

**TOWN OF BASALT, COLORADO**  
**ORDINANCE NO. 07**  
**Series of 2014**

**AN ORDINANCE AMENDING TITLE 10, GENERAL OFFENSES, OF THE  
BASALT TOWN CODE FOR THE REGULATION OF PETTY THEFT WITHIN  
THE TOWN OF BASALT**

**WHEREAS**, the Town of Basalt, in the Counties of Eagle and Pitkin and the State of Colorado (hereinafter the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (hereinafter the "Charter"); and

**WHEREAS**, the members of the Town Council of the Town (hereinafter the "Council") have been duly elected and qualified;

**WHEREAS**, The Town, acting by and through the Council, has the power to amend the Municipal Code of the Town of Basalt ("hereinafter the "Code") pursuant to the Charter and Section 1-58 of the Code, and all such amendments shall become a part of the Code; and

**WHEREAS** the Council finds that regulation of petty theft within the Town is of public concern and efficient police regulation of petty theft within the Town would preserve the general welfare of the citizens and guests of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF  
THE TOWN OF BASALT, COLORADO, THAT;**

Section 1. Title 24, Chapter 10, Article II: Petty Theft, Basalt Town Code, is hereby repealed and re-established as follows:

**10-24 Petty 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 therefor, 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 therefor.

(F) Any person who fails to comply with any provision of this Section shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine as specified in Chapter 1, Article IV of this Code.

**Section 2.** If any part, section, subsection, sentence, 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 Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases is declared invalid.

**Section 3.** The amendment of any provision of the Town Code as provided in this ordinance shall not affect any rights which have accrued, any 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 this provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

**Section 4.** All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

**Section 5.** The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

**INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2014; and a public hearing for second reading of this Ordinance is set for the \_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_:00 p.m.in the Council Chambers of the Basalt Municipal Building, Basalt, Colorado.

\_\_\_\_\_  
Jacque Whitsitt, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Schilling, Town Clerk

**INTRODUCED, READ, ADOPTED AND ENACTED ON SECOND READING AND ORDERED PUBLISHED IN FULL** this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jacque Whitsitt, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Schilling, Town Clerk