person, firm, or corporation to overdrive, overload, drive when overloaded, overwork, torture, deprive of necessary sustenance, cruelly beat, mutilate, or kill needlessly, or to carry or transport in any vehicle or otherwise in a cruel and inhuman manner any animal or to cause any of these acts to be done.

6-2 STARVATION OF ANIMALS UNLAWFUL. It shall be unlawful for any person, firm, or corporation having charge or custody of any animal to fail to provide it with proper food, drink, and protection from the weather, or to cause any of these acts to be done.

6-3 ABANDONMENT OF ANIMALS UNLAWFUL. It shall be unlawful for any person, firm, or corporation to abandon any animal, or to cause such to be done.

6-4 UNLAWFUL TO KEEP PLACE FOR FIGHTING ANIMALS. It shall be unlawful for any person, firm, or corporation to keep or cause to be kept any place where any fowls or any animals are suffered to fight upon exhibition, or for sport upon any wager.

6-5 SUPPLY OF FOOD TO IMPOUNDED ANIMALS BY ANY PERSON PERMITTED. In case any animal or animals shall be at any time impounded and shall continue to be without necessary food or water more than twelve (12) consecutive hours, it shall be lawful for any person from time to time and as often as it shall be necessary, to enter into or upon any pound or corral in which any such animal or animals shall be confined, and supply it with necessary food and water so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him or the owner of such animal.

6-6 POISONING DOGS AND CATS. It shall be unlawful for any person to poison any dog or dogs or cat or cats, to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs, or cat or cats.

6-7 FRIGHTENING, SHOOTING, KILLING, TRAPPING, MOLESTING, ETC., SONG AND INSECTIVEROUS BIRDS. It shall be unlawful for any person at any time within the corporate limits of the City of Las Animas to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any robin, lark, whip-poor-will, finch, sparrow, thrush, wren, martin, swallow, snow-bird, bobolink, red-winged blackbird, crow, raven, oriole, kingbird, mocking bird, song sparrow, or other song bird or insectivorous bird; or in any manner molest or injure the nest eggs, or young of any such bird; or have in possession the nest, eggs, young or body of such bird.

6-8 POULTRY CRATES AND COOPS. All coops, crates, or cages in which live fowls or poultry are received for transportation or are kept confined or exposed for sale on wagons or stands, or by the owners of grocery stores, commission house, or other market houses, or by other persons, shall be sufficiently high so that fowls or other birds confined therein can stand erect.

6-8. 1 Such coops, crates, or cages, if such fowl or poultry are to be confined therein more than six hours, shall be made of open slats or wire on at least three (3) sides and shall have troughs or other receptacles easy of access at all times by the birds confined therein, but so placed that their contents cannot be befouled by them, in which troughs shall be constantly kept clean water and suitable food.

6-8. 2 Such coops, crates, or cages shall be kept in clean and wholesome condition.

6-8. 3 Fowls or other birds confined therein shall not be overcrowded, but shall have room to move about, and shall not be exposed to undue heat or cold.

6-8. 4 Dead, injured, or diseased fowls shall be at once removed.

6-8. 5 Whenever live fowls or poultry shall be received for sale or storage, they shall immediately be transferred to such coops, crates or cages as are herein described.

6-9 UNLAWFUL TO POSSESS, ETC., DYED BABY CHICKS, ETC.

6-9. 1 It shall be unlawful for any person, firm, or corporation, to possess, display, sell, or give away dyed, colored, or in any way artificially treated baby chicks, ducklings, fowls, rabbits, or any animals as pets play-things,--novelties or gifts.

6-9. 2 This section shall not be construed to prohibit the display by hatcheries, stores, owners, dealers, or persons engaged in the business of selling the same to be raised for food; but no such hatcheries, stores, owners, dealers or persons shall sell or give away baby chicks, ducks, fowls, rabbits, or any animals as pets, playthings, or novelties.

6-10 HUMANE OFFICERS TO BE PROVIDED WITH BADGES. Officers and agents of the Humane Society shall be provided with certificates by said Society that they are such officers or agents, in such form as the directors of said Society may choose, or with a badge bearing the name or seal of said Society, and shall, if requested, show such certificate or badge when acting officially.

6-11 UNLAWFUL TO INTERFERE WITH HUMANE OFFICERS. Any officer or agent of the Colorado Humane Society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence, and it shall be unlawful for any person to interfere with, obstruct, or resist any such officer or agent in the discharge of his duty.

6-12 DOG-FIGHT-CAUSING UNLAWFUL. No person shall cause, instigate, or encourage any dog fight in any public place or private within the City of Las Animas.

7

OFFENSES RELATING TO PRESS, PUBLICATION, ASSEMBLY, AND RELIGION

7-1 ANONYMOUS PAPERS: DEFINITION OF ANONYMOUS PAPER. An "anonymous paper," within the meaning of this article, is hereby defined as any circular, pamphlet, card, or dodger which does not contain the name of the individual sponsor thereof, or, if sponsored by a partnership, the names of the members thereof; or if sponsored by an association, the names of the president or other head officer; or, if sponsored by a corporation, the name of the president or other head officer thereof.

7-2 UNLAWFUL TO PUBLISH ANONYMOUS OR HATE-INCITING PAPER. It shall be unlawful to publish or distribute, or cause to be published or distributed within the City of Las Animas:

7-2.1 Any anonymous paper, as herein defined;
7-2.2 Any circular, pamphlet, card, or dodger, whether anonymous or not, which incites, counsels, promotes, or advocates hatred, violence, or hostility against any person or group of persons residing in the City of Las Animas by reason of race, color, religion, or manner of worship.

8

ASSEMBLY

8-1 ASSEMBLING TO COMMIT UNLAWFUL ACT. It shall be unlawful for any three (3) or more persons to assemble together in this City with an intent to do an unlawful act; or, being assembled, mutually to agree or act in concert, to do an unlawful act with force or violence against the property of the City, or the person or property of another or against the peace and to the terror of others, or to make any move or preparation therefor; or, being present at such meeting or assembly, to fail to endeavor to prevent the commission of or perpetration of such unlawful act.

8-2 ASSEMBLING TO DISTURB CITIZENS OR TRAVELERS. It shall be unlawful for three (3) or more persons to collect in bodies or crowds for unlawful purposes, or for any purpose, to the annoyance or disturbance of citizens or travelers.

9

RELIGION

9-1 UNLAWFUL TO DISTURB RELIGIOUS WORSHIP. It shall be unlawful for any person, firm or corporation to disquiet or disturb any congregation or assembly for religious worship by making a noise, explosion of fireworks, or by rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

10

OFFENSES AGAINST PUBLIC ORDER AND SAFETY

10-1

ASSAULT

10-1-1 ASSAULT DEFINED. An "assault" is an unlawful attempt coupled with a present ability to commit a bodily injury on the person of another.

10-1-2 ASSAULT.
10-1-2.1 It shall be unlawful in anger or malice to beat, strike, wound, imprison, or inflict violence on another.

10-1-2.2 It shall be unlawful to assault another with intent to commit battery, murder, rape, mayhem, robbery, or larceny.

10-1-2.3 It shall be unlawful to assault another with a lethal or dangerous weapon, instrument or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice.

10-1-3. ASSAULT ON CHILD UNDER SIXTEEN (16). It shall be unlawful for any person to assault any child under sixteen (16) years of age; or to take indecent and improper liberties with the person of such child; or to entice, allure, or persuade any such child into any room, office, or any other place for the purpose of taking any immodest, immoral, or indecent liberties with such child; or to take or attempt to take any such liberties with the person of such child at any place.

10-1-3.2 It shall be unlawful to be in the proximity of any child under sixteen (16) years of age in a state of indecent exposure with intent to assault or ravish such child.

10-2

DISTURBANCE AND NOISE

10-2-1 DISTURBING THE PEACE. USING OFFENSIVE LANGUAGE. It shall be unlawful for any person to disturb or to tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct,

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or by loud or unusual noises, or by unseemly, profane, obscene, or offensive language calculated to provoke a breach of the peace; or by assaulting, striking, or fighting another, or for any person to permit any such conduct in any house or upon any premises owned or possessed by him or under his management or control, when within his power to prevent, so that others in the vicinity are or may be disturbed thereby.

10-2-2 VENDORS NOT TO OBSTRUCT PUBLIC WAYS. It shall be unlawful for any person engaged in the sale of newspapers, magazines, or other goods or merchandise, to make any unnecessary sound or noise, to obstruct any sidewalk or other public place, or to disturb or impede others.

10-3

ESCAPE OF PRISONERS

10-3-1 UNLAWFUL TO AID IN ESCAPE OF PRISONERS. It shall be unlawful for any person to make available to, present to, or place within the reach of, or to cause to be made available to, presented to, or placed within the reach of any person confined under authority of the City of Las Animas, vinous, spirituous, or malt liquors, or any tool, implement, or other thing calculated to aid in the escape of such person so confined or any other person confined under authority of the City of Las Animas.

10-3-2 ESCAPING FROM JAIL. It shall be unlawful for any person, while a prisoner in the City Jail, or in any other place where prisoners are confined, or otherwise in custody of and confined by the City of Las Animas, to escape or attempt to escape or to assist others to escape or attempt to escape from such custody or confinement.

10-3-3 AIDING ESCAPEES FROM CITY JAIL. It shall be unlawful for any person to assist or aid, or attempt to assist or aid any person in the custody of or confined under the authority of the City of Las Animas, to escape from a jail, place of confinement, or custody.

10-4

REGULATIONS PERTAINING TO WEAPONS, MISSILES, AND BURGLAR TOOLS

10-4-1.1 UNLAWFUL TO CARRY CONCEALED WEAPONS; FORFEITURE OF CONCEALED WEAPONS. It shall be unlawful for any person to wear under his clothes, or concealed about his person, or to display in a threatening manner, any dangerous or deadly weapon including, but not by way of limitations, any pistol, revolver, sling shot, cross-knuckles, or knuckles of lead, brass, or other metal, or any bowie knife, dirk, dagger, or any knife resembling a bowie knife or knife described in 10-4-1.2 below, or any other dangerous or deadly weapon.

10-4-1.2 It shall be unlawful for any person, firm, company or association to sell, offer to sell, display, use, possess, or carry any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon within the meaning of Section 10-4-1.1 above, and shall be subject to forfeiture to the City of Las Animas as provided by Section 10-4-1.3 below.

10-4-1.3 Every person convicted of any violation of this Section shall forfeit to the City of Las Animas such dangerous or deadly weapon so concealed or displayed.

10-4-1.4 Nothing in this Section shall be construed to forbid United States Marshals, sheriffs, constables, and their deputies, and any regular special, or ex-officio police officer or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

10-4-2 DISPOSITION OF CONFISCATED CONCEALED WEAPONS. It shall be the duty of every police officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver the same to the municipal judge, to be held by him until the final determination of the prosecution for said offense; and upon the finding of guilt, it shall then be the duty of said municipal judge to deliver said weapon forthwith to the Chief of Police who shall make disposition of the weapon.

10-4-3 UNLAWFUL TO POSSESS, CARRY OR USE CONCEALED, DANGEROUS OR DEADLY WEAPONS. It shall be unlawful for any person to have in his possession, except within his own domicile, or to carry or use, a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air gun, gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot," or "bcany," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name, provided that nothing in this Section contained shall prevent the use of any such instruments in shooting galleries or in any private grounds or residence under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property, and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence; and further provided that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly cased, to or from any range or gallery.

10-4-4 REGULATIONS PERTAINING TO THE SALE OF CERTAIN WEAPONS. It shall be unlawful for any second-hand dealer or pawnbroker, or any other individual, firm, or corporation engaged in the wholesale or retail sale, rental, or exchange of any of the weapons hereinafter named to display or place on exhibition, in any show window, or other window facing upon any street of the City of Las Animas, any pistol, revolver, or other firearm, with barrel less than twelve (12) inches in length, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

10-4-5. 1 RECORDS TO BE KEPT OF SALES OF CERTAIN WEAPONS COVERED BY SECTION 10-4-1.1 to 10-4-4. Every second-hand dealer, pawnbroker, or other individual, firm, or corporation engaged in the sale, rental, or exchange of any weapons described in Section 10-4-1.1 to 10-4-4 shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail.

10-4-5. 2 Said record shall be made at the time of the transaction, in a book kept for that purpose, and shall include the name of the person to whom or from whom such weapon is purchased, sold or rented, or with whom exchanged, his age, physical description, occupation, residence and, if residing in a city, the street and number where he resides; the make, caliber, and finish of the firearm, together with the number or serial letter thereof, if any; the date of the purchase, sale, rental, or exchange of such weapon; and the name of the employe or other person making such purchase, sale, rental, or exchange.

10-4-5. 3 Said record book shall be open a all times to the inspection of any duly authorized police officer of the City of Las Animas.

10-4-6. 1 UNLAWFUL TO SELL WEAPONS TO INTOXICATED PERSONS. It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability.

10-4-6. 2 Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the City of Las Animas to such person, firm, or corporation.

10-4-7. 1 REPORTS OF SALES TO CHIEF OF POLICE. Every person, firm, or corporation who shall purchase, sell, loan, or furnish any gun, pistol, or other firearm in which an explosive substance can be used to any person whatsoever, shall deliver reports upon demand on forms provided by Chief of Police, to the Police Department of every such purchase, sale, loan, or gift.

10-4-7. 2 The said report shall, particularly set forth the name in full, the residence, age and physical description, and the occupation of the person to whom or from whom such gun, pistol or other firearm has been purchased, sold, loaned, or given.

10-4-7. 3 Any failure to observe the provisions of this section shall be grounds for revocation of any license issued by the City of Las Animas to such person, firm or corporation.

10-4-8. UNLAWFUL TO THROW STONES, SNOWBALLS OR MISSILES. It shall be unlawful for any person to throw any stone, snowball or any other missile upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public way or place, or enclosed or unenclosed ground.

10-4-9. 1 UNLAWFUL TO PLACE OBJECTS ON WINDOW SILLS; EXCEPTIONS. It shall be unlawful for any person to place any bottle, pitcher, vessel, utensil, article, or thing whatsoever upon the window sill of any block or building where such window and window sill are upon the side of a block or building immediately abutting or fronting upon the sidewalk of any public street, unless said window sill is guarded or protected by a wire screen or suitable device to prevent any article placed thereon from falling off.

10-4-9. 2 It shall be unlawful for any person or persons to put upon, keep, or maintain any barb, barbed wire, sharpened nails, or any other pointed or sharpened thing of metallic substance, upon any fence, cellar guard or window guard that may front upon or that may be erected or constructed upon any street, avenue, lane, alley, building, or sidewalk, so that the same shall project or extend beyond the surface of the wood or other material of which said fence, cellar guard, or window guard may be constructed.

10-4-10 UNLAWFUL TO POSSESS BURGLAR'S TOOLS. It shall be unlawful for any person, firm, or corporation to possess any nippers known as burglars' nippers, any pick lock, skeleton key, key to be used with bit or bits, jimmy, or any other burglars' instruments or tools of whatever kind or description, unless it be shown that such possession is innocent or for lawful purposes.

11

OFFENSES AFFECTING THE POLICE DEPARTMENT

11-1. 1 RESISTING AN OFFICER; ESCAPING; RESCUING A PRISONER. It shall be unlawful for any person to resist any police officer, any member of the Police Department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge of his duty, or to use in the presence of, or direct toward or to call any such police officer or person empowered with police authority, any vile or profane epithet, profane, obscene or offensive language.

11-1. 2 It shall be unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority to escape or to attempt to escape from such custody.

11-1. 3 It shall be unlawful for any person to rescue or to attempt to rescue any person in the custody of a police officer, a member of the Police Department, or a person duly empowered with police authority.

11-2 DUTY OF CITIZENS TO AID POLICE OFFICERS. It shall be the duty of all persons when called upon by any police officer or any other member of the Police Department to promptly aid and assist such officer or member in the discharge of his duties.

11-3. 1 IMPERSONATING AN OFFICER. It shall be unlawful for any person other than an official police officer of the City of Las Animas to wear the uniform, apparel, or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn by the official police officers.

11-3. 2 It shall be unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated, or colorably imitated, the uniform, apparel, or insignia of office used by the Police Department of the City of Las Animas.

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OFFENSES AGAINST PROPERTY

12-1 UNLAWFUL TO INJURE OR DESTROY PUBLIC PROPERTY. It shall be unlawful for any person to either wilfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or moveable or personal property, belonging to the City of Las Animas.

12-2 UNLAWFUL TO INJURE OR DESTROY PRIVATE PROPERTY. It shall be unlawful for any person to either wilfully, maliciously, or wantonly injure or destroy real property or improvements thereto, or moveable or personal property, belonging to any person, persons, corporation, partnership, or association.

12-3 UNLAWFUL TO DAMAGE DITCHES. It shall be unlawful for any person to either wilfully, maliciously, wantonly or negligently fill up, obstruct, or otherwise damage any ditch or ditches, lawfully constructed in the City of Las Animas.

12-4. 1 UNLAWFUL TO DESTROY POSTERS. It shall be unlawful for any person to either wilfully, maliciously, wantonly, negligently, or in any other manner tear down, deface, or cover up any posted advertisement or bill of any person, firm, or corporation when the same is posted in harmony with the provisions of this ordinance and ordinances of the City of Las Animas.

12-4. 2 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.

12-5. 1 PROTECTION OF GARDENS AND CROPS. It shall be unlawful for any person to trespass upon or to permit any animal or fowl owned by or controlled by him to trespass upon the real property of another.

12-5. 2 It shall be unlawful for any person to drive or lead any horse or other large animal upon or over any lawn or shrubs.

12-6 UNLAWFUL TO STEAL, TAKE OR CARRY AWAY. It shall be unlawful for any person or persons to steal, take, or carry away, or attempt to steal, take, or carry away, the personal goods or chattels of another without the consent of the owner or possessor thereof.

12-7. 1 FRAUDULENT MANIPULATION OF COIN SERVICE AND CHANGE MACHINES UNLAWFUL. It shall be unlawful for any person to insert or attempt to insert into the coin box or money receptacle of any coin operated machine or device, any slug, button, or other article or substance, or to manipulate or operate in any manner whatever, any mechanism or device connected or commonly used therewith, with attempt to obtain goods or service therefrom without proper payment therefor.

12-7. 2 It shall be unlawful for any person to insert or attempt to insert into the coin box or money receptacle of any coin operated machine or device, any slug, button or other substance, with the attempt to obtain from such coin box or money receptacle a legal tender coin of the United States.

12-8 UNLAWFUL TO HOLD PUBLIC MEETINGS IN PARKS WITHOUT PERMIT. It shall be unlawful to hold any public meetings, addressed by one or more speakers and attended by twenty-five (25) or more persons within the parks of the City of Las Animas, unless and until a permit therefor has been issued. Such meetings shall be conducted in an orderly and law-abiding manner.

13
LIVESTOCK AT LARGE

13-1 It shall be unlawful for any person to permit any livestock to run or be at large and unattended within the City of Las Animas. Unattended animals in violation of the preceding section shall be ordered impounded by the Chief of Police in a pound or stable designated by the Police Department, and the reasonable cost of transporting, feeding, and keeping said livestock shall be paid by the owner of said livestock before the livestock is released.

14
SECOND-HAND AND JUNK DEALERS

14-1 REGULATION OF SECONDHAND STORES, JUNK DEALERS, AND PLACES BUYING AND SELLING SECONDHAND GOODS.

14-1.1 No person shall, in the City of Las Animas, engage in the business of keeping a secondhand store, or a place for buying and selling secondhand goods or engage in the business of a junk dealer or collector, without first obtaining a license therefor, as hereinafter provided.

14-1.2 Any person desiring such a license shall apply to the City Clerk, therefor, the application to be in writing, and shall set forth the full name of the applicant, the location at which such business is to be carried on, and accompanied by the payment of \$10.00 as the license fee, which license shall, unless sooner suspended or revoked, continue in force for one year from the issuance thereof.

14-1. 3 Every person licensed under this ordinance shall keep a book in which shall be written in ink the time of each purchase, an accurate description in English of the goods, article, or thing purchased, the time of the receipt of same, the name, residence and description of the person selling the same, which book, as well as the article or articles purchased shall, at all reasonable times, be open to the inspection of any member of the Police Department.

14-1. 4 No person licensed under this ordinance shall sell, or remove from his place of business, any goods or articles purchased by him, as aforesaid, until the same shall have been in his possession at least seventy-two (72) hours.

14-1. 5 No person licensed under this ordinance shall purchase any second-hand goods, article, or thing from any person under the age of eighteen (18) years, or from any person who at the time is intoxicated, or from any person known by him to be a thief or a receiver of stolen property, or from any person whom he has reason to suspect of being such, and no purchases shall be made between the hours of 6 o'clock P. M., and 6 o'clock A. M.

14-2 In case any person so licensed, as provided in this ordinance, shall remove his place of business from the location designated in such license, he shall immediately give notice to the City Clerk, and have the change noted upon such license.

14-3 The Chief of Police, or any police officer of the City of Las Animas shall have the right to examine any article purchased by the licensee, and may demand that any article so purchased be exhibited, and such officer shall have the right to inspect the place of business of the licensee and all articles being kept therein, whenever he shall deem it necessary so to do.

15 FIRE PREVENTION

15. 1 FALSE ALARM OF FIRE-GIVING. Any person who shall, in this City, intentionally make or give a false alarm of fire, shall be deemed guilty of a misdemeanor.

15. 2 DISPOSAL OF GARBAGE, LITTER, ETC. It shall be unlawful to place or scatter or dispose of garbage, litter, trash or rubbish or burn the same in any public way, street or alley or on the property of another.

16 REGULATING HOURS OF POOL HALLS, ETC.

16-1. No owner, manager, operator, keeper, lessee, tenant, janitor or any other employee or agent of such owner or manager, lessee or tenant of any place where the game called pool or billiards is played, or of any place where is or shall be kept or operated, or used, any pool table, billiard table, bagatelle table, pigeon hole table, shuffle board, shooting gallery, skating rink, bowling alley, or pin alley or place where any games are played shall keep open or permit to be open for use any such place on any day later than twelve o'clock midnight, and shall not open or permit to be opened any such place earlier than eight o'clock in the forenoon of any day.

17 PARTIES—AIDING AND ABETTING

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be in violation of the ordinances of this municipality, whether individually, or in connection with one or more other persons, or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this ordinance is likewise guilty of such offense.

18 GENERAL PROVISIONS

18-1 PENALTY. Whenever in any section of this Ordinance or any section of a rule or regulation promulgated hereunder the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person, firm, or corporation who shall be convicted of a violation of any such section shall, for each offense, be fined in a sum not more than three hundred dollars (\$300.00) or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned.

18-2 LIABILITY OF PARENTS OF MINORS. Whenever any person shall be charged with the commission of any act herein prohibited or declared to be unlawful or a misdemeanor and shall be determined to be a minor under the age of sixteen (16), summons shall be issued to the parent or parents or person standing in the position of parent to such minor and upon establishment in the police court of the probable fact of the commission of such prohibited or unlawful act or acts by such minor person, such person standing in the position of parent to the minor committing such acts shall, as a condition and in consideration of the police officers of the City of Las Animas refraining from filing a

complaint against such minor in the Juvenile Court of Bent County, be required to file with the Police Magistrate a penalty bond running to the City of Las Animas, Colorado, with good and sufficient surety or sureties, in an amount to be fixed by the Police Magistrate not exceeding three hundred (\$300.00) dollars conditioned that if such minor shall again commit any act herein prohibited or declared unlawful or a misdemeanor within the City of Las Animas within the twelve (12) months next following the date of such hearing then he will pay, not exceeding three hundred (\$300.00) dollars so much thereof as shall be determined by the Police Magistrate of the City of Las Animas to be a reasonable penalty, had such an act been committed by an adult, after a hearing on the probable commission of such acts to which hearing such parties shall be summoned.

18-3 SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof. The City Council hereby declares that it would have passed this Ordinance and each portion or portions thereof, irrespective of the fact that any one portion or portions be declared invalid or unconstitutional.

18-4. ORDINANCE REPEALED. All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

18-5 TITLE. This Ordinance may be known and cited as the "Offenses Ordinance of the City of Las Animas, Colorado."

Published once, read and passed, adopted and approved on second and third and final reading and ordered published this 2nd day of July, 1956.

A. F. COFFEY, Mayor

ATTEST: D. A. McAFEE, Clerk.

Published July 6, 1956, in the Bent County Democrat.

No further business to come before this meeting, thereupon on motion duly made, seconded and carried the meeting adjourned.

A. F. Coffey
Mayor

ATTEST:

D. A. McAFEE
City Clerk

ORDINANCE

No. 333 -26

AN ORDINANCE REPEALING
SECTION 14-26 OF THE LAS ANIMAS
CODE AND RE-ENACTING THE SAME.

Be it ordained by the City Council of the City of
Las Animas, Colorado, that Section 14-26 of the Las Animas
City Code is hereby repealed and re-enacted as follows:

Section 14-26. Resisting Arrest.

(1) A person commits resisting arrest if he intentionally
prevents or attempts to prevent a peace officer, acting under
color of his official authority, from effecting an arrest of the
actor or another by:

(a) Using or threatening to use physical force or violence
against the peace officer or another; or

(b) Using any other means which creates a substantial risk
of causing physical injury to the peace officer or another.

(2) It is no defense to a prosecution under this section
that the peace officer was attempting to make an arrest which in
fact was unlawful, if he was acting under color of his official
authority, and in attempting to make the arrest he was not resorting
to unreasonable or excessive force giving rise to the right of self-
defense. A peace officer acts "under color of his official authority"
when, in the regular course of assigned duties, he is called upon
surrounding facts and circumstances that an arrest should be made
by him.

(3) The term "peace officer" as used in this section and
section 18-8-104 means a peace officer in uniform or, if out of
uniform, one who has identified himself by exhibiting his credentials
as such peace officer to the person whose arrest is attempted.

ALFERD PUTNAM, Mayor

VIGOR WEAFFEE, City Clerk

PASSED on first reading this 9th day of Dec,
1976.

ADOPTED AND APPROVED on second reading this 21st
day of December, 1976.

Mr. Taliaferro requested a raise in salary for Benjamin Trujillo from \$650.00 per mo. to \$700.00 per month. Mr. Jose Gallegos from \$525.00 to \$575.00 per month. Mr. Frank Jones from \$475.00 to \$525.00 per month. Mr. Alfred Stoker from \$750.00 to \$800.00 per month. Mr. Bennie Gallegos from \$600.00 to 650.00 per month. Motion made by Councilman Clark, seconded by Councilman Archuleta to approve these recommendations for salary raise. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

ST. LEDGER PROPOSED LEASE

Discussion was had regarding the proposed lease between Doc's Drive Inn and Mr. Bill St. Ledger. The proposed lease as drawn up by the City Attorney met with the City Council approval.

COUNCILMAN CLARK PROPOSED ORDINANCE

The City Attorney read by title only an Ordinance repealing section 14-26 of the Las Animas Code and re-enacting the same regarding "Resisting Arrest". Motion made by Councilman Clark, seconded by Councilman Maupin to adopt the ordinance on first reading and ordered published in December 9, 1976 issue of the Bent County Democrat. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

#333-76

COUNCILMAN LONG REQUESTING INFORMATION

Councilman Long went on record requesting information on type of retirement; Mr. Gregory Trujillo, who was hired as a patrolman the first of December 1976, retired on.

MOTION MADE BY COUNCILMAN LONG

Motion was made by Councilman Long, seconded by Councilman Clark to approve the renewal of the Palace Bar & Grill Liquor license. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

SALARIES RAISES

Mr. Taliaferro requested a raise in salary for the following employees: Al Stoker from \$750.00 to \$800.00 per month; Frank Jones from \$475.00 to \$525.00 per month; Bennie Trujillo from \$650.00 to \$700.00 per month; Bennie Gallegos from \$600.00 to \$650.00 per month and Jose Gallegos from \$525.00 to \$575.00 per month. Motion made by Councilman Clark, seconded by Councilman Maupin to approve recommendation for raises. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

MONTH OF NOVEMBER 1976

Motion made by Councilman Maupin, seconded by Councilman Clark to allow bills for month of November 1976. Upon vote taken by roll call call 4 voted Aye, 0 voted Nay, motion carried.

DISCUSSION REGARDING APPLICATION FOR STATE GRANT

Discussion was had regarding application for state grant for sewage works for jurisdiction of 5,000 population or less. Motion made by Councilman Clark, seconded by Councilman Archuleta to approve the application in the amount of \$479,160.00. Amount of state fund requested \$383,328.00 which is 80% of total eligible costs. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

No further business to come before this meeting thereupon an motion made, seconded and carried the meeting adjourned.

ATTEST:

Vegar J. McAfee
VEGAR J. McAFEE, City Clerk & Treasurer

Alfred Putnam
ALFRED PUTNAM, Mayor

STATE OF COLORADO)
COUNTY OF BENT) SS
CITY OF LAS ANIMAS)

The City Council of the City of Las Animas met at a regular meeting on the 21 Day of December 1976, at 7:30 PM with the following members present:

Mayor: Alferd Putnam
Councilmen: Long, Clark, Maupin, Deal-Hickman & Archuleta absent
Chief of Police: Norman Roberts
Supt. of P. Works: Jack Taliaferro
Supt, of Light & Power: Ralph Barbee
City Attorney: Tom Marmon
Health Officer: Dr. Moore
City Clerk: Taye Namura, Deputy Clerk

Minutes of last meeting corrected as sent out.

Visitors: Sabe Prutch, Wayne Wynne Representative of Mutual of Omaha, Felix Torres, Frank Trujillo, Frank Cordova, Simon Martinez, Jerry Garcia, Doyle Elyea and Jim Miles.

Mr. Cordova reported on the funding of health and safety. Public Hearing was held at 1:30PM as well as this meeting. No opposition was voiced. No action was taken by Council at this time.

Jerry Garcia gave report on transportation for the elderly. Council to write a letter of support. Councilman Deal, seconded by Long made a motion to write letter of support. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

Councilman Long made a motion, seconded by Councilman Clark to obtain printout of Las Animas for sanitary drainage. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

Motion made by Councilman Long, seconded by Councilman Maupin to authorize Frank Trujillo and Frank Cordova to make application to HUD, Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried. ^{300,000.00} DISCRETIONARY FUND

Mutual of Omahas insurance program was presented by Sabe Prutch and Wayne Wynne. After presentation and some discussion Mr. Wynne requested a list of the names of city employees as well as their addresses. and etc.

Mr. Barbee suggested that parking be made available; in front of the old fire station since they have moved to the new station. Mayor suggested the city go ahead and mark this area off for public parking.

Jack Taliaferro stated Mr. Bert Hansen stated he had 2 men who could be hired to work for the city and that ehy would pay 90% of the salary. Council suggested Mr. Taliaferro use his own judgement on this.

#333 2nd reading on Ordinance Repealing Section 14-26 of the Las Animas Code was read Councilman Deal, seconded by Councilman Long made a motion to adopt the ordinance and ordered published. Upon vote taken by roll call 4 voted Aye, 0 voted Nay, motion carried.

Mr. Taliaferro requested information in regards to the Retirement Plan with SAFECO.

No further business to come be this meeting thereupon an motion made, seconded and carried the meeting adjourned.

ATTEST: *Vigiar J. Mc*
VIGAR J. Mc AFEY, Clerk & Treasurer

ALFERD PUTNAM MAYOR

Alferd Putnam

74100

Proof of Publication

Bent County Democrat

Las Animas, Colorado

STATE OF COLORADO }
COUNTY OF BENT } ss.

I, Pat Clark, do solemnly swear that I am editor, publisher or business manager, of the BENT COUNTY DEMOCRAT; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Bent, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Bent for a period of more than fifty - two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated A.D. 19....., and that the last publication of said notice was in the issue of said newspaper dated Sept 29 A.D., 19 77

In Witness Whereof I have hereunto set my hand this 2nd day of Oct A.D., 19 77
Pat Clark

Subscribed and sworn to before me, a notary public in and for the County of Bent, State of Colorado, this 2nd day of Oct A.D., 19 77

[Signature]
Notary Public

My commission expires April 25 - 1980

ORDINANCE NO. 333 - 76

AN ORDINANCE REPEALING SECTION 14-24 OF THE LAS ANIMAS CODE AND RE-ENACTING THE SAME.

Be It ordained by the City Council of the City of Las Animas, Colorado, that Section 14-24 of the Las Animas City Code is hereby repealed and re-enacted as follows:

Section 14-26. Resisting Arrest.
(1) A person commits resisting arrest if he intentionally prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting an arrest of the actor or another by:

- (a) Using or threatening to use physical force or violence against the peace officer or another; or
- (b) Using any other means which creates a substantial risk of causing physical injury to the peace officer or another.

(2) It is no defense to a prosecution under this section that the peace officer was attempting to make an arrest which in fact was unlawful, if he was acting under color of his official authority, and in attempting to make the arrest he was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts "under color of his official authority" when, in the regular course of assigned duties, he is called upon surrounding facts and circumstances that an arrest should be made by him.

(3) The term "peace officer" as used in this section and section 18-8-104 means a peace officer in uniform or, if out of uniform, one who has identified himself by exhibiting his credentials as such peace officer to the person whose arrest is attempted.

Alfred Putnam, Mayor
Viggo J. McAfee, City Clerk

ADOPTED AND APPROVED on second reading this 21st day of December, 1976.

Published in the Bent County Democrat, Sept. 29, 1977.