

**TOWN OF MORRISON, COLORADO
BOARD OF TRUSTEES**

ORDINANCE NO. 529

**AN ORDINANCE AMENDING THE MORRISON TOWN CODE BY
THE ADOPTION OF A NEW SECTION 4-1-5 CONCERNING
TRESPASSING**

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees (the “Board”); and

WHEREAS, the Board has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, *et seq.* to adopt and enforce all ordinances; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-103, the Town, acting through its Board is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, pursuant to such authority, the Council has previously defined and adopted certain general offenses, codified in Chapter 1 of Title 4 of the Town Code of Morrison; and

WHEREAS, the Board finds it is necessary to adopt a trespassing ordinance to better protect the rights of both private and public property owners, and the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado:

Section 1. Chapter 1 of Title 4 of the Town Code of Morrison is hereby amended by the addition of a new Section 4-1-5, entitled Criminal Trespass on Private or Public Property, to read as follows:

4-1-5: CRIMINAL TRESPASS ON PRIVATE OR PUBLIC PROPERTY:

A. Definitions: The following definitions shall apply to this section:

PREMISES: Real property, buildings, and other improvements thereon, and the stream banks and beds of any non-navigable freshwater stream flowing through such property.

SIGN OR SIGNAGE: Any announcement or communication that is produced in whole or in part by the construction, erection, affixing, or placing of a placard or structure or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface.

B. Trespassing Unlawful: It is unlawful for any person to unlawfully enter or to remain in or upon real property, buildings and/or other improvements, stream banks and beds of any non-navigable freshwater stream flowing through, or banks or beds of any lake, pond or

other body of water situate upon real property, belonging to a person or entity other than the person so entering or remaining thereupon.

- C. Unlawful Remaining: It shall be unlawful for any person to remain in or upon the premises of another after permission, license, or authority has been terminated or revoked and the person has been notified of the termination or revocation verbally, through signage, or otherwise in writing.
- D. Failure to Obey No Trespassing Sign - Posted Premises: It shall be unlawful for any person to enter or remain in or upon the premises of another contrary to, or in violation of, any sign limiting, restricting, or prohibiting access to, use of, or occupation of the premises.
 - 1. Posting of a No Trespassing Sign: A sign that is posted or placed at the entry to or upon a premises that gives notice of a limitation, restriction, or prohibition on the access to, use of, or occupation of the premises shall be deemed a no trespassing sign. Examples of no trespassing signs that give notice of a limitation, restriction, or prohibition on the access to, use of, or occupation of a premises include, but are not limited to, signs that read "parking lot open only to customers," "area closed," "area closed to the public between 2:00 a.m. and 6:00 a.m.," "area closed except to residents and authorized guests," "keep out," "no overnight occupancy," "no trespassing," "private property -- keep out," or that contain similar language.
 - 2. No Trespassing Sign Constitutes Prima Facie Evidence of Notice: The posting or placement of a no trespassing sign that is reasonably calculated to provide notice to an ordinarily observant person entering in or upon the premises shall be prima facie evidence that notice was sufficient. The prosecution is not required to prove that a no trespassing sign was visible from every location in, upon, or about the premises at the time of the alleged violation.
- E. Penalty: Criminal trespass shall be punishable by a fine or imprisonment not to exceed the limits established in section 1-4-1 of this Code.

Section 2. Severability. If any article, section, paragraph, sentence, clause or phrase of this ordinance, or the standards adopted herein is held to be unconstitutional or invalid for any reason, such decision will not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part or parts are declared unconstitutional or invalid.

Section 3. Effective Date. This ordinance shall take effect fifteen (15) days after adoption and publication as provided by Sections 3.9 and 3.14 of the Home Rule Charter.

INTRODUCED at a public meeting of the Board of Trustees on April 18, 2023.

HEARD AT A PUBLIC HEARING, READ, PASSED AND ADOPTED this ____ day of _____, 2023, by a vote of _____ ayes and _____ nays.

TOWN OF MORRISON:

Chris Wolfe, Mayor

ATTEST:

Ariana Neverdahl, Town Clerk