

**CITY OF EDGEWATER
ORDINANCE NO. 2015 - 02
SERIES 2015**

AN ORDINANCE AMENDING SECTION 10-5-50 OF THE EDGEWATER MUNICIPAL CODE TO INCREASE THE MAXIMUM VALUE OF THE OBJECT OF THEFT FROM ONE THOUSAND DOLLARS (\$1,000) TO TWO THOUSAND DOLLARS (\$2,000)

WHEREAS, the City of Edgewater, Colorado ("City") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting by and through its City Council ("Council"), possesses the authority to declare certain acts to be unlawful and punishable as violations of the Edgewater Municipal Code ("Code"), in furtherance of the public health, safety and welfare; and

WHEREAS, under this authority, the Council previously adopted Code Section 10-5-50, which declares it unlawful and a violation of City law to commit theft by obtaining or exercising control over anything of value of another person, under certain circumstances, when the thing of value is less than one thousand dollars (\$1,000.00); and

WHEREAS, during the 2013 legislative session, the state legislature adopted House Bill 13-1160, which, among other things, amended state criminal law to increase the demarcation between misdemeanor and felony theft from one thousand dollars (\$1,000) to two thousand dollars (\$2,000.00); and

WHEREAS, the Council finds that it is appropriate for Code offenses to generally track misdemeanors and petty offenses under state law, leaving the more seriously-classified offenses (felonies) to be prosecuted in district court; and

WHEREAS, the Council further finds that it is desirable for the Code to be generally consistent with the state criminal code, when the two address the same criminal behavior; and

WHEREAS, the Council therefore desires to amend Code Section 10-5-50 to increase the maximum value of the object of theft from one thousand dollars (\$1,000) to two thousand dollars (\$2,000.00), to mirror the misdemeanor theft limit now established under state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Section 10-5-50 of the Edgewater Municipal Code, concerning theft, is hereby amended as follows:

Sec. 10-5-50. Theft.

(a) It is unlawful for any person to commit theft.

(b) A person commits theft when the person knowingly obtains or exercises control over anything of value of or provided by another, including services rendered by another, without authorization or by threat or deception, 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 benefits;

(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 benefits;

(4) Demands any consideration to which the person is not legally entitled as a condition of restoring the thing of value to the other person; or

(5) Fails to pay any consideration legally due to the other person for the thing or service; and

(6) The value of the thing or service, or combination thereof, involved is less than ~~one~~ two thousand dollars (\$ ~~1~~2,000.00).

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Ordinance, it being the intent of the City Council of the City of Edgewater that such invalid or unenforceable provisions are severable.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Effective Date. This ordinance shall become effective in accordance with the Home Rule Charter of the City of Edgewater.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 15th day of January, 2015.

/s/ Bonnie McNulty, Mayor

ATTEST:

/s/ Elizabeth A. Hedberg, MMC
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 5th day of February, 2015.

/s/ Bonnie McNulty, Mayor

ATTEST:

/s/ Elizabeth A. Hedberg, MMC
City Clerk

APPROVED AS TO FORM:

/s/ Thad Renaud, City Attorney

CERTIFICATE OF PUBLICATION

STATE OF COLORADO)
)
CITY OF EDGEWATER) SS:
)
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2015-02 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on January 16, 2015. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 16th day of January, 2015.

/s/ Beth A. Hedberg, MMC
Edgewater City Clerk

CERTIFICATE OF PUBLICATION

STATE OF COLORADO)
)
CITY OF EDGEWATER) SS:
)
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2015-02 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on February 6, 2015. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 6th day of February, 2015.

/s/ Beth A. Hedberg, MMC
Edgewater City Clerk

SUMMARIZED HISTORY FOR ORDINANCE NO. 2015-02

Action	Date
First Reading	January 15, 2015
Posted	January 16, 2015
Publication	January 16, 2015
Second Reading	February 5, 2015
Sent to Codifier	February 6, 2015
Posted	February 6, 2015
Publication	February 6, 2015
Enacted	February 11, 2015