

TOWN OF DE BEQUE ORDINANCE NO. 528

(Series 2023)

AN ORDINANCE AMENDING SECTION 10.28.040 OF THE DE BEQUE MUNICIPAL CODE TO PROVIDE PENALTIES FOR THE OFFENSE OF CRIMINAL MISCHIEF WHERE PROPERTY DAMAGE FROM THE OFFENSE EXCEEDS \$500 IN VALUE.

The following describes the intent and purpose of this ordinance.

- a. From time to time the Town revises its ordinances to address changes in the law or new concerns.
- b. The Town Marshal has requested that the Town amend its criminal mischief ordinance to address situations in which property damage exceeds the limits contained in the existing ordinance, which caps property damage for the offense at \$500.
- c. It would serve the interests of justice to provide for municipal prosecutions for criminal mischief where the value of the property damage exceeds the existing limits.

THEREFORE, the De Beque Municipal Code is amended to read as follows:

10.28.040 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 movable or personal property of another in the course of a single criminal episode where the aggregate damage to the real or personal property is one hundred dollars (\$100.00) or more 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 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.

Approved by a majority of the De Beque Board of Trustees, at a regularly scheduled meeting of the Board on January 24, 2023, at which meeting quorum was present. This ordinance shall take effect thirty days from the date of publication.

TOWN OF DE BEQUE

Shanelle Hansen
Shanelle Hansen, Mayor

1-24-23
Date

ATTEST:

Lisa M. Rogers
Lisa Rogers, Town Clerk

01/24/2023
Date

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