

ORDINANCE NO. 18-_____

AN ORDINANCE OF THE TOWN OF ERIE, COLORADO, REVISING TITLE 6, "POLICE AND TRAFFIC REGULATIONS," CHAPTER 6, "OFFENSES INVOLVING PROPERTY," SECTION 6-6-1, ENTITLED "THEFT," AND ENACTING TITLE 6, "POLICE AND TRAFFIC REGULATIONS," CHAPTER 6, "OFFENSES INVOLVING PROPERTY," SECTION 6-6-15, ENTITLED "PROVISIONS RELATED TO SHOPLIFTING," OF THE MUNICIPAL CODE OF THE TOWN OF ERIE AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Board of Trustees of the Town of Erie finds that it is in the best interest of the Town to amend the Town of Erie Municipal Code as set forth herein below, and that such an amendment is necessary to the preservation of the public property, health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. Title 6, "Police and Traffic Regulations," Chapter 6, "Offenses Involving Property," Section 6-6-1.C. of the Municipal Code of the Town of Erie, entitled "Theft," is hereby repealed.

Section 2. Title 6, "Police and Traffic Regulations," Chapter 6, "Offenses Involving Property," Section 6-6-15 of the Municipal Code of the Town of Erie, entitled "Provisions Related to Shoplifting," is hereby enacted to read as follows:

6-6-15: PROVISIONS RELATED TO SHOPLIFTING

A. Shoplifting

It is unlawful for any person to knowingly take possession of any unpurchased goods, wares, or merchandise of a value of less than \$2,000.00 owned or held by and offered or displayed for sale by any store or mercantile establishment, with the intention of converting such goods, wares or merchandise to his own use, without paying the purchase price thereof.

B. Carry away

1. It is unlawful for any person to knowingly carry away, or to aid, abet or assist another person in knowingly carrying away, unpurchased goods, products or merchandise that are owned, held or displayed for sale by any retail outlet, store or other mercantile establishment. The carrying away of unpurchased gasoline or similar fuel products is included in the acts prohibited herein.

2. The term “carry away” shall include, but is not limited to, the exiting towards the outside of any retail outlet, store or other mercantile establishment with any unpurchased goods.

C. Concealment

It is unlawful for any person to willfully conceal unpurchased goods, wares or other merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on a person or otherwise and whether such concealment is on or off the premises of such store or mercantile establishment. Such concealment constitutes prima facie evidence that the person intended to avoid payment therefor.

D. Price switching

It is unlawful for any person to knowingly alter, remove, or switch the indicated price of any unpurchased goods, wares, or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment with the intent to deprive the owner, seller or mercantile establishment of a portion of the indicated price of said goods, wares or merchandise of a value of less than \$2,000.00.

E. Evidence of Value

1. For purposes of this Chapter 6, when a violation occurs at a store or other mercantile establishment, evidence of the retail value of the item involved shall be prima facie evidence of the value of the item. Evidence offered to prove retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, and notices. Hearsay evidence shall not be excluded in determining the value of the item involved.

2. For purposes of this Chapter 6, in all cases where a theft or shoplift violation occurs, evidence of the item involved may be established through the sale price of other similar property and may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags and notices tending to indicate the price of the item involved. Hearsay evidence shall not be excluded in determining the value of the item involved.

Section 2. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees of the Town of Erie, Colorado 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 may be declared invalid or unconstitutional.

Section 3. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after publication following final passage.

**INTRODUCED, PASSED, ADOPTED AND ORDER PUBLISHED IN FULL BY
THE BOARD OF TRUSTEES OF THE TOWN OF ERIE THIS ____ DAY OF
_____, 2018.**

PUBLISHED IN FULL ON THE ____ DAY OF _____, 2018.

TOWN OF ERIE, COLORADO, a Colorado
municipal corporation

By: _____
Jennifer Carroll, Mayor

ATTEST:

By: _____
Jessica Koenig, Deputy Town Clerk