

**ORDINANCE NO. 46 B**

**TITLE: AN ORDINANCE PROHIBITING THEFT OF ITEMS VALUED AT LESS THAN \$500.00 IN THE TOWN OF STRATTON, COLORADO.**

**WHEREAS**, the Town of Stratton (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

**WHEREAS**, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Stratton, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

**WHEREAS**, Section 31-15-401, C.R.S., authorizes the Board to enact regulations made pursuant to the general police powers granted to the Board; and

**WHEREAS**, the Board desires to enact a theft ordinance for items valued at less than \$500.00.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON COLORADO:**

**Section 1. Purpose.** The purpose of this ordinance is to prohibit theft of items valued at less than \$500.00 within the Town of Stratton.

**Section 2. Theft.** It is unlawful to commit theft. A person commits theft when that person knowingly obtains or exercises control over a thing of value of another without authorization, or by threat or deception, where the value of the item does not exceed five hundred dollars (\$500.00), and:

- A. Intends to deprive the other person permanently of the use or benefit of the thing of value; or
- B. Knowingly uses, conceals or abandons the thing of value in such a manner as to deprive the other person of its use or benefit; or
- C. Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person of its use and benefit; or
- D. Demands any consideration to which that person is not legally entitled as a condition of restoring the thing of value to the other person.

**Section 3. Violation – Penalty.** Violations of this chapter shall be punished by a fine up to and including three hundred dollars (\$300.00) for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under this ordinance.

**Section 4. Validity.** If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Town

Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

**Section 5. Certification.** The Town Clerk shall certify to the passage of this ordinance by a three-quarters majority.

**Section 6. Immediate Effect.** Pursuant to Section 31-15-103, C.R.S., the municipality declares that the immediate passage and effectiveness of this ordinance is necessary to protect the public health and welfare of the citizens of the Town of Stratton, and orders that this Ordinance shall take effect immediately and shall be published as soon as possible.

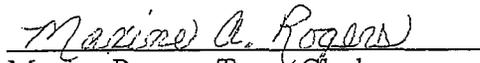
**INTRODUCED, READ, ADOPTED AFTER A PUBLIC HEARING AND ORDERED PUBLISHED** this 11th day of November, 2011.

  
Richard Mann, Mayor

(SEAL)

TOWN OF STRATTON

ATTEST:

  
Maxine Rogers, Town Clerk

STATE OF COLORADO                    )  
COUNTY OF KIT CARSON            )ss.           CLERK'S CERTIFICATE  
TOWN OF STRATTON                    )

I, Maxine Rogers, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 46 B was passed and adopted by a three-quarters majority of the Board of Trustees of the Town of Stratton on the 10th day of November, 2011, and that the above-entitled Ordinance is true, correct and fully copy of the Ordinance as show in the records of the Town of Stratton, Colorado.

Dated this 11th day of November, 2011.

  
Maxine Rogers, Town Clerk