

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2021-199

**AN ORDINANCE AMENDING SECTION 10-61 AND SECTION 10-71
OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING THE
JURISDICTIONAL LIMIT FOR CRIMINAL MISCHIEF AND THEFT**

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Article IV of Chapter 10 of the Johnstown Municipal Code (“Code”) regulates offenses against property; and

WHEREAS, pursuant to Section 10-61 of the Code, the Johnstown Municipal Court exercises jurisdiction over the crime of criminal mischief, but a jurisdictional limit is not set forth therein; and

WHEREAS, pursuant to Section 10-71 of the Code, the Johnstown Municipal Court exercises jurisdiction over the crime of theft when the value of the property at issue is less than two hundred dollars (\$200.00); and

WHEREAS, Colorado statute permits municipal courts to exercise jurisdiction over theft in an amount exceeding the current limit; and

WHEREAS, the Town Council desires to set a jurisdictional limit for criminal mischief and increase the jurisdictional limit for theft, and permit the Johnstown Municipal Court to exercise jurisdiction over such violations when the value of the property at issue is less than seven hundred fifty dollars (\$750.00); and

WHEREAS, the Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Section 10-61. Section 10-61 of Article IV of Chapter 10 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 10-61. - Criminal mischief.

It shall be unlawful for any person to intentionally damage the real or personal property of one (1) or more other persons in the course of a single criminal episode, where the aggregate damage to the real or personal property is less than seven hundred fifty dollars (\$750.00).

Section 2. Section 10-71. Section 10-71 of Article IV of Chapter 10 of the Johnstown Municipal Code is hereby amended in full to read as follows:

Sec. 10-71. - Petty theft unlawful.

It shall be unlawful for any person knowingly to obtain or exercise control over anything of another where the value is less than seven hundred fifty dollars (\$750.00) without authorization, by threat or deception or knowing said thing of such value to have been stolen, when the person who so obtains or exercises control over such thing of such value:

[The remainder of the Section shall remain unchanged.]

Section 3. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 4. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 5. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town’s Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance shall be available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the
Town Council of the Town of Johnstown, Colorado, this _____ day of _____,
2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor