

AN ORDINANCE AMENDING THE BRECKENRIDGE
TOWN CODE CONCERNING MUNICIPAL
JURISDICTION OF CERTAIN THEFT AND
PROPERTY OFFENSES

WHEREAS, House Bill 92-1363 amended Section 18-4-401(8), C.R.S., so as to provide that Colorado municipalities have concurrent power with the state to prohibit theft where the value of the thing involved is less than four hundred dollars (\$400); and

WHEREAS, House Bill 92-1297 amended state law to increase the monetary amounts established in the statutes which determine the classification of offenses relating to property; and

WHEREAS, as a result of the adoption of House Bill 92-1297 and House Bill 92-1363 it is appropriate to amend the Breckenridge Town Code to increase the municipal jurisdiction over certain theft and property offenses;

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

Section 1. Section 6-3B-1 of the Breckenridge Town Code entitled "Theft", is hereby amended so as to read in its entirety as follows:

6-3B-1: Theft: It shall be unlawful to commit theft. A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization or by threat or deception, and:

A. Intends to deprive the other person permanently of the use or benefit of the thing of value; or

B. Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit; or

C. Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or

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

E. Where the value of the thing involved is less than four hundred dollars (\$400).

Section 2. Section 6-3B-1A of the Breckenridge Town Code, entitled "Theft By Receiving", is hereby amended so as to read in its entirety as follows:

6-3B-1A: Theft by Receiving: A person commits theft by receiving when he receives, retains, loans money by pawn or pledge on, or disposes of anything of value of another, knowing or believing that said thing of value has been stolen, and when he intends to deprive the lawful owner permanently of the use or benefit of the thing of value, provided the value of the thing is less than four hundred dollars (\$400).

Section 3. Subparagraph A of Section 6-3B-2 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

A. Prohibited: It shall be unlawful to commit the crime of shoplifting. A person commits the crime of shoplifting when he knowingly takes possession of any unpurchased goods, wares or merchandise of a value of less than four hundred dollars (\$400), owned or held by and offered or displayed for sale by any store or mercantile establishment, with the intention of converting such goods, wares or merchandise to his own use, without paying the purchase price thereof.

Section 4. Subparagraph B of Section 6-3B-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

B. Concealment of Goods: If any person wilfully conceals unpurchased goods, wares or merchandise of value of less than four hundred dollars (\$400) owned or held by and offered or displayed for sale by any store or other mercantile establishment, such concealment constitutes prime facie evidence that the person intended to convert the same to his own use without paying the purchase price therefor within the meaning of Subsection A above.

Section 5. Section 6-3B-3 of the Breckenridge Town Code, entitled "Price Switching", is hereby amended so as to read in its entirety as follows:

6-3B-3: Price Switching: It is unlawful for any person to wilfully alter, remove or switch the indicated price of any unpurchased goods, wares or merchandise owned by any store or other mercantile establishment; provided, however, that this Section shall not apply to goods, wares or merchandise of a value of four hundred dollars (\$400) or more.

Section 6. Subparagraph B of Section 6-3B-4 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

B. This Section shall not apply if the total amount due under the agreement is four hundred dollars (\$400) or more.

Section 7. Subparagraph C(1) of Section 6-3B-6 of the Code is hereby amended so as to read in its entirety as follows:

1. The check alleged to be fraudulent was for the sum of four hundred dollars (\$400) or more; or

Section 8. Subparagraph C(2) of Section 6-3B-6 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

2. The person has committed fraud by check involving the issuance of two or more checks within any sixty (60) day period in the State totalling four hundred dollars (\$400) or more in the aggregate; or

Section 9. Subsection C of Section 6-3B-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

C. If the total value of the property or services obtained by the fraudulent use of a single credit device within a six (6) month period is four hundred dollars (\$400) or more then this Section does not apply.

Section 10. Section 6-3B-14 of the Breckenridge Town Code, entitled "Damage To Private Property", is hereby amended so as to read in its entirety as follows:

6-3B-14: Damage To Private Property: it shall be unlawful for any person intentionally, knowingly, or recklessly to injury, deface, destroy, or sever in any manner any real or personal property, or improvements thereto, of any other person in this Town where the aggregate damage is less than four hundred dollars (\$400).

Section 11. Section 6-3B-15 of the Breckenridge Town Code, entitled "Damage To Town Property", is hereby amended so as to read in its entirety as follows:

6-3B-15: Damage To Town Property: It shall be unlawful for any person intentionally, knowingly, or recklessly to injure, deface, destroy or sever in any manner any real or personal property, or improvements thereto, belonging to the Town where the aggregate damage is less than four hundred dollars (\$400).

Section 12. Section 6-3C-5 of the Breckenridge Town Code, entitled "Injury Or Removal Of Signs", is hereby amended so as to read in its entirety as follows:

6-3C-5: Injury Or Removal Of Signs: It is hereby unlawful for any unauthorized person to wilfully remove, deface, injure, damage or destroy any street sign, or traffic-control or warning sign, barricade, or device erected or placed in or adjacent to any street. It is further provided that this Section shall not apply when the aggregate damage to such street sign, barricade, or traffic-control or warning device is four hundred dollars (\$400) or more.

Section 13. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 14. 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, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 15. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 18-4-401(8), C.R.S., and the power possessed by home rule municipalities in Colorado.

Section 16. 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 9th day of June, 1992. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of June, 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 June 18, 1992.

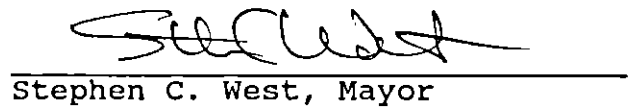
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 23rd day of June, 1992.

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

APPROVED IN FORM


Town Attorney

7/28/92
Date

This Ordinance was published by title in the Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge on July 2, 1992.