

ORDINANCE 2025-03

AN ORDINANCE AMENDING SECTIONS OF THE FRUITA MUNICIPAL CODE TO REPEAL AND REENACT SECTIONS 6.13, 9.01.007, AND 9.01.024 CONCERNING CERTAIN CRIMINAL CHARGES TO ALIGN WITH COLORADO STATE STATUTES

WHEREAS, pursuant to Title 31, Article 16, of the Colorado Revised Statutes (CRS), the Fruita City Council has the power to adopt ordinances, and

WHEREAS, the City Council of the City of Fruita has reviewed the current provisions of the Fruita Municipal Code and desires to align certain sections with the Colorado Revised Statutes, specifically regarding penalties for theft and criminal mischief offenses; and

WHEREAS, the City Council of the City of Fruita wishes to amend the Municipal Code to expand the options when dealing with dangerous animals to ensure more flexible and appropriate responses to such situations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, AS FOLLOWS:

Section 1: The Fruita Municipal Code, Chapter 6.13 is hereby repealed and reenacted as follows:

CHAPTER 6.13

REDEMPTION & DISPOSITION

Sections:

- 6.13.010 Redemption Fees Authorized**
- 6.13.020 Disposition of Impounded Animals**
- 6.13.030 Disposition of Dangerous Dogs**

6.13.010 REDEMPTION FEES AUTHORIZED. Any animal may be claimed and redeemed from impoundment by the owner and released from the Animal Services Center only upon timely demand at the Animal Services Center by a properly identified owner and upon payment of all seizure fees, impoundment fees, veterinary charges, charges for unusual care and feeding, redemption fees, and such other costs or fees as may be reasonably set by the City of Fruita or as set forth in the City of Fruita Charges and Fees Schedule. (Ord. 519, 1981; 1988-3, S5; Ord. 2006-35)

6.13.020 DISPOSITION OF IMPOUNDED ANIMALS. Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of the City of Fruita. The animal may then be disposed of by Mesa County Animal Services personnel

and/or by the City of Fruita either by sale, donation, adoption to a suitable owner, return to finder or by humane euthanasia. (Ord. 2006-35)

6.13.030 DISPOSITION OF DANGEROUS ANIMALS.

- A. The owner of an animal found to be dangerous as defined in Chapter 6.04 shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the animal. These orders and conditions may include, but are not limited to, delayed release of the animal, the posting of bond, construction of secure areas of confinement, restrictions on travel with the animal, neutering the animal, muzzling, compensation of victims, restrictions on sale or transfer of the animal, humane euthanasia, removal from the City of Fruita and any other terms or conditions deemed necessary to protect the public or the abatement of a public nuisance. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and Court costs, if any.
- B. In the event of non-compliance with these conditions, the animal may be impounded by the Officer and disposed of at their discretion, or according to court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for non-compliance with any sentencing orders or with administrative conditions for release of a dangerous animal.
- C. An animal found or declared not dangerous shall there upon be returned to its owner, subject to payment for redemption fees for licensing and veterinarian care but excluding liability for boarding expenses.

Section 2: The Fruita Municipal Code, Section 9.01.007, is hereby repealed and reenacted as follows:

9.01.007 CRIMINAL MISCHIEF.

- A. Any person who intentionally, knowingly, negligently, or recklessly damages, injures, defaces, destroys, removes; or causes, aids in, or permits the damaging, injuring, defacing, destruction or removal of real property or improvements thereto, or moveable or personal property of another in the course of a single criminal episode when the aggregate damage to the real or personal property is less than \$1,000.00 commits a Class 2 Misdemeanor, as defined in C.R.S. § 18-4-501.
- B. For the purposes of this Section, property shall be deemed to be injured or damaged when physical effort or the expenditure of monies is required to restore the property to its previous condition.
- C. For the purposes of this Section, property shall be deemed to belong to “another” if anyone other than the Defendant has a possessory or proprietary interest therein.

(Ord. 2010-09, S1)

Section 3: The Fruita Municipal Code, Section 9.01.024, is hereby repealed and reenacted as follows:

9.01.024 THEFT.

- A. A person commits theft when he or she knowingly obtains or exercises control over anything of value of another without authorization or by threat or deception, 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 a thing of value in such a manner as to deprive the other person permanently of its use or benefit; or
 - 3. Uses, conceals, or abandons a thing of value and 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; or
 - 5. Any person who knowingly transfers a label or other designation of price from one item to another or who alters the same with intent to purchase such item at a lesser cost.
- B. For the purposes of this subsection, a thing of value is that of “another” if anyone other than the Defendant has a possessory or proprietary interest therein.
- C. Theft is a Class 2 Misdemeanor, as defined in C.R.S. § 18-4-401, if the value of the thing involved is less than \$1,000.00.

For the purposes of this subsection, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to prove retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, and notices. In addition, if any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his or her own person or otherwise and whether on or off the premises of said store or mercantile establishment, such concealment shall constitute prima facie evidence that the person intended to commit the crime of theft.

(Ord. 2010-09, S1)

Section 4: If any section, paragraph, clause, or provision of this Ordinance is held to be invalid, the invalidity of such section, paragraph, clause, or provision shall not affect the validity of the remaining provisions of this Ordinance.

Section 4: This Ordinance shall take effect on February 20, 2025, following its final passage and publication.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
ON THE 21ST DAY OF JANUARY 2025**

ATTEST:

City of Fruita

Deb Woods, City Clerk

Matthew Breman, Mayor