

ORDINANCE NO.36

Series 2013

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING CERTAIN VALUE-BASED MUNICIPAL OFFENSES

WHEREAS, HB13-1160, which became effective June 5, 2013, authorizes municipalities to increase the monetary limits of certain of their value-based counterpart misdemeanor municipal crimes from One Thousand Dollars (\$1,000.00) to Two Thousand Dollars (\$2,000.00); 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 certain value-based misdemeanor municipal offenses so as to reflect the increase in the misdemeanor monetary limits made by HB13-1160.

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

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

E. Where the value of the thing involved is less than two thousand dollars (\$2,000.00).

Section 2. Section 6-3B-1A of the Breckenridge Town Code, entitled "Theft By Receiving", is 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 two thousand dollars (\$2,000.00).

Section 3. Subsections A and B of Section 6-3B-2 of the Breckenridge Town Code, pertaining to the municipal offense of "Shoplifting", are 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 two thousand dollars (\$2,000.00), 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 willfully conceals unpurchased goods, wares or merchandise of value of less than two thousand dollars (\$2,000.00) 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 4. Section 6-3B-3 of the Breckenridge Town Code, entitled "Price Switching", is amended so as to read in its entirety as follows:

6-3B-3: PRICE SWITCHING:

It is unlawful for any person to willfully 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 two thousand dollars (2,000.00) or more.

Section 5. Subsection B of Section 6-3B-4 of the Breckenridge Town Code, entitled "Procuring Food or Accommodations With Intent To Defraud", is amended so as to read in its entirety as follows:

B. This Section shall not apply if the total amount due under the agreement two thousand dollars (\$2,000.00) or more.

Section 6. 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 amended so as to read in their entirety as follows:

1. The check alleged to be fraudulent was for the sum of two thousand dollars (\$2,000.00) 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 totaling two thousand dollars (\$2,000.00) or more in the aggregate; or

Section 7. Subsection C of Section 6-3B-7 of the Breckenridge Town Code, pertaining to the municipal offense of "Fraudulent Use of Credit Device", is 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 two thousand dollars (\$2,000.00) or more, then this Section does not apply.

Section 8. Section 6-3B-14 of the Breckenridge Town Code, entitled "Damage To Private Property", is 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 two thousand dollars (\$2,000.00).

Section 9. Section 6-3B-15 of the Breckenridge Town Code, entitled "Damage To Town Property", is 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 two thousand dollars (\$2,000.00).

Section 10. Section 6-3C-5 of the Breckenridge Town Code, entitled, "Injury Or Removal Of Signs", is 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 willfully 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 two thousand dollars (\$2,000.00) or more.

Section 11. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 12. The Town Council 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 13. The Town Council finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) HB13-1160; (ii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iii) Section 31-15-401, C.R.S.(concerning municipal police powers); (iv) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (v) the powers contained in the Breckenridge Town Charter.

Section 14. 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 27th day of August, 2013.

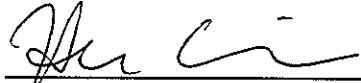
This ordinance was published in full on the Town of Breckenridge website on August 29, August 30, August 31, September 1 and September 2, 2013.

A public hearing on this ordinance was held on September 10, 2013.

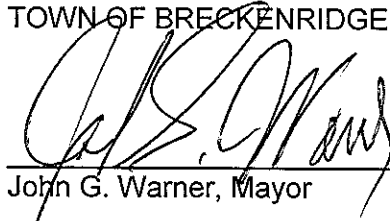
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of September, 2013. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

9/10/13
Date

This Ordinance was published on the Town of Breckenridge website on September 13, September 14, September 15, September 16 and September 17, 2013. This ordinance shall become effective on October 17, 2013.