

ORDINANCE NO. 13
Series 2007

September 18, 2007: Introduced as Council Bill 12, Series 2007 by Councilmember Russell Stewart, seconded by Councilmember Doug Tisdale, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

October 2, 2007: Considered in full text on second reading. Passed by a vote on 6 yes and 0 no.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 10 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING GENERAL OFFENSES, BY AMENDING SECTIONS 10-4-10, CONCERNING
CRIMINAL MISCHIEF; 10-4-50, CONCERNING THEFT; 10-4-60, CONCERNING THEFT OF
RENTAL PROPERTY; 10-4-70, CONCERNING THEFT BY RECEIVING; 10-4-80,
CONCERNING CONCEALMENT OF GOODS; AND 10-5-110, CONCERNING FRAUD BY
CHECK, TO INCREASE THE JURISDICTIONAL DOLLAR AMOUNTS IN EACH

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to adopt and enforce police power regulations in furtherance of the health, safety and welfare of its citizens;; and

WHEREAS, based upon inflationary changes, the Colorado State Legislature has, by Senate Bill 07-260, amended certain criminal statutes to increase the jurisdictional dollar amounts for theft and theft-related crimes; and

WHEREAS, the City Council has determined that it is reasonable and appropriate to similarly increase the jurisdictional amounts for those general offenses contained in the City's Code that involve theft and theft-related crimes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 10-4-10 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 10-4-10. Criminal mischief.

It is unlawful for any person to knowingly damage the real or personal property of one (1) or more other persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00).

Section 2. That Section 10-4-50 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 10-4-50. Theft.

It is unlawful for a person to commit theft. A person commits theft when he knowingly obtains or exercises control over anything of another without authorization or by threat or deception when the value of the thing is less than ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00), and:

- (1) Intends to deprive the other person permanently of the use or benefit of the thing of value;
- (2) Knowingly uses, conceals or abandons the thing of value in such a manner as to deprive the other person permanently of its use or benefit;
- (3) Uses, conceals or abandons the thing of value, intending that such use, concealment or abandonment will deprive the other person permanently of its use or benefit; or
- (4) Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person.

Section 3. That subsection 10-4-60(3) of the City of Cherry Hills Village Municipal Code, concerning theft of rental property, is hereby amended to read as follows:

(3) The value of the property involved is less than ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00).

Section 4. That Section 10-4-70 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 10-4-70. Theft by receiving.

It is unlawful to commit 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 the 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, where the value of such thing is less than ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00).

Section 5. That Section 10-4-80 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 10-4-80. Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on his own person or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft.

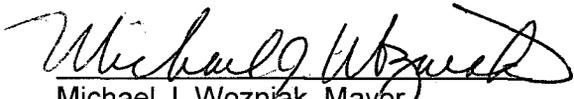
Section 6. That subsection 10-5-110(b) of the City of Cherry Hills Village Municipal Code, concerning fraud by check, is hereby amended to read as follows:

(b) Any person, knowing he has insufficient funds with the drawee who, with intent to defraud, issues a check for a sum less than ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00) for the payment of services, wages, salary, commissions, labor, rent, money, property or other thing of value, commits fraud by check, which is unlawful.

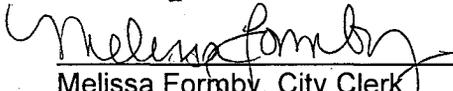
Section 7. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 8. Effective Date. This ordinance shall take effect in accordance with the City of Cherry Hills Village Home Rule Charter.

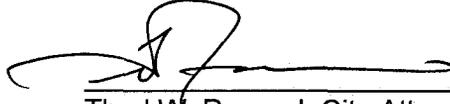
Adopted as Ordinance No. 13 Series 2007, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of October, 2007.


Michael J. Wozniak, Mayor

ATTEST:


Melissa Formby, City Clerk

APPROVED AS TO FORM:


Thad W. Renaud, City Attorney

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