

**ORDINANCE NO. 1050 (2016)**

**AN ORDINANCE OF THE CITY OF CRAIG, COLORADO AMENDING CHAPTER 9 OF THE CRAIG MUNICIPAL CODE BY ADDING CERTAIN PROVISIONS TO AMEND AND ADD TO THE CRIMINAL CHARGES THAT CAN BE FILED IN MUNICIPAL COURT, AS WELL AS AMENDING CHAPTER 2 TO AUTHORIZE THE MUNICIPAL COURT TO INCLUDE “COST OF CARE” FOR A JAIL SENTENCE**

**RECITALS**

WHEREAS, the work of law enforcement in the City of Craig continues to be a priority of the City Council and the citizens of the community;

WHEREAS, the criminal laws of the City of Craig stand together with state criminal laws as standards of our community;

WHEREAS, the Craig Municipal Court is the venue where charges are filed for violations of the Craig Municipal Code;

WHEREAS, this ordinance represents an update of the criminal laws and penalties contained in the Craig Municipal Code to provide for consistency with state criminal laws for matters of local concern; and

WHEREAS, by passage of this Ordinance, the City Council determines that all of the provisions adopted address matters of local concern and that the passage of this Ordinance is a lawful exercise of the police powers of the City of Craig;

WHEREAS, this Ordinance adds local criminal laws to the Craig Municipal Code in the areas of Third Degree Assault, Criminal Mischief (damage to property), Disorderly Conduct and Theft, as well as an update to current laws regarding Penalties, Tobacco on school grounds and Fighting. The ordinance also includes “cost of care” to the list of sentencing options in a case where jail time is imposed.

**WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG AS FOLLOWS:**

Section 1. The following are additions and amendments to the Craig Municipal Code:

I. Section 9.04.010 (A) of the Craig Municipal Code shall be amended to read in its entirety as follows:

**9.04.010 Penalties; classification**

**A. Table of Classification**

Classification	Fine	Fine	Jail Sentence	Jail Sentence
	Minimum	Maximum	Minimum Days	Maximum Days
A	\$150	\$1,000	15	180
B	\$100	\$750	10	60
C	\$75	\$300	5	40
D	\$50	\$200	1	10

II. Section 9.22.020 of the Craig Municipal Code shall be adopted to read in its entirety as follows:

**9.22.020 Third degree assault**

A. A person commits the crime of assault in the third degree if:

1. The person knowingly or recklessly causes bodily injury to another person which does not result in serious bodily injury.
2. A case of bodily injury involving domestic violence shall not be brought under this ordinance but shall be charged under state law.

B. Third degree assault is a Class A offense as set forth in Section 9.04.010.

III. Section 9.22.030 shall be adopted to read in its entirety as follows:

**9.22.030 Disorderly conduct.**

A. It is unlawful for any person to intentionally, knowingly or recklessly:

1. Make a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture or display tends to incite an immediate breach of the peace; or
  2. Make unreasonable noise in a public place or near a private residence that he or she has no right to occupy; or
  3. Subject another person to unwanted physical contact, such as striking, shoving, kicking, grabbing or fondling.
  4. Threaten verbally or by physical action to create fear of imminent bodily injury.
- B. Disorderly conduct is a Class B offense as set forth in Section 9.04.010.

IV. Section 9.29.010 shall be adopted to read in its entirety as follows:

### **Chapter 9.29**

#### **Contributing to the Delinquency of a Minor**

##### **9.29.010 Contributing to the delinquency of a minor**

- A. It is unlawful for an adult person to knowingly induce, aid, or encourage a child to violate any federal, state or municipal law.
- B. A “child” means someone under the age of 18 years.
- C. The child need not be charged or convicted of a crime or be over the age of 10 years for charges to be brought or for a person to be found guilty of contributing to the delinquency of a minor.
- D. Contributing to the delinquency of a child is a Class A offense as set forth in Section 9.04.010.

V. Section 9.30.030 of the Craig Municipal Code shall be amended to read in its entirety as follows:

##### **9.30.030 Possession of marijuana by underage person**

- A. It is unlawful for any individual under the age of twenty-one (21) years to possess, consume or use marijuana or marijuana concentrate. Illegal possession or consumption of marijuana by an underage person is a strict liability offense.

B. It is unlawful for any individual under the age of twenty-one (21) years to possess marijuana or drug paraphernalia when the individual knows or reasonably should know that the drug paraphernalia could be used in circumstances in violation of the local and state laws.

C. It shall be an affirmative defense if:

1. The possession or consumption takes place for religious purposes protected by the first amendment to the United State Constitution;
2. The person complies with C.R.S. 18-1-711 in the report of an emergency drug or alcohol overdose.
3. The possession or consumption takes place as a valid exercise of a medical marijuana permit pursuant to section 14 of Article XVIII of the Colorado Constitution and C.R.S. Section 18-18-406.3.
4. The possessor of marijuana or drug paraphernalia was a law enforcement officer possessing the marijuana for evidentiary, analysis or custodial purposes in an authorized place of storage.

D. Possession of marijuana or drug paraphernalia by an underage person shall be a Class A offense as set forth in Section 9.04.010.

VI. Section 9.30.035 of the Craig Municipal Code shall be adopted to read in its entirety as follows

**9.30.035 Provision of marijuana to a minor**

A. It is unlawful for any person to provide, deliver or distribute any marijuana or marijuana concentrate to an individual under the age of twenty-one (21) years.

B. Provision of marijuana to a minor is a Class A offense as set forth in Section 9.04.010.

VII. Section 9.34.020 shall be amended and adopted to read in its entirety as follows:

**9.34.020 Fighting**

A. It is unlawful for any person to intentionally, knowingly or recklessly fight or brawl with another person.

B. It shall be an affirmative defense that the actor acting in self-defense and was not the instigator of the fight and did not at any time during the fight launch an offensive against the

person, but that the actions of the actor were limited to the amount of force necessary to defend himself or herself.

C. Fighting is classified as a Class A offense as set forth in Section 9.04.010.

VIII. Section 9.46.020 shall be adopted to read in its entirety as follows:

**9.46.020 Criminal mischief; damage to property**

A. It is unlawful for a person to commit criminal mischief when he or she knowingly damages the real or personal property of one or more persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest in the course of a single criminal episode.

B. It is unlawful for a person to commit criminal mischief when he or she knowingly damages the real or personal property of any governmental entity.

C. Criminal mischief is classified as set forth in Section 9.04.010 as follows:

1. A Class C offense when the aggregate damage to the real or personal property is less than \$300;
2. A Class B offense when the aggregate damage to the real or personal property is \$300 or more but less than \$600; or
3. A Class A offense when the aggregate damage to the real or personal property is \$600 or more but less than \$1,000.

IX. Section 9.51.010 shall be adopted to read in its entirety as follows:

**9.51.010 Theft**

A. It is unlawful for a person to knowingly obtain, retain, or exercise control over anything of value of another without authorization of by threat or deception, and:

1. Intends to deprive the other person permanently of the use or benefit of the thing of value;
2. Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;
3. Uses, conceals, or abandons the thing of value intending that such use,

concealment, or abandonment will deprive the other person permanently of its use or benefit;

4. Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person; or

5. Knowingly retains the thing of value more than seventy-two hours after the agreed-upon time of return in any lease or hire agreement.

6. For purposes of this section, a thing of value is that of “another” if anyone other than the defendant has a possessory or proprietary interest therein.

7. Theft is classified as set forth in Section 9.04.010 as a Class A offense if the value of the thing involved is between \$600 or more but less than \$1,000.

B. Theft is classified as a Class B offense as set forth in Section 9.04.010 if elements set forth in Section A above exist and the value of the thing involved is between \$300 or more but less than \$600.

C. Theft is classified as a Class C offense as set forth in Section 9.04.010 if elements set forth in Section A above exist and the value of the thing involved is between \$50 or more but less than \$300.

D. Theft is classified as a Class D offense as set forth in Section 9.04.010 if elements set forth in Section A above exist and the value of the thing involved is less than \$50.

X. Section 9.63.030 shall be amended and replaced in its entirety as follows:

**9.63.030 Unlawful acts – tobacco.**

A. It is unlawful for any person under the age of eighteen (18) years to possess, use or consume at or upon any public place the following:

1. Any tobacco, including cigarettes, chew tobacco or any tobacco products; or,
2. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or,
3. Any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.

B. It is unlawful for any person who is a student of the Moffat County School District and over the age of eighteen (18) years to possess, use or consume at or upon property within the city limits owned or leased by the Moffat County School District the following:

1. Any tobacco, including cigarettes, chew tobacco or any tobacco products; or,
2. Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or,

3. Any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.

C. A violation of 9.63.030 (B) shall be a Class B offense as set forth in Section 9.04.010. A violation of 9.63.030 (A) shall be sentenced according to the sentencing guidelines set for in 9.63.040.

XI. Section 2.12.340 (L) shall be adopted to read in its entirety as follows:

L. Whenever the judge sentences any person to incarceration, the sentence may include an order that the person pay the costs of care for the time served by the person at the current rate at that time as set by the Moffat County Jail. There shall be no costs of care required for a concurrent sentence.

Section 2. EFFECTIVE DATE: This Ordinance shall take effect ten (10) days after passage and upon publication of such ordinance after passage.

Section 3. PUBLICATION BY SUMMARY: The City Council deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with the statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 4. PUBLIC PURPOSE: The City Council of the City of Craig herewith finds and determines that this Ordinance is necessary for the preservation of the public peace, health and safety. This Ordinance is enacted pursuant to the City's authority to act under its police power to protect and preserve the general welfare of the City and its citizens.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2016 BY THE CITY COUNCIL OF THE CITY OF CRAIG,  
COLORADO.

\_\_\_\_\_  
Ray Beck, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Larson, City Clerk

PASSED, APPROVED, AND ADOPTED AFTER HEARING ON SECOND READING THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2016 BY THE CITY COUNCIL OF THE CITY  
OF CRAIG, COLORADO.

\_\_\_\_\_  
Ray Beck, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Larson, City Clerk