

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 966**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
SECTIONS 10-4-20 AND 10-4-50 OF THE MEAD MUNICIPAL CODE
CONCERNING MUNICIPAL THEFT OFFENSES**

WHEREAS, Sec. 10-4-50 of the Town of Mead Municipal Code (“MMC”) sets forth the municipal offense of theft by receiving; and

WHEREAS, although this municipal offense mirrored a previous version of state law, state laws that define crimes involving theft have since been amended to remove such crime and update the definition of “theft,” including most recently by Senate Bill 21-271; and

WHEREAS, the Town desires to update its municipal offenses by repealing the municipal offense of theft by receiving in Section 10-4-50 and updating the definition of theft in Section 10-4-20 to parallel the definition in Colorado’s criminal code, as most recently amended; and

WHEREAS, the Board of Trustees has determined that the adoption of this ordinance will further the public health, safety and welfare of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. The MMC is hereby amended as follows, with additions depicted in bold, underlined text and deletions shown in strike-through text:

Sec. 10-4-20. - Theft.

A person commits theft when he or she knowingly obtains, **retains**, or exercises control over anything of value less than five hundred dollars (\$500.00) of another without authorization, or by threat or deception; **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; or procures food or accommodations from a public establishment without making payment therefor**, 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 manner as to deprive the other person permanently of its use or benefit;
- (3) Uses, conceals or abandons the things 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 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.**

Sec. 10-4-50. - ~~Theft by receiving~~Reserved.

~~A person commits theft by receiving when he or she receives, retains, loans money by pawn or pledge on, or disposes of anything of value of another, knowing or believing that said thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value.~~

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

Section 4. Remaining provisions. Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect.

Section 5. Codification Amendments. The codifier of the Mead Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Mead Municipal Code.

Section 6. 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 Board of Trustees 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 part, section, subsection, sentence, clause or phrase is declared invalid.

Section 7. 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.

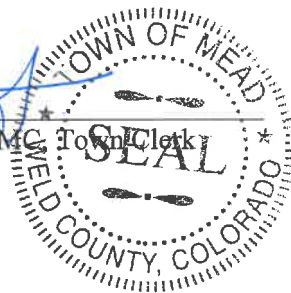
Section 8. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 30TH DAY OF AUGUST, 2021.

ATTEST:

By: 

Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD:

By: 

Colleen G. Whitlow, Mayor