TOWN OF MINTURN, COLORADO

ORDINANCE NO. 7 – SERIES 2013

AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 10 OF THE MINTURN MUNICIPAL CODE BY THE REPEAL AND RE-ENACTMENT OF SECTION 10-6-70 AS IT PERTAINS TO THEFT

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1. Amendment Section 10-6-70 of the Minturn Municipal Code is repealed and re-enacted, as follows:

Section 10-6-70. Theft :

(A) It shall be unlawful to commit theft. A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, where the value of the thing involved is less than two thousand dollars ($2,000), and:

(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 and 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.

(B) For the purposes of this Section, a thing of value is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein.

(C) Every person who obtains control over any stolen thing of value, where the value of the thing involved is less than two thousand dollars ($2,000), knowing the thing of value to have been stolen by another, may be tried, convicted and punished, whether or not the principal is charged, tried or convicted.

(D) QUESTIONING OF PERSON SUSPECTED OF SHOPLIFTING WITHOUT LIABILITY: If any person conceals upon his person or otherwise carries away any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any police officer, acting in good

faith and upon probable cause based upon reasonable ground therefore, may detain and question such person in a reasonable manner for the purpose of ascertaining whether the person is guilty of theft. Such questioning of a person by a merchant, merchant's employee or police officer does not render the merchant, merchant's employee or police officer civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention.

(E) For the purposes of this Section, any reference or mention of stealing, false pretenses, or shoplifting shall be interpreted as if the word "theft" were substituted therefore.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares that it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. Penalty. It is unlawful for any person to violate any provision of, or fail to comply with any of the requirements of this Ordinance. Any person who violates any provisions of this Ordinance shall be punished by a fine of not more one thousand dollars or by imprisonment for a period of not more than one year, or by both such fine and imprisonment; provided, no person under the age of eighteen years shall be punished by imprisonment.

Section 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 21st DAY OF AUGUST, 2013. The 4th DAY OF SEPTEMBER, 2013 AT 6:30 p.m. IS SET FOR PUBLIC HEARING HEREON AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 4th DAY OF SEPTEMBER, 2013.

Hawkeye Flaherty, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Fri, Aug 23, 2013 10:01:04

9487787

Ad Ticket #5

Acct: 1032852 **Name:** Town of Minturn

Phone: (970)827-5645 **Address:** P.O. Box 309

E-Mail: MANAGER@MINTURN.OR

Client:

Caller: Jay Brunvand **City:** MINTURN

Receipt **State:** CO **Zip:** 81645

Ad Name: 9487787A **Original Id:** 0

Editions: 8VD/8VDI/ **Class:** 0990

Start: 08/26/13 **Stop:** 08/26/13

Color: **Issue** 1

Copyline: Ordinance No. 7-2013 **Rep:** Pam Schultz

Lines:	28
Depth:	2.35
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	14.56
Payment	0.00

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TOWN OF MINTURN, COLORADO
Hawkeye Flaherty, Mayor

ATTEST:
By: Jay Brunvand, Town Clerk

Published in the VailDaily August 26, 2013. (9487787)

Ad shown is not actual print size

Thu, Sep 05, 2013 15:18:56
9529375

Ad Ticket #5

Acct: 1032852 **Name:** Town of Minturn
Phone: (970)827-5645 **Address:** P.O. Box 309
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Jay Brunvan **City:** MINTURN
Receipt **State:** CO **Zip:** 81645

Ad Name: 9529375A **Original Id:** 0
Editions: 8VDI/8VD/ **Class:** 0990
Start: 09/09/13 **Stop:** 09/09/13
Color: **Issue** 1
Copyline: Ordin 7-2013 **Rep:** Pam Schultz

Lines:	23
Depth:	1.93
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	11.96
Payment	0.00

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THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 4th DAY OF SEPTEMBER, 2013.

Hawkeye Flaherty, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

Published in the Vail Daily September 9, 2013. (9529375)

Ad shown is not actual print size