

Ordinance No. 18-01

AN ORDINANCE OF CUSTER COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO, MAKING IT UNLAWFUL TO TAMPER WITH, DEFACE, OR OTHERWISE DAMAGE PROPERTY BELONGING TO THE COUNTY OF CUSTER OR TO OTHER GOVERNMENTAL ENTITIES ALSO DESIGNATED AS POLITICAL SUBDIVISIONS OF THE STATE OF COLORADO, AND PROVIDING PENALTIES FOR SUCH UNLAWFUL CONDUCT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO, THAT:

Whereas, §30-11-101 (2), C.R.S., gives the Board of County Commissioners the authority to adopt and enforce ordinances regarding health, safety and welfare issues and to provide penalties for the violation of same; and

Whereas, counties, municipalities, and special districts are classified as political subdivisions pursuant to the laws of the State of Colorado. Custer County is a political subdivision, the Towns of Silver Cliff and Westcliffe are political subdivisions, and the Custer County School District, the Wet Mountain Fire Protection District, the West Custer County Library District, the West Custer County Hospital District, and the Round Mountain Water and Sanitation District are all political subdivisions of the State of Colorado; and

Whereas, the Board of County Commissioners for Custer County has determined that the protection of property belonging to all political subdivisions, whether located in the incorporated areas of the above-named Towns or within the unincorporated areas of the County, is a matter of concern to the citizens of the County whose taxes pay for said property, and that a County Ordinance should be adopted making it unlawful to cause harm to such property or to trespass upon the premises where such property may be located, and to provide penalties for such unlawful behavior,

NOW THEREFORE, the Board of County Commissioners declares as follows: This Ordinance No. 18-01 shall be known and may be cited as the “Tampering with Public Property Ordinance”.

Part 1: DEFINITIONS

For purposes of this Ordinance No. 18-01 the following definitions shall apply:

“Public Property” means anything of value owned by a political subdivision of Custer County which is located within the boundaries of said county, and includes things of value located within the incorporated limits of the Towns of Silver Cliff and Westcliffe.

“Tamper” means to interfere with something improperly, to meddle with it, or to make unwarranted and/or unauthorized alterations in its condition.

“Damage” means to cause physical harm to something in such a way as to impair its value, usefulness, or normal function.

“Deface” means to alter the appearance of something by removing, distorting, marring, adding to or covering all or part of a thing.

Part 2: UNLAWFUL ACTS

Section 1. It shall be unlawful for any person to tamper with, deface, or otherwise damage public property physically located within the County of Custer and belonging to a political subdivision of the State of Colorado.

Section 2. If public property as defined in this Ordinance 18-01 is located on premises that are fenced or are otherwise enclosed in a manner designed to discourage unauthorized persons to enter onto said premises, and if signage is conspicuously posted on said premises making specific reference to this Ordinance 18-01 and stating that entry thereon is prohibited, then it shall be unlawful for a person to enter onto said premises without proper authorization from the political subdivision that owns the public property located thereon.

Part 3: PENALTIES

Section 1: Any person who commits a violation of Part 2, Section 1 of this Ordinance commits a class 2 petty offense under §30-15-402(1), C.R.S., and upon conviction thereof shall be punished by a fine as follows:

- a. Two hundred dollars (\$200) if the dollar amount of the damage is less than five hundred dollars (\$500);
- b. Five hundred dollars (\$500) if the dollar amount of the damage is five hundred dollars (\$500) or more but less than two thousand dollars (\$2000);
- c. One thousand dollars (\$1000) if the dollar amount of the damage is two thousand dollars (\$2000) or more.
- d. In addition to the imposition of a fine, the convicted person shall be ordered to pay restitution to the political subdivision.

Section 2. Any person who commits a violation of Part 2, Section 2 of this Ordinance 18-01 commits a class 2 petty offense under §30-15-402(1), C.R.S., and upon conviction thereof shall be punished by a fine of Two Hundred Fifty Dollars (\$250).

Section 3. The penalty assessment procedure set forth in §16-2-201, C.R.S., shall be followed by law enforcement officers charged with enforcement of this Ordinance.

Section 4. All fines assessed for violations of this Ordinance shall be paid to the Treasurer of Custer County. All revenues generated through the payment of such fines shall be paid into the general fund and shall be allocated as follows: 50% to the political subdivision whose property was damaged or was subject to an unlawful entry and 50% to the Custer County general fund.

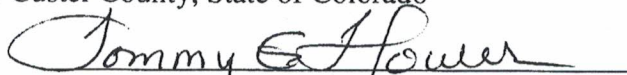
Section 5: A person convicted of a violation of Section 1 or Section 2 of Part 1 of this Ordinance shall be subject to a surcharge of ten dollars (\$10) pursuant to §30-15-402(1), C.R.S.

PART 4: EFFECTIVE DATE

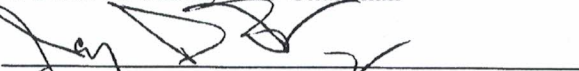
This Ordinance shall be effective immediately following adoption on second reading and shall apply to all violations occurring or committed on or after said date.

INTRODUCED, READ AND ADOPTED ON FIRST READING ON THE 5th DAY OF DECEMBER 2018, AND ORDERED PUBLISHED IN THE SANGRE DE CRISTO SENTINEL.

The Board of County Commissioners for Custer County, State of Colorado

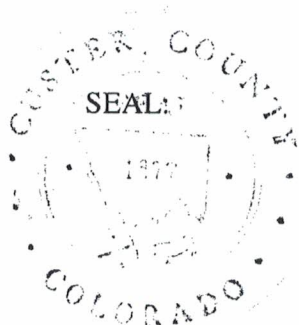

Tommy G. Flower, Chairman


William R. Canda, Vice-Chairman


Jay D. Printz, Commissioner

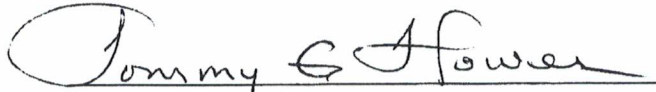
ATTEST:


Kelley Camper, County Clerk and Recorder

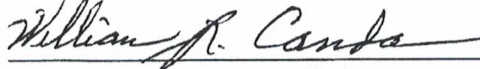


ADOPTED ON SECOND AND FINAL READING ON THE 31ST DAY OF DECEMBER 2018
AND ORDERED PUBLISHED BY REFERENCE TO TITLE ONLY IN THE SANGRE DE
CRISTO SENTINEL.

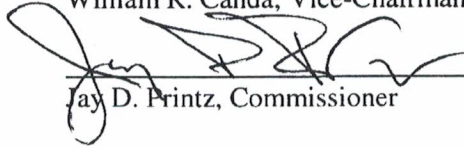
The Board of County Commissioners for Custer County, State of Colorado



Tommy G. Flower, Chairman



William R. Canda, Vice-Chairman



Jay D. Printz, Commissioner



ATTEST:



Kelley Camper, County Clerk and Recorder