

CITY OF RIFLE, COLORADO
ORDINANCE NO. 19
SERIES OF 2017

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
CERTAIN SECTIONS OF CHAPTERS 2, 7, AND 10 OF THE RIFLE
MUNICIPAL CODE PERTAINING TO MUNICIPAL COURT FEES, THE
KEEPING OF POTENTIALLY DANGEROUS ANIMALS, AND THE
CLASSIFICATION OF GENERAL PENALTY CODE VIOLATIONS.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Chapter 2, Article 4 of the Rifle Municipal Code establishes the Rifle Municipal Court and sets forth fees and costs imposed in support of its functioning; and

WHEREAS, the Colorado General Assembly has recently adopted new legislation authorizing municipal courts to allow the sealing of certain criminal records and authorizing municipal courts to charge a fee for the sealing of records; and

WHEREAS, Chapter 7, Article 6 sets forth the requirements for the keeping of animals in the City, including those requirements that must be met to keep an animal adjudicated as vicious or potentially dangerous; and

WHEREAS, certain of the requirements for keeping animals adjudicated to be vicious or potentially dangerous cannot be met in the City due to a lack of relevant animal socialization and behavior services; and

WHEREAS, Chapter 10 of the Rifle Municipal Code sets forth General Offenses and establishes penalties for such municipal code violations; and

WHEREAS, certain General Offenses under the Rifle Municipal Code are classified as Class A or B municipal offenses, depending on the value of the property wrongfully damaged, taken, or withheld; and

WHEREAS, the City Council of the City of Rifle finds that the dollar amounts used in the classification of certain municipal offenses are no longer appropriate due to current economics and the costs of goods and services in and around the City; and

WHEREAS, the Rifle City Council desires to amend certain sections of Chapters 2, 7, and 10 to establish a reasonable fee for the sealing of municipal court records, remove certain infeasible requirements for the keeping of animals, and to better align the classification of municipal offenses with current economic realities.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.

2. Code Addition. A new Subsection 2-4-240(m) of the Rifle Municipal Code is hereby added to read as follows, with double underlined text added:

Sec. 2-4-240. – Fees and costs.

(m) Sealed records fee. In all actions sealed pursuant to C.R.S. § 24-72-702.5, the Court Clerk shall charge a fee as set forth in Appendix A to this Code.

3. Code Addition. A new Section 2-4-270 of the Rifle Municipal Code is hereby added to read as follows, with double underlined text added:

Sec. 2-4-270. – Sealing of Records.

A defendant may seek to have the record of any case that is dismissed, in which the defendant is acquitted of all counts, or in which the defendant completes a diversion agreement or deferred judgment and sentence on all counts sealed as provided in C.R.S. § 24-72-702.5. A fee established by the Municipal Court and set forth in Appendix A shall be assessed for the sealing of records.

4. Appendix Addition. Appendix A of the Rifle Municipal Code is hereby amended by the addition of a new Municipal Court fee under Chapter 2, as follows, with double underlined text added:

2-4-240	Municipal Court fees	
	<u>Sealed record fee</u>	<u>\$65.00</u>

5. Code Amendment. Section 7-6-80 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 7-6-80. - Vicious animals and potentially dangerous animals.

(b) Requirements for possession of a potentially dangerous animal. It shall be unlawful for any person to own, possess, keep, harbor or have custody or control of a potentially dangerous animal, except in compliance with all of the following requirements:

- (1) The owner shall be eighteen (18) years of age or older.
- (2) The owner shall not permit a potentially dangerous animal to be outside a proper enclosure on the owner's property unless such animal is under the physical control of a responsible person and restrained by a lead not exceeding four (4) feet in length.
- ~~(3) The potentially dangerous animal and owner shall complete a socialization and/or behavior program approved by the Chief of Police.~~
- (4~~3~~) The potentially dangerous animal shall be spayed or neutered by a licensed veterinarian or a licensed animal shelter.
- (5~~4~~) The potentially dangerous animal shall be permanently identified through the implantation of a microchip containing owner identification information by a licensed veterinarian or a licensed shelter. The microchip information must be registered with the appropriate company responsible for maintaining such information for the microchip.
- (6~~5~~) The owner of a potentially dangerous animal shall notify the animal control officer in person or by telephone as soon as practicable but no later than one (1) hour after the owner's knowledge of the occurrence of either of the following events:
 - a. The animal has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such animal to be physically secured and restrained or confined in the custody of another competent adult; or
 - b. The animal has attacked a human being or domestic animal.
- (7~~6~~) The owner of a potentially dangerous animal shall notify the animal control officer in person or by telephone within twenty-four (24) hours of the occurrence of any one (1) of the following events:
 - a. The animal has been sold, given or otherwise transferred to the ownership or possession of another person, including the name, address and telephone numbers of the new owner and the effective date of the transfer; or
 - b. The animal has died.

6. Code Amendment. Section 10-4-10 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 10-4-10. - Theft.

- (a) A person commits theft when he or she knowingly obtains or exercises control over anything of another without authorization or by threat or deception when the value of the thing is less than five hundred one thousand dollars (~~\$500.00~~1,000.00), 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 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 or she is not legally entitled as a condition of restoring the thing of value to the other person.
- (b) Where the value of the thing of value is less than one hundred dollars (\$100.00), theft is a Class B municipal offense. Where the value of the thing of value is ~~more than~~ one hundred dollars (\$100.00) or more but less than ~~five hundred one thousand~~ one thousand dollars (~~\$500.00~~1,000.00), theft is a Class A municipal offense.

7. Code Amendment. Section 10-4-20 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 10-4-20. - Theft of rental property.

- (a) It is unlawful for a person to commit theft of rental property. A person commits theft of rental property if he or she:
 - (1) Knowingly obtains the temporary use of personal property of another which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property.
 - (2) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fails to reveal the whereabouts of or to return said property to the owner thereof or his or her representative or to the person from whom he or she has received it within seventy-two (72) hours after the time at which he or she agreed to return it.
- (b) Any violation of this Section is a Class B municipal offense if the value of the personal property is less than one hundred dollars (\$100.00), and a Class A municipal offense where the value of the personal property is equal to or more than one hundred dollars (\$100.00) ~~and~~ but less than ~~five hundred one thousand~~ one thousand dollars (~~\$500.00~~1,000.00).

8. Code Amendment. Section 10-4-30 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 10-4-30. - Theft by receiving.

It is unlawful to commit theft by receiving. 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 the 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, where the value of such thing is less than ~~five hundred one thousand~~ one thousand dollars (~~\$500.00~~1,000.00).

9. Code Amendment. Section 10-4-50 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 10-4-50. - Fraud by check.

- (b) Any person, knowing he or she has insufficient funds with the drawee who, with intent to defraud, issues a check in the sum of less than ~~five hundred one thousand~~ five hundred one thousand dollars (~~\$500.00~~1,000.00) for the payment of services, wages, salary, commission, labor, rent, money, property or other thing of value, commits the offense of fraud by check. Where the amount of the check is equal to or more than ~~in the sum of~~ one hundred dollars (\$100.00) but less than ~~to five hundred one thousand~~ one thousand dollars (~~\$500.00~~1,000.00), this offense is a Class A municipal offense; if the amount of the ~~in the sum of~~ check is less than one hundred dollars (\$100.00), this offense is a Class B municipal offense.

10. Code Amendment. Section 10-4-55 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 10-4-55. - Procuring food or accommodations with intent to defraud.

- (a) Any person who, with intent to defraud, procures food or accommodations in any public establishment, without making payment therefor in accordance with his or her agreement with such public establishment, is guilty of a Class A municipal offense if the total amount due under such agreement is equal to or more than one hundred dollars (\$100.00) but and less than ~~one thousand~~ one thousand dollars (~~\$500.00~~1,000.00), and a Class B municipal offense if the total amount is less than one hundred dollars (\$100.00).

11. Code Amendment. Section 10-4-20 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 10-4-80. - Criminal mischief.

- (a) Any person who knowingly damages real or personal property of one (1) or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode where the aggregate damage to the real or personal property is less than ~~five hundred one thousand~~ five hundred one thousand dollars (~~\$500.00~~1,000.00) but more than or equal to one hundred dollars (\$100.00) commits a Class A municipal offense; and if the damage is less than one hundred dollars (\$100.00), such person commits a Class B municipal offense.
- (b) For the purposes of this Section, property shall be deemed to be damaged when physical effort or the expenditure of moneys is required to restore the property to its previous condition.

INTRODUCED on July 5, 2017, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on July 19, 2017, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this 19th day of July, 2017.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk