

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1154**

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING CHAPTER 10, "GENERAL OFFENSES," ARTICLE IV, "OFFENSES AGAINST PROPERTY," SECTION 10-62 "THEFT," OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK, AND REPEALING CHAPTER 10, "GENERAL OFFENSES," ARTICLE IV, "OFFENSES AGAINST PROPERTY," SECTION 10-65 "THEFT BY RECEIVING," AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, House Bill 13-1160 revised provisions of C.R.S. 18-4-401, "Theft," and

WHEREAS, House Bill 13-1160 repealed C.R.S. 18-4-410, "Theft by receiving," and

WHEREAS, the Board of Trustees of the Town of Frederick believes it is in the best interest of the Town to amend the Town of Frederick Municipal Code as set forth herein below, and

WHEREAS, the Board of Trustees of the Town of Frederick determines that such amendments are necessary for the preservation of the public property, health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Chapter 10, "General Offenses," Article IV, "Offenses Against Property," Section 10-62 of the Municipal Code of the Town of Frederick, entitled "Theft," is hereby repealed and re-enacted to read as follows:

Sec. 10-62. Theft.

(a) A person commits theft when he or she knowingly obtains, retains or exercises control over anything of value less than two thousand dollars (\$2,000.00) of another without authorization, or by threat or deception; or receives, loans money by pawn or pledge on, or disposes of anything of value or belonging to another that he or she knows or believes to have been stolen, 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; 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; or
- (5) Knowingly retains the thing of value more than seventy-two hours after the agreed-upon time of return in any lease or hire agreement.

Section 2. Chapter 10, "General Offenses," Article IV, "Offenses Against Property," Section 10-65 of the Municipal Code of the Town of Frederick, entitled "Theft by receiving," is hereby repealed in its entirety.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
24th day of September, 2013.

TOWN OF FREDERICK

By: _____

Tony Carey, Mayor

ATTEST:

By _____

Meghan Martinez, Town Clerk