

BY AUTHORITY

ORDINANCE NO. **4200**

COUNCILLOR'S BILL NO. **28**

SERIES OF 2023

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE VI OF THE WESTMINSTER
MUNICIPAL CODE CONCERNING UNAUTHORIZED USE OF A MOTOR VEHICLE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-3-2, W.M.C., is hereby ADOPTED as follows:

6-3-2. – Unauthorized Use of a Motor Vehicle.

(A) As used in this section, unless the context otherwise requires, “motor vehicle” means all vehicles of whatever description propelled by any power other than muscular, except vehicles running on rails.

(B) It shall be unlawful to commit unauthorized use of a motor vehicle. A person commits unauthorized use of a motor vehicle if the person obtains or exercises control over the motor vehicle of another person without authorization of the owner and;

(1) person does not commit a criminal offense other than a misdemeanor traffic offense except eluding a police officer as described in C.R.S. 42-4-1413 in the course of obtaining control over or in the exercise of control of a motor vehicle; and

(2) The motor vehicle is returned to the owner or recovered by law enforcement within twenty-four (24) hours after being reported as missing or stolen by the owner, with no damage to the motor vehicle.

(C) Unauthorized Use of a Motor Vehicle is a criminal offense, punishable by a fine or imprisonment or both, as provided in Section 1-8-1, W.M.C.

Section 2. Section 6-3-7, W.M.C., is hereby ADOPTED as follows:

6-3-7. – Motor Vehicle Trespass.

(A) As used in this section, unless the context otherwise requires, “motor vehicle” means all vehicles of whatever description propelled by any power other than muscular, except vehicles running on rails. “Motor vehicle” also includes any non-residential trailer or flatbed that may be registered with the Department of Revenue and may be legally towed by a motor vehicle, and the open portion of a pickup truck.

(B) It shall be unlawful to commit motor vehicle trespass. A person commits motor vehicle trespass if they enter into or upon any motor vehicle with intent to commit a crime therein.

(C) Motor vehicle trespass is a criminal offense, punishable by a fine or imprisonment or both, as provided in Section 1-8-1, W.M.C.

Section 3. Section 6-3-13, W.M.C., is hereby ADOPTED as follows:

6-3-13. – Removal of Motor Vehicle Parts.

(A) It shall be unlawful for any person to remove a motor vehicle part from the motor vehicle of another without authorization from the owner, owner’s agent, or any other person having lawful control of the vehicle.

(B) The criminal conduct described in subsection (A) is a strict liability offense.

(C) It is an affirmative defense to prosecution under subsection (A) if the person reasonably believed an owner, owner’s agent, or another person having lawful control of the vehicle authorized them to remove the part.

(D) The defendant must disclose to the City any evidence related to an affirmative defense at least 15 days before trial. Failure to disclose evidence of an affirmative defense may result in the evidence being ruled inadmissible. The admissibility of evidence regarding an affirmative defense is at the discretion of the Court.

(E) For purposes of this section “Motor Vehicle” shall mean a vehicle of whatever description propelled by any power other than muscular, except vehicles running on rails.

(F) For purposes of this section, “Motor Vehicle Part” shall include any part, component, or accessory of a motor vehicle that is attached by a means other than chemical adhesive or magnet. Notwithstanding the preceding, windows, windscreens, mirrors, and glass components shall be considered Motor Vehicle Parts even if attached to the motor vehicle by a chemical adhesive or magnet.

(G) Removal of Motor Vehicle Parts is a criminal offense, punishable by a fine or imprisonment or both, as provided in Section 1-8-1, W.M.C.

Section 4. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ___ day of _____, 2023.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___ day of _____, 2023.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney’s Office