

ORDINANCE NO. 22

Series 1998

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE  
CONCERNING MUNICIPAL THEFT AND PROPERTY OFFENSES

WHEREAS, House Bill 98-1160, which became effective July 1, 1998, increased the monetary limits of certain theft and property misdemeanor crimes from Four Hundred Dollars (\$400.00) to Five Hundred Dollars (\$500.00); and

WHEREAS, the Town Council of the Town of Breckenridge desires to amend those portions of Chapter 3 of Title 6 of the Breckenridge Town Code which deal with municipal theft and property offenses so as to reflect the increase in the misdemeanor monetary limits made by House Bill 98-1160.

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

Section 1. 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 five hundred dollars (\$500.00).

Section 2. Subsections A and B of Section 6-3B-2 of the Breckenridge Town Code, pertaining to the municipal offense of "Shoplifting", are hereby amended so as to read in their 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 five hundred dollars (\$500.00), 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.

B. Concealment of Goods: If any person wilfully conceals unpurchased goods, wares or merchandise of value of less than five hundred dollars (\$500.00) owned or held by and offered or displayed for sale by any store or other mercantile establishment, such concealment constitutes prima 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 3. 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 five hundred dollars (\$500.00) or more.

Section 4. Subsection B of Section 6-3B-4 of the Breckenridge Town Code, entitled "Procuring Food or Accommodations With Intent To Defraud", 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 five hundred dollars (\$500.00) or more.

Section 5. Subsections C(1) and C(2) of Section 6-3B-6 of the Breckenridge Town Code, pertaining to the municipal offense of "Fraud By Check", are hereby amended so as to read in their entirety as follows:

1. The check alleged to be fraudulent was for the sum of five hundred dollars (\$500.00) or more; or

2. The person has committed fraud by check involving the issuance of two (2) or more checks within any sixty (60) day period in the State totalling five hundred dollars (\$500.00) or more in the aggregate; or

Section 6. Subsection C of Section 6-3B-7 of the Breckenridge Town Code, pertaining to the municipal offense of "Fraudulent Use of Credit Device", is hereby amended so as to read in its entirety as follows:

C. If the total value of property or services obtained by the fraudulent use of a single credit device within a six (6) month period is five hundred dollars (\$500.00) or more, then this Section does not apply.

Section 7. 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 injure, 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 five hundred dollars (\$500.00).

Section 8. 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 five hundred dollars (\$500.00).

Section 9. 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 five hundred dollars (\$500.00) or more.

Section 10. 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 11. 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 12. 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 13. 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 28th day of July, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 11th day of August, 1998, 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, CMC, Town Clerk

  
Stephen C. West, Mayor

READ ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 11th day of August, 1998.

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

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney 8/11/98  
Date

This Ordinance was published by title in The Summit County Journal a newspaper of general circulation within the Town of Breckenridge, on August 20, 1998.