

Ordinance Number: 999

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKY FORD,
COLORADO, AMENDING VARIOUS PROVISIONS OF THE CITY OF ROCKY FORD
MUNICIPAL CODE CONCERNING SURRENDER OF ANIMALS, POSSESSION OF
MARIJUANA, CONCEALED WEAPONS AND OPERATION OF MUNICIPAL PARKS**

WHEREAS, the City periodically reviews the City of Rocky Ford Municipal Code for consistency with applicable law and for consistency in application; and

WHEREAS, City Council has determined that it is in the best interest of the citizens of Rocky Ford to amend various provisions of the Rocky Ford Municipal Code, related to surrender of animals, possession of marijuana, concealed weapons and operation of municipal parks, as further set forth in this Ordinance.

NOW THEREFORE, IT HEREBY BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKY FORD, COLORADO AS FOLLOWS:

Section 1. Section 7-7-50 of the Rocky Ford Municipal Code is hereby amended by repealing the definition of "Animal Owner" in its entirety and reenacting the definition of "Animal Owner" as follows:

Animal Owner means any person who has a right of property in an animal, or who keeps or harbors an animal or who has it in their care or acts as its custodian.

Section 2. Section 7-7-210 of the Code is hereby repealed in its entirety and reenacted as follows:

Sec. 7-7-210. - Refusal to surrender suspected animal prohibited.

The Code Enforcement Officer or any City officer or employee charged with enforcement of this Article, shall serve notice upon the animal owner of an animal which has attacked or bitten a person to confine the animal at the expense of the animal owner upon his premises or at a pound or other place designated in the notice for a period designated by the City. The City, or another entity or agency designated by the City, shall be permitted to examine the animal at any time within the period of confinement to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the authorized person in making such examination.

Section 3. The definition of "Controlled Substance" in Section 10-7-110 of the Rocky Ford Municipal Code is hereby amended as follows:

Controlled Substance means a drug or other substance or an immediate precursor which is declared to be a controlled substance in violation of State law ~~under this Article, and also includes marijuana, marijuana concentrate and cocaine.~~

Section 4. Section 10-7-120 of the Rocky Ford Municipal Code is hereby repealed in its entirety and reenacted as follows:

Sec. 10-7-120. - Possession of Marijuana by an Underaged Person.

(a) A person under twenty-one years of age who possesses two ounces or less of marijuana or

consumes marijuana commits illegal possession or consumption of marijuana by an underage person. Illegal possession or consumption of marijuana by an underage person is a strict liability offense.

(b) Upon conviction of a first offense of this Section, the court shall sentence the underage person to a fine of not more than one hundred dollars, or the court shall order that the underage person complete a substance abuse education program, or both.

(c) Upon conviction of a second offense of this section, the court shall sentence the underage person to a fine of not more than one hundred dollars, and the court shall order the underage person to:

(1) Complete a substance abuse education program; and

(2) Perform up to twenty-four hours of useful public service, subject to the conditions and restrictions.

(d) Upon conviction of a third or subsequent offense of this section, the court shall sentence the defendant to a fine of up to two hundred fifty dollars, and the court shall order the underage person to:

(1) Complete a substance abuse education program; and

(2) Perform up to thirty-six hours of useful public service.

Section 5. Section 10-8-10 is hereby amended by the addition of the following definitions, in alphabetical order:

Sec. 10-8-10. – Definitions.

Blackjack means any Billy club, sand club, sandbag, or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft that increases the force of impact.

Ballistic knife means any knife that has a blade that is forcefully projected from the handle by means of a spring-loaded device or explosive charge.

Firearm means any weapon, including a starter gun, that can, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiving of a firearm; or a firearm silencer. This definition does not include an antique firearm, as defined in 18 U.S.C. Sec. 921.

Gas gun means a device designed for projecting gas-filled projectiles that release their contents after having been projected from the device and includes projectiles designed for use in such a device.

Illegal weapon means a blackjack, gas gun, ballistic knife, or metallic knuckles.

Section 6. Section 10-8-20 of the Code is hereby repealed in its entirety and reenacted as follows:

Section 10-8-20. – Carrying concealed weapon.

(a) A person shall not knowingly and unlawfully:

- (1) Carry a knife concealed on or about his or her person; or
- (2) Carry a firearm concealed on or about his or her person; or
- (3) Knowingly possess an illegal weapon.

(b) It is not an offense under this Section if the defendant was:

- (1) A person in his or her own dwelling or place of business or on property owned or under his or her control at the time of the act or carrying; or
- (2) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another's person or property while traveling;
- (3) A person who, at the time of carrying a concealed weapon, held a valid permit to carry a concealed handgun; or
- (4) A peace officer.

Section 7. Section 11-5-10 of the Rocky Ford Municipal Code is hereby amended as follows:

Sec. 11-5-10. – Regulation of Hours

All municipal parks including but not limited to Library Park, Railroad Park and Play Park, shall be open to the public for use by the public each calendar year between the hours of 5:00 am and 11:00 pm during the daylight hours only, subject to the following exceptions, which shall permit additional use to be made of the particular named parks:

~~(1) Library Park may be used during the nighttime hours for the express purpose of going to and from the library.~~

~~(2) The facilities of Play Park may be used after the daylight hours and until 11:00 p.m. only in such areas where proper lighting facilities have been provided, and then only so long as such lighting facilities are in operation. The picnic facilities shall be available for use until 11:00 p.m., so long as the lighting facilities are in operation.~~

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Section 8. The City Council hereby finds, determines and declares that this ordinance is promulgated under the general police power of the City of Rocky Ford, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object

sought to be obtained.

Section 9. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

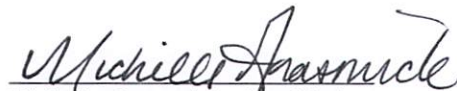
PASSED on the first reading the 25th day of August, 2026.

ADOPTED this 22nd day of September, 2026.

By:


Joe Pentlicki, Mayor

Attest:


Michelle Grasmick, City Clerk