

ORDINANCE NO. 12

SERIES 1992

AN ORDINANCE CONCERNING THE MUNICIPAL OFFENSE
OF PROCURING FOOD OR ACCOMMODATIONS WITH INTENT
TO DEFRAUD

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
COLORADO:

Section 1. Section 6-3B-4 of the Breckenridge Town Code is hereby repealed and readopted with amendments so as to read in its entirety as follows:

6-3B-4 PROCURING FOOD OR ACCOMMODATIONS WITH INTENT
TO DEFRAUD

A. It shall be unlawful for any person, with intent to defraud, to procure food or accommodations from any public establishment without making payment therefor in accordance with his agreement with such public establishment.

B. This section shall not apply if the total amount due under the agreement exceeds \$50.00.

C. As used in this section, unless the context otherwise requires:

"Agreement with such public establishment" means any written or verbal agreement as to the price to be charged for, and the acceptance of, food, beverage, service, or accommodations where the price to be charged therefor is printed on a menu or schedule of rates shown to or made available by a public establishment to the patron and includes the acceptance of such food, beverage, service or accommodations for which a reasonable charge is made.

"Notice", as used in Subparagraph E of this Section, shall be given by posting a printed copy of this Section 6-3B-4 at any conspicuous place within the sleeping accommodations.

"Public establishment" means any establishment selling or offering for sale prepared food or beverages to the public generally, or any establishment leasing or renting overnight sleeping accommodations to the public generally, including, but not limited to, restaurants, cafes, bars, dining rooms, hostels, boarding houses, hotels, motels, condominiums offered for rent, condo-hotels, and rooming houses, unless the rental thereof is on a month-to-month or longer basis.

D. It shall be evidence of an intent to defraud that food, service, or accommodations were given to any person who gave false information concerning his name or address, or both, in obtaining such food, service, or accommodations, or that such person removed or attempted to remove his baggage from the premises of such public establishment without giving notice of his intent to do so to such public establishment or that such person left the public establishment after consuming any food or beverage ordered by such person without paying therefor. These provisions shall not constitute the sole means of establishing evidence that a person accused under this Section had an intent to defraud. Proof of such intent to defraud may be made by any facts or circumstances sufficient to establish such intent to defraud beyond a reasonable doubt as provided by law.

E. No person shall be convicted of procuring accommodations with intent to defraud unless it is shown upon the trial that the person charged with such violation was given notice of the provisions of this Section in the manner provided in Subparagraph C hereof.

Section 2. Except as specifically amended hereby, the Town Code Of Breckenridge, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.


Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

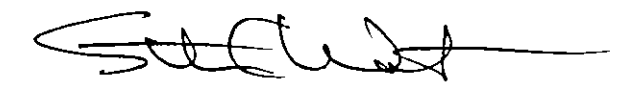
Section 5. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 14th day of April, 1992. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28th day of April, 1992 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, Town Clerk


Stephen C. West, Mayor

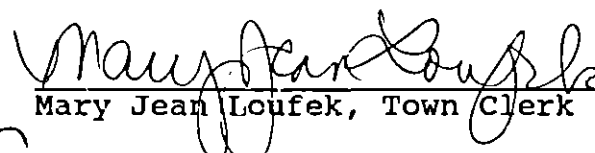
This Ordinance was published in full in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on April 23, 1992.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 28th day of April, 1992.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, Town Clerk


Stephen C. West, Mayor

ATTEST:


Town Attorney

4/28/92
Date

This Ordinance was published by title in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge on May 7, 1992.