

ORDINANCE NO. 2180

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING SECTIONS 6-1-7 (A), AND 6-1-8 OF THE OFFICIAL MUNICIPAL CODE OF THE CITY OF MONTROSE, COLORADO FOR THE PURPOSE OF INCREASING THE VALUE OF STOLEN PROPERTY FOR WHICH CITATIONS MAY BE ISSUED FOR THE MUNICIPAL OFFENSES OF PETTY THEFT AND SHOPLIFTING

WHEREAS, Chapter 1 of Title VI of the Official Municipal Code of the City of Montrose currently governs miscellaneous offenses in the City of Montrose; and

WHEREAS, currently the Official Municipal Code of the City of Montrose sets forth a value of five hundred Dollars (\$500.00) for the municipal offenses of Petty Theft and Shoplifting; and

WHEREAS, the City Council desires to amend the Official Municipal Code of the City of Montrose to be similar to the State of Colorado's comparable laws, by raising the Dollar value of property in both offenses from five hundred Dollars (\$500.00) to one thousand Dollars (\$1000.00); and

WHEREAS, the City Council has determined that the amendments to these Sections will serve to benefit the health, safety and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

Section 1: **Section 6-1-7 (A) of the Official Municipal Code of the City of Montrose is hereby amended to read in its entirety as follows:**

6-1-7: PETTY THEFT

(A) It shall be unlawful for any person to knowingly obtain or exercise control over anything of value, having a value less than one thousand U.S. Dollars (\$1000.00), of another without authorization, or by threat or deception, or knowing said thing of value to have been stolen; and

Section 2: **Section 6-1-8 of the Official Municipal Code of the City of Montrose is hereby amended to read in its entirety as follows:**

6-1-8: SHOPLIFTING

(A) It shall be unlawful for any person to willfully take possession of any goods, wares, or merchandise, having a value of less than one thousand

U.S. Dollars (\$1000.00), and owned or held by and offered or displayed for sale by any store or other mercantile establishment, with the intention of converting such goods, wares or merchandise to his own use without paying the purchase price.

- (B) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on his own person or otherwise, and whether on or off the premises of such store or other mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of shoplifting.

Section 3: SEVERABILITY

Severability is intended throughout and within the provisions of the Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4: INTERPRETATION

This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. In the case of a conflict between any provision or provisions of this Ordinance, and those of prior Ordinances, where such conflicts cannot be resolved by reasonable legal interpretive methods or doctrines, the provisions of this Ordinance shall control.

Section 5: PENALTY


The following penalties, under § 1-2-3 of the Official Code of the City of Montrose, herewith set forth in full, shall apply to this Ordinance:

- (1) It shall be unlawful for any person to violate any of the provisions adopted in this Ordinance.
- (2) Every person convicted of a violation of any provision in this Ordinance may be punished by a fine not to exceed One Thousand Dollars (\$1000.00), or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

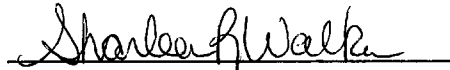
Section 6: EFFECTIVE DATE

This Ordinance shall become effective as set forth in the City Charter of the City of Montrose.

INTRODUCED, READ and PASSED on first reading this 20th day of December, 2007.


CITY OF MONTROSE

David S. White, Mayor

ATTEST:


Sharleen R. Walker, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Thursday, the 3rd day of January, 2007 at the hour of 7:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ~~PASSED~~ on second reading this 3rd day of January, 2008 ~~ADOPTED~~

CITY OF MONTROSE

David S. White, Mayor

ATTEST:


Sharleen R. Walker, City Clerk