ORDINANCE NO. 2
SERIES 2015

AN ORDINANCE REPEALING TITLE 5 CHAPTER 5.10 GENERAL OFFENSES, SECTION 5.10.080 DISORDERLY CONDUCT, C., and SECTION 5.10.200, THEFT OF RENTAL PROPERTY, OF THE GUNNISON MUNICIPAL CODE.

WHEREAS, city staff has recommended repeal of Section 5.10.080, Disorderly Conduct, C. pertaining to allowing others to Disturb the Peace, and Section 5.10.210, Theft of Rental Property, of the Gunnison Municipal Code (G.M.C.); and

WHEREAS, Section 5.10.080, Disorderly Conduct C., refers to disturbing the peace and is classified as a petty offense; and;

WHEREAS, disturbing the peace has its own section, Section 5.10.090 of the G.M.C., and is classified as a misdemeanor; and

WHEREAS, the duplication of the offense and inconsistent classification of the offense has caused inconsistent charges and sentencing; and

WHEREAS, Section 5.10.090, Disturbing the Peace, properly applies to persons who disturb or allow others to disturb the peace of others; and

WHEREAS, Section 5.10.210, Theft of Rental Property, was based on Colorado Revised Statute 18-4-402, which Section was repealed in 2013 (H.B 13-1160); and

WHEREAS, Section 5.10.200 Theft, may apply to property which has been rented and not returned, 5.10.200; and

WHEREAS, the City Council finds that such changes will be of benefit to the health, safety and welfare of the City's residents and, therefore, is in the City's best interest.

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

Section 1. G.M.C. 5.10.080, Disorderly conduct, C. is repealed.

Section 2. G.M.C. 5.10.210, Theft of Rental Property is repealed.

Section 3. If any section of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or the constitutionality of the remaining portions of the ordinance. The City Council of the City of Gunnison hereby declares that it would have passed this ordinance, and each section thereof, irrespective of the fact that any one or more sections be declared unconstitutional.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 24th day of March, 2015, on first reading, and introduced, read, and adopted on second and final reading this 14th day of April, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

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