

CHAPTER VIII
Criminal Offenses

(Ordinance 112, September 12, 1988, Ordinance 125, March 11, 1991, Ordinance 166, February 10, 1998, Ordinance 178, June 13, 2000, Ordinance 207, October 14, 2003, Ordinance 239, September 13, 2006, Ordinance 270, June 9, 2009, Ordinance 291, March 8, 2011, Ordinance 293, June 7, 2011)

Administration: When State Laws change related to years, fines, fees or other numbers, the code shall reflect these changes by administrative action, rather than requiring an ordinance to make such a change. No intent, position, or content will be changed, however, without the proper process being followed, including a public hearing and the approval of an Ordinance by the Town Board of Trustees.

Section 1

8-1 Offenses Against the Person.

8-1-1 Assault

Any person commits assault when he or she by any threat or physical action intentionally, knowingly or recklessly places or attempts to place another person in fear of serious bodily injury.

8-1-2 Battery

Any person commits battery when he or she intentionally, knowingly or recklessly causes harmful or offensive contact with another person.

8-1-3 Harassment

- (1) Any person commits harassment if, with the intent to harass, annoy or alarm another person, he or she:
 - (a) Strikes, shoves, kicks or otherwise touches a person or subjects that person to physical contact; or
 - (b) In a public place directs obscene language or make obscene gesture to or at another person; or
 - (c) Follows a person in or about a public place; or
 - (d) Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network or computer system that is obscene.

- (e) Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

8-2 Offenses Against Property

8-2-1 Theft

Any person commits theft when he or she knowingly obtains or exercises control over the property or services of another (tangible or intangible) without authorization or by threat or deception and uses, conceals or abandons such property so as to deprive the owner or legal custodian of its use or benefits.

8-2-2 Trespass

Any person commits trespass when he or she unlawfully and knowingly enters or remains upon the premises on which he is not otherwise privileged to enter or remain.

8-2-3 Criminal Mischief

Any person who knowingly damages the real or personal property of another person or persons commits criminal mischief.

8-2-4 Theft of Utilities.

It shall be unlawful for any person to tap a gas conduit, conduct gas around a meter; or to tap an electrical conduit; or to conduct electricity around a meter; or in any way to avoid a meter; or to tamper with a meter; or to tap a water conduit, or conduct water around a meter, or interfere with a water meter or remove water from water lines of the Town in any way without first getting the town manager to turn on said water or approve the removal of said water from said lines, or in any other way to steal water, electricity or gas from the line of any public utility within the corporate confines of the Town, and upon conviction thereof, such person shall be punished by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the County Jail for a period of time not to exceed ninety (90) days.

8-2-5 Theft by Check. (Ordinance 112, September 12, 1988, Ordinance 293, June 7, 2011)

(1) It shall be unlawful for any person:

- (a) To issue or pass a check as payment for any goods, services, or other thing of value, or in exchange for cash when that person knew that, at the time of the issuance of the check, there were insufficient funds existing within the account being drawn upon to cover the check. For purposes of this section, the term "insufficient funds" means that a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account with the drawee or has funds in a checking account with a drawee in an amount less than the amount of the check plus the amount of all other

checks outstanding at the time of issuance. A check dishonored for "no account" shall also be deemed to be dishonored for insufficient funds".

- (b) To stop payment or cause payment to be stopped on any check issued or passed as payment for any goods, services or other thing of value, or in exchange for cash, when that person does so with the intent to defraud.
 - (c) To open a checking account, negotiable order of withdrawal account, or share draft account using false identification or an assumed name, for the purpose of and with the intent of committing theft by check.
- (2) Prior to filing a complaint under this Section, the holder of the check shall have:
- (a) Obtained sufficient identification from the drawer at the time of acceptance of the check to verify the name and address of the drawer; and
 - (b) Presented the check to the drawee for acceptance or refusal for the first time within thirty (30) days of the date of issuance of the check; and
 - (c) Upon twice presenting the check to the drawee for collection and having twice received the check back for insufficient funds, the person or firm to whom the check was originally issued thereafter sent a letter notifying the drawer of the refusal of the drawee to accept the check and requiring restitution within fourteen (14) days. Said letter shall be sent by certified mail, return receipt requested, to the drawer of the check at the address obtained by the holder. The return receipt reflecting acceptance of the addressee or the refusal of the addressee to claim the certified mailing shall be conclusive proof of compliance with the notice requirements of this section.
- (3) Nothing in this section shall apply where the value of the check exceeds one thousand dollars (\$1,000) or where the offender is under accusation of formal criminal charges involving the issuance of two or more checks with an aggregate value of one thousand dollars (\$1,000.00) or more. 3-30-11
- (4) A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to any police authority or officer of the Court of this municipality provided the release of such information is for purposes of investigating or prosecuting a potential or alleged violation of this section.
- (5) In imposing a penalty for violation of this section, the Municipal Court is specifically authorized and empowered to require restitution in full to the person or entity to whom any such check described herein was issued as a portion of, or in addition to, any penalty deemed appropriate by the court.
- (6) Any person who violates any of the provisions of this section shall be subject to a penalty in the form of a fine not to exceed one thousand dollars (\$1,000.00) or

imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment.6-1-11

8-3 Offenses Against Public Order and Decency.

8-3-1 Disorderly Conduct.

- (1) Any person commits disorderly conduct if he intentionally, knowingly, or recklessly:
 - (a) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace; or
 - (b) Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
 - (c) Fights with another in a public place except in an amateur or professional contest of athletic skill; or
 - (d) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or
 - (e) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.

8-3-2 Unlawfully Carrying a Concealed Weapon.

It shall be unlawful for any person within the Town to commit the offense of Unlawfully Carrying a Concealed Weapon; Unlawfully Carrying a Concealed Weapon being defined as: A person commits the offense of Unlawfully Carrying a Concealed Weapon when he knowingly and unlawfully:

- (1) Carries a knife concealed on or about his person; or
- (2) Carries a firearm concealed on or about his person; or
- (3) Carries, brings, or has in possession a firearm or any explosive, incendiary, or other dangerous device on the property of or within any building in which the chambers, galleries, or offices of the town meet and conduct business; or
- (4) Carries any firearm or weapon as defined in C.R.S. 18-12-101, such as brass knuckles, knives of various types, blackjack, bomb, guns of various types, bludgeon, or other unlawful weapon concealed on or about his person.

Except for Subsection (3) above, it shall be an affirmative defense that the Defendant was:

- (1) A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying; or
- (2) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling; or
- (3) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit to carry the weapon by an authorized law enforcement official; and the permit shall be effective in all areas of the town; or
- (4) A peace officer, as defined in C.R.S. 18-1-901(3)(1).

8-3-3 Open Container.

Any person who has an open container that contains an alcoholic beverage, 3.2% or more by volume, in a public place or in a moving vehicle commits the offense of open container.

8-3-4 Obstructing a Public Way.

- (1) Any person commits the offense of obstructing a public way if he or she, without legal privilege, intentionally, knowingly, or recklessly:
 - (a) Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his acts alone or from his acts and the acts of others; or
 - (b) Disobeys a reasonable request or order to move issued by a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.
- (2) For purposes of this section, "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous.

8-3-5 Throwing Missiles.

Any person who knowingly projects any missile at another person, vehicle or building commits the offense of throwing missiles.

8-3-6 Littering.

Any person who throws, dumps, places or deposits upon the lands of another or upon any public property, highway, street, alley or other area, any garbage, debris, junk, carcasses, trash, or refuse of any sort, without privilege to do so, commits the offense of littering.

8-3-7 Nuisances.

Nuisance means any substance, act, condition or use of property declared a nuisance by this Code that; substantially annoys, injures, or endangers the comfort, health or safety of the public; threatens the public health, safety and welfare; or is prohibited by statute, ordinance, law or provisions within this Code.

(1) Specific nuisances.

The items described herein are intended to establish a reasonable method of identifying situations or conditions that may constitute a nuisance, but are not intended to be exclusive of any other condition that constitutes a nuisance. In addition to any other conditions or activities described in this Code, the ownership, leasing, occupying, managing or possessing of any property, structure or premises upon which any of the following conditions are found to exist is declared to be a nuisance that may be abated by any lawful procedure:

- (a) The premises are a detriment to public health, safety or general welfare;
- (b) The premises are littered, defective, unsightly, or in such condition of disrepair that they substantially diminish the value of surrounding property or are otherwise substantially detrimental to surrounding properties. Examples of these conditions may include, but shall not be limited to the following:
 - i. Accumulation of junk, trash, refuse or debris;
 - ii. Abandoned, discarded or unusable objects or equipment such as furniture, appliances and vehicles as defined in section 8-3-7.5 below;
 - iii. Stagnant water that constitutes a hazard;
 - iv. An excavation or an open foundation for which a building permit has expired; or
 - v. Uncovered wells or cisterns.
- (c) The premises are so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;
- (d) The premises are abandoned, boarded up, partially destroyed, or left in an unreasonable state of partial construction;
- (e) Buildings have dry rot, warping or infestation;
- (f) The premises have a substantial number of inoperable or broken windows which cause hazardous conditions and invite trespassers and mischief;
- (g) The landscaping on the premises has not been maintained as follows:
 - i. Trees and shrubs have not been trimmed and are overhanging adjoining properties or public rights-of-way;

- ii. Weeds or other growth over 12 inches that have not been removed or cut, except in areas where such removal is impractical such as irrigation ditches or other inaccessible areas; or
- iii. Dead or diseased trees and/or plants have not been removed or replaced.

(h) The exterior of commercial establishments or multifamily buildings have not been maintained so as to present a neat and orderly appearance which is compatible with the area.

(2) Authority to enter on property.

The town manager or designated persons may enter upon or into any lot or premises, when necessary to enforce the provisions of this code, and has reasonable cause to believe that a nuisance exists. Entry must be at a reasonable time and credentials must be presented to occupants when permission to enter is requested. If the lot or premises is unoccupied, reasonable efforts should be made to contact the owner or person having possession or control of the subject property and permission sought before entry. If entry is refused, the town manager or designated persons shall seek recourse provided by law to secure entry.

(3) Abatement without notice.

In case of any nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the town, the town manager or designated persons may abate the same forthwith without notice. Additionally, cases where extreme public, health and safety issues are declared by the town manager or designated person, the nuisance may be abated without notice.

(4) Notice to abate.

Any state or things prohibited by this Code shall be deemed a nuisance, and any person who shall make, or cause such nuisance to exist shall be deemed the author thereof. Written notice to abate a nuisance shall be mailed to the author via certified mail or hand delivered by the town manager or designated person. The written notice shall establish a seven (7) day period for the abatement of the nuisance. Failure to abate the nuisance will result in a written summons into the Town of Ignacio Municipal Court.

(5) Declaration of nuisance.

In the event a nuisance within or upon any private premises or grounds is not abated after the notice provided in this article has been provided, the author will be cited by written summons into municipal court. The municipal court judge will exercise their authority to cause the abatement of the nuisance and levy adopted fines and fees allowed by applicable laws. The municipal court judge may also declare a nuisance be abated and order the town manager or designated person to abate the nuisance without delay.

(6) Assistance to abate generally.

The town manager or designated person shall have the authority to call for the necessary assistance or designate any officer who shall be duly authorized to abate any nuisance specified in this section shall have authority to engage the necessary assistance and incur any necessary expenses.

- (7) Recovery of expenses.

The expense incurred by the town in abating any nuisance may be collected by proper actions established by the municipal court or through other legal means.

- (8) These remedies are in addition to any other remedy in the Town of Ignacio Municipal Code governing nuisances, including those in Chapter VII, Sections 4 and 5.

8-3-7.5 Abandoned vehicles.

- (1) The following definitions shall apply to the interpretation and enforcement of the provisions of this section:

(a) *Property* means any real property located within the corporate boundaries of the town which is not a public street, highway or right-of-way.

(b) *Vehicle* means a machine or device designed to travel along the ground by use of wheels, treads, runners or slides, intended to transport persons or property or intended as a temporary shelter for persons, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, mobile homes, motor homes, recreation and off-highway vehicles.

- (2) It shall be unlawful for any person to leave any partially dismantled, wrecked, discarded or junked vehicle on any property or public right-of-way within the town.
- (3) It shall be unlawful for any person to abandon any vehicle within the town, and no person shall leave a vehicle on any property within the town for such time or under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. For the purposes of this section, any vehicle which has not been operated as intended for a period of 30 days shall be conclusively deemed to be abandoned.
- (4) It shall be unlawful for any person who is the owner of or otherwise in control of any property within the town to permit or allow any partially wrecked, junked, inoperable or abandoned vehicle to remain on any such property longer than 30 days, provided that this section shall not apply to any vehicle which is stored in an enclosed building or which is otherwise fully concealed, or to a vehicle on the premises of a lawful business enterprise when such vehicle is being actively repaired or deemed necessary to the operation of such business enterprise.
- (5) It shall be unlawful for any person to occupy or reside in any abandoned vehicle.
- (6) The police chief or any member of the police department is hereby authorized to investigate any vehicle which appears to be in violation of the provisions of this section.

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- (7) In addition to any other penalty which may be imposed, any violation of this section shall be deemed a Nuisance and any violation may be abated and the expenses associated with the abatement collected by the Town.

8-3-8 Conducting Business on Public Property.

No person shall conduct an ongoing business on any public property or right-of-way without first obtaining a permit from the Town Clerk and a business license as per Section 9-1. This Section shall not prohibit the emergency servicing of disabled vehicles parked on a public right-of-way but expressly does prohibit the ongoing servicing and repair of vehicle for hire on public rights-of-way or property. The permit required by this Section shall follow all of the requirements for submittals contained in Section 9-2-2 in the application for a license under the peddlers and solicitors Section 9-2-3.

8-3-9 Placement of Snow. (Ordinance 98, December 9, 1985)

It shall be unlawful for any person to plow, shovel, push or place snow from privately owned property onto or into any street, road, alley or highway in the Town.

8-3-10 Indecent exposure (Ordinance 92, June 26, 1984)

It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd state of dress or condition in any public place or in any such place to make any indecent exposure of his or her genitals, or buttocks.

8-3-11 Public Urination (Ordinance 92, June 26, 1984)

It shall be unlawful for any person to urinate or stool (defecate) in any place open to public view.

8-3-12 Unnecessary Noise (Ordinance 126, October 15, 1991 is listed there as 6-3-13)

- (1) It shall be unlawful for any person to make any unnecessary noise within the limits of the Town of Ignacio. A person commits the offense of making unnecessary noise when that person makes or causes to be made any excessive, offensive, raucous or unusually loud noise or any unnecessary noise which annoys, disturbs or injures another person or which endangers another person's comfort, repose, health, peace or safety. A noise may be found to be offensive due to its periodic, impulsive or shrill nature.

- (2) The following shall be considered unnecessary noises, but the following list shall not be exclusive:

- (a) Horns or other signaling devices: The sounding, except as a danger warning, of any horn or other signaling device for an unreasonable length of time.

- (b) Radios, Loudspeakers, Tape Recorders, etc.: Causing or permitting

to be played any radio, tape recorder, phonograph or other similar device in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or playing such a device at any time at a volume louder than is necessary for the convenient hearing of any listeners in the room or vehicle in which device is being played. The playing of such a device in such a manner as to be plainly audible at the distance of fifty feet from the building or vehicle in which the device is located shall be prima facie evidence of the violation of this section.

- (c) Yelling, Shouting, etc.: Yelling, shouting, hooting, or whistling so as to unreasonably disturb any persons in the area.
- (d) Animals: The keeping of any animal that causes frequent or continuous noise that disturbs any person in the area.
- (e) Vehicles: The operation of any vehicle without a muffler or with a defective or altered muffler or the operation of any vehicle which otherwise causes loud and unnecessary grating, grinding or rattling noise.
- (f) Construction work: The erection, demolition, alteration, moving or repair of any premises or structure between the hours of 8:00 p.m. on one evening and sunrise of the next morning.

8-3-13 Disobedience to Court Orders

Any person who knowingly or willfully disobeys any order, summons, subpoena, warrant or command duly issued, made or given by the Ignacio Municipal Court commits the offense of Disobedience to Court Orders.

8-3-14 Resisting an Officer

Any person who, knowingly or willfully, interferes with, resists, delays, obstructs, molests, or threatens to molest any peace officer in the exercise of his or her official duties commits the offense of resisting an officer. In addition to citing any violator, the continued violation of this section may be abated as a public nuisance by appropriate action commenced by Municipal Court.

8-3-15 Unlawful sports play in Streets.(Ordinance 270, June 9, 2009)

- (1). It shall be unlawful for any person to place or allow any article of sports equipment to remain on property owned by or controlled by that person or to place any article of sports equipment in the street right of way in a manner that will tend to encourage others to play a sports within the street rights of way within the Town. The term "sports equipment" as used herein shall mean any piece of equipment used to play a sport, including basketball goals, basketball hoops, soccer goals, backstops or any other similar pieces of equipment, either permanently or temporarily installed.
- (2). It shall be unlawful for any person, whether an adult or a juvenile, to play any sport

within any street right of way within the Town.

8-4 Traffic Offenses

8-4-1 Traffic Citations

- (1) Traffic citations written into the Municipal Court are done so under the Model Traffic Code (Ordinance 166, February 10, 1998, Ordinance 217, February 10, 2004, Ordinance 291, March 8, 2011). However, traffic violations may also be written into the County Court under C.R.S. Title 42.
- (2) Fines for citations are reviewed and approved as needed by the Town Board of Trustees.

8-5 Offenses by Minors
(Ordinance 155, April 8, 1996)

8-5-1 Curfew (Ordinance 116, September 11, 1989)

It shall be unlawful for any child under the age of eighteen (18) years to be or remain upon any street, alley, public place or private property accessible to the public within the Town of Ignacio between the hours of 10:30 p.m. of any Sunday through Thursday night and the hour of 6:00 a.m. on the following day or between the hour of 12:00 midnight following a Friday or Saturday night and 6:00 a.m. on the following day except for lawful employment or unless there exists a reasonable necessity thereof, 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. It shall be unlawful for the parent, guardian or other person having custody of any child under the age of eighteen (18) years to permit or otherwise allow that child to violate the provisions of this Section, either by affirmative act or by omission to act.

8-5-2 Alcohol.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase, be in possession of, or illegally consume any alcoholic or fermented malt beverage.

8-5-3 Tobacco.

The age of ability to purchase, attempt to purchase, or to be in possession of cigarettes or any other tobacco product shall be according to current State Statute (as of 2020, the minimum age is 21).

8-5-4 Controlled Substances.

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase, be in possession of, or in any way use a Controlled Substances as defined in C.R.S. 18-18-102.

8-5-5 Drug Paraphernalia.

It shall be unlawful for any person under the age of eighteen (18) years to be in possession of any drug paraphernalia as defined in C.R.S. 18-18-426.

8-5-6 Juveniles in Municipal Court. (Ordinance 141, June 13, 1994)

- (a) The police department of the Town of Ignacio shall have the authority to issue citations or summons to appear in Ignacio Municipal Court to any person under the age of eighteen years for the violation of any Ordinance of the Town of Ignacio, The Municipal Court of the Town of Ignacio shall have the authority to act on any such action commenced in Municipal Court, provided however, that no person who is under the age of eighteen shall be sentenced to serve any jail sentence for the violation of any Ordinance of the Town of Ignacio.

8-5-7 Community Youth Task Force

The Ignacio Municipal court Judge shall have the authority to create a Community Youth Task Force (CYTF) for the purpose of coordinating an effective approach to violations of the Ignacio Code by juveniles. The Municipal Court Judge shall have the authority to appoint such persons to the CYTF as he or she deems most appropriate for the purposes expressed herein, and the Judge may establish such procedures for the administration of the CYTF as may be appropriate to accomplish the purposes of the CYTF. The Judge also has the authority to refer cases to the Teen Court for them to address. The Judge will be informed by the Teen Court regarding the judgments made.

8-5-8 Probation Department (Ordinance 155, April 8, 1996)

- (1) The Ignacio Probation Department is hereby established to have the duties set forth herein and on the conditions set forth herein.
 - (a) The Board of Trustees shall have the authority to budget for salary and administrative requirements for a Probation Officer for the Town of Ignacio, as the Board may deem necessary from time to time.
 - (b) The Ignacio Municipal Court Judge shall have the authority to refer any juvenile who has been summoned to appear in Municipal Court or who has been convicted of the violation of any provision of the Code of the Town of Ignacio to the Probation Officer for any review requested by the Court or for supervision of any sentence imposed by the Court. The Court is authorized to impose conditions of probation on any juvenile convicted of violating the Code of the Town of Ignacio as the Court deems necessary or appropriate in its discretion to assist the juvenile and to deter the juvenile from future violations of the law.
 - (c) It shall be the duty of the Probation Officer to investigate and report upon any juvenile case referred to him or her by the Court for investigation. The

Officer shall keep informed concerning the conduct and condition of each person who has been sentenced to probation by the Municipal Court, and shall make such reports as the Court may direct. The Probation Officer shall use all suitable methods, not inconsistent with the conditions imposed by the Court, to aid persons on probation and to bring about improvement in their conduct and condition.

8-5-9 Parental Responsibility (Ordinance 155, April 8, 1996)

- (1) When a Summons, Complaint or other Municipal Court Order of any type is issued to any person under the age of eighteen (18) years, then notice of the issuance of the Summons, Complaint or other Order shall be provided to the parent or guardian of the minor by personal service or by mailing a notice by certified mail, return receipt requested at least ten (10) days prior to the scheduled court appearance. The notice shall include the alleged violation, date of violation, and the date, time and place of the scheduled court appearance, and shall provide notice that the parent or guardian is required to appear in Municipal Court on the specified date and time with the minor. The parent or guardian of any minor who is required to appear in Municipal Court shall have the duty to assure that the minor appears as ordered and it shall be unlawful for any parent or guardian to fail to appear at each and every court appearance with the minor, and the Municipal Judge, in addition to any other penalty, may issue a warrant for the arrest of any parent, guardian or minor who fails to appear as provided herein.

This section applies to criminal matters only. Traffic citations are exempted from this notification requirement.

- (2) When any person under the age of eighteen (18) years, as a result of the violation of any section of this Code, is sentenced or otherwise ordered by the Municipal Judge to pay a fine, court costs, restitution or any other fee or is sentenced or otherwise ordered to perform community service, attend counseling, attend classes or perform any other action, then the parent or guardian of the minor shall become jointly responsible for payment of any amounts ordered to be paid and shall have a duty to assure that the minor performs any ordered community service or other action, and the failure of any parent or guardian to assure that the minor complies with an Municipal Court order shall be a separate offense for which a Summons may be issued, or which may be punishable as Contempt of Court.
- (3) The provisions of the Section 8-5-9 shall not be applicable to any parent or guardian who demonstrates to the Municipal Judge that the minor is emancipated, which shall mean any minor who is over sixteen (16) and under eighteen (18) years old and who does not reside with the parent or guardian and who is solely responsible for his or her own support, or who is married.

8-6 Municipal Court.
(Ordinance 107, July 13, 1987)

8-6-1 Bond Authorized.

Every person arrested for a violation of the provisions of any ordinance of the Town shall have the right to be admitted to bail on his executing a cash, surety or recognizance bond, conditional that he will appear on a day and hour therein mentioned before the Municipal Court. Said bond shall be in an amount adjudged sufficient by the Municipal Judge or officer to insure the appearance of the defendant.

8-6-2 Failure to Appear an Offense.

- (1) It is unlawful for any person to fail to obey a written promise or summons to appear, given to or by an officer upon arrest, issuance of a summons or obtaining bail.
- (2) It is unlawful for any person to fail to obey any order of the Municipal Court requiring that person's presence before the Court.

8-6-3 Forfeiture of Bond.

In the event any defendant in any case before the Municipal Court fails to appear, without prior notice to the Court, according to the terms, requirements and conditions of his bond for appearance, such bond shall automatically be forfeited.

8-6-4 Surety liable; Proceedings commenced; Default.

Where a surety bond is forfeited, the surety on said bond shall pay the amount of the bond into the Municipal Court upon the date of forfeiture. Failure of the surety to satisfy a bond forfeiture shall result in proceedings being instituted in a court of competent jurisdiction in the name and on behalf of the Town for recovery of the penalty in such bond named.

8-6-5 Penalties.

When any defendant, duly summoned or admitted to bail, fails to appear at the time his case is made returnable or set for trial, the Municipal Judge, in addition to any other penalty, may issue a warrant for the arrest of said defendant.

ADMINISTRATIVE NOTE:

Ordinance 125, March 11, 1991 Parking regulations on Goddard Ave

Ordinance 166, February 10, 1998 approved 1995 Model Traffic Code.

Ordinance 178, June 13, 2000 amended Section 1212 of 1995 Model Traffic Code: Parking

Restrictions: Types of vehicles not allowed to park in public ROW: trailer, RV, inoperable, heavy truck or equipment, unregistered.

Ordinance 217, February 10, 2004 approved revised 2003 Model Traffic Code.

Ordinance 291 amended Section 1212 to include Length of time to park that is allowed on Goddard.

Ordinance 293 amended Section 8-2-5 Theft by Check and added Administration.

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