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ORDINANCE NO. 95

AN ORDINANCE PERTAINING TO THEFT OF SERVICES

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HILLROSE, COLORADO:

WHEREAS, the Board of Trustees of the Town of Hillrose, Colorado, has determined that it is in the best interests of the Town and its citizens to prohibit the offense of theft of services.

NOW, THEREFORE, the following Ordinance is adopted making theft of services a crime in the Town of Hillrose, Colorado, on the terms hereinafter set forth.

THEFT OF SERVICES

1. A person commits theft of services if:
 - a. The person obtains services known by that person to be available only for compensation by deception, force, threat, or other means without paying or to avoid payment for the services; or
 - b. Having control over the disposition of services to which the person is not entitled, the person knowingly diverts those services to the person's own benefit or to the benefit of another not entitled to them; or
 - c. Having control over the disposition of services to which the person is entitled, the person knowingly diverts or allows to be diverted those services to the benefit of another or to the property of another when the person or property benefited is not entitled to the services; or
 - d. The person connects any pipe, tube, hose, stopcock, wire, cord, socket, motor, or other instrument or contrivance with any main, service pipe, or other medium conducting or supplying gas, water, or electricity to any building without the knowledge and consent of the person supplying such gas, water, or electricity; or
 - e. The person, in any manner, tampers, alters, obstructs, or interferes with the action of any meter provided for measuring or registering the quantity of gas, water, or electricity passing through the meter without the knowledge and consent of the person owning the meter; or
 - f. The person obtains cable service or satellite service from a cable operator or a satellite operator by trick, artifice, deception, use of an unauthorized device or decoder, or other means without authorization or with the intent to deprive such cable operator or satellite operator of lawful compensation for the services rendered; or
 - g. The person makes or maintains, without authority from or payment to a cable operator or a satellite operator, a connection or connections, whether physical, electrical, mechanical, acoustical, or otherwise, with any cable, wire, component, or other device used for the distribution cable services or satellite services; or
 - h. The person modifies, alters, or maintains a modification or alteration to a device installed or capable of being installed with the authorization of a cable operator or satellite operator, which

modification or alteration is for the purpose of intercepting or receiving cable service carried by such cable operator or satellite operator without authority from or payment to such cable operator or satellite operator; or

- i. The person possesses without authority, with the intent to receive cable operator or satellite operator services without authorization from or payment to a cable operator or satellite operator, a device or printed circuit board designed, in whole or in part, to facilitate the following acts:
 - i. To receive cable services or satellite services offered for sale over a cable system or satellite system; or
 - ii. To perform or facilitate the performance of any acts set forth in Paragraphs e, f, or g of this Section 1.
 - j. The person fails to return or surrender equipment used to receive cable service or satellite service and provided by a cable operator or satellite operator, after such service has been terminated for any reason.
2. a. As used in this Ordinance, the term "services" includes, but is not limited to, any public utility services (to include, but are not limited to, sewer, waste water, electric, water, cable, satellite, telephone, gas, or trash services); private or public transportation services; public or private hotel or lodging services; and public or private restaurant, food, or beverage services, including the cost of food or beverage.
 - b. Proof that the services were obtained by false pretenses, or that the person refused or neglected to pay for these things on demand is prima facie evidence of the intent required in Section 1 of this Ordinance.
 3. Nothing in this Ordinance shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.
 4. Any person convicted of a violation of this Ordinance shall be punished for each violation by a fine of not less than \$50.00 and not more than \$300.00.


The Board of Trustees finds that this Ordinance is necessary to the immediate preservation of the public health or safety in the Town of Hillrose, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY by the Board of Trustees of the Town of Hillrose, Colorado, on July 3, 2006.





JAMIE MILES-TAYLOR
Mayor



LYNN ANN GOLEMBOSKI
Town Clerk

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[SEAL]

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