

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 4, SERIES 2013**

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, SECTION 10.42
REGARDING CRIMINAL MISCHIEF, AMENDING CHAPTER 10, ARTICLE IV,
SECTION 10.61 REGARDING THEFT, AND REPEALING CHAPTER 10, ARTICLE IV,
SECTION 10.65 REGARDING SHOPLIFTING**

WHEREAS, The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006 and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances.

WHEREAS, This Ordinance amends the Code to conform more closely to state laws regarding Criminal Mischief and Theft, and to raise to \$1,000 the monetary jurisdictional threshold for which each violation may be charged in under the Code.

WHEREAS, The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH,
COLORADO, ORDAINS:**

ARTICLE 1 – ADOPTION

The Code is hereby amended as follows:

- A.** Section 10.42 of the Code is repealed, restated, and readopted to read as follows:

10.42. Criminal mischief.

(A) It is unlawful for any person to intentionally, knowingly, recklessly or negligently injure, damage or destroy the real or personal property of another; provided that this Section shall not apply to any person showing a legal right or authority to injure, damage or destroy such property. It is further provided that this Section shall not apply where the damage is effected by means of fire or explosives or with the intent to defraud.

(B) This Section shall not apply when the aggregate value of the property damaged in any one (1) criminal episode is valued at one thousand dollars (\$1,000.00) or more.

RECEPTION#: 20130031376, 04/26/2013 at
09:17:55 AM,
1 OF 3, R \$21.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

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Please Return to:
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

B. Section 10.61 of the Code is repealed, restated, and readopted to read as follows:

10.61. Theft generally.

(A) A person commits theft when he or she knowingly obtains or exercises control over anything of value of less than one thousand dollars (\$1,000) of another without authorization or by threat or deception when such person:

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

2. 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

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 or she is not legally entitled as a condition of restoring the thing of value to the other person.

(B) If any person willfully conceals unpurchased goods, wares or merchandise valued at less than one thousand dollars (\$1,000) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his or her 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.

C. Section 10.65 of the Code is repealed.

ARTICLE 2 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 3 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

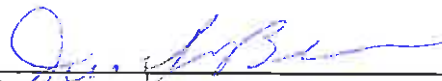
ARTICLE 4 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON APRIL 9, 2013, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON APRIL 23, 2013 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 23RD DAY OF APRIL, 2013.


MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON APRIL 23, 2013.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk

