

## Chapter 9.28

### OFFENSES AGAINST PROPERTY

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**9.28.010**     **Theft.** It is unlawful for any person to take, steal or carry away the property of another that has the value of two hundred fifty dollars or less with the intent to deprive or defraud the owner thereof. Every person convicted of a violation of the provisions of this section shall be guilty of theft, a gross misdemeanor. (Ord. 325, 1978.)

**9.28.020**     **Possession of stolen property.** It is unlawful for any person to knowingly receive, retain, possess, conceal or dispose of stolen property, that has the value of two hundred fifty dollars or less, knowing that it has been stolen, and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto. Every person convicted of a violation of the provisions of this section shall be guilty of possession of stolen property, a gross misdemeanor. (Ord. 325, 1978.)

**9.28.030**     **Value defined.** For the purpose of Sections 9.28.010 and 9.28.020, the term "value" means the market value of the property at the time and in the approximate area of the criminal act. (Ord. 325, 1978.)

**9.28.040**     **Unlawful issuance of checks.** It is unlawful for any person, with intent to defraud, to make, draw, utter or deliver to another person any check or draft in an amount of two hundred fifty dollars or less, on a bank or other depository

for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, nor credit with said bank or other depository, to meet such check or draft in full upon its presentation. The uttering or delivering of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud. Every person convicted of a violation of the provisions of this chapter shall be guilty of unlawful issuance of checks, a gross misdemeanor. (Ord. 325, 1978.)

**9.28.050**     **Possession of burglary tools.** It is unlawful for any person to have in his possession any tool or implement adapted, designed or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used. Every person convicted of a violation of the provisions of this chapter shall be guilty of possession of burglary tools, a gross misdemeanor. (Ord. 325, 1978.)

**9.28.060**     **Vehicle prowling.** It is unlawful for any person, who, with intent to commit a crime against a person or property therein, to enter or remain unlawfully in a vehicle. For the purpose of this section the term "vehicle" means a motor vehicle, as defined by the laws of the state and also includes any aircraft, vessel, trailer, camper or similar conveyance commonly utilized on the highways of this city or state. Every person convicted of a violation of the provisions of this section shall be guilty of vehicle prowling, a gross misdemeanor. (Ord. 325, 1978.)

**9.28.070**     **Trespassing.** It is unlawful for any person to knowingly enter or remain, unlawfully, in or upon the premises of another. For the purposes of this section a person "enters or remains, unlawfully," in or upon the premises of another when he is not then licensed, invited, or otherwise privileged to so enter or remain. Every person convicted of a violation of the provisions of this section shall be guilty of trespass, a gross misdemeanor. (Ord. 325, 1978.)

**9.28.080**     **Loitering.** It is unlawful for any person, except a person enrolled as a student in, or parents or guardians of such student, or person employed by such school or institution, to willfully loiter about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto without a lawful purpose. Every person convicted of a violation of the provisions of this section shall be guilty of loitering, a gross misdemeanor. (Ord. 325, 1978.)

**9.28.090**     **Malicious mischief.** It is unlawful for any person to knowingly and maliciously cause physical damage to the property of another. Every person convicted of a violation of the provisions of this section shall be guilty of malicious mischief. Malicious mischief is a gross misdemeanor if the damage to the property is in

an amount exceeding fifty dollars, but less than two hundred fifty dollars. In the event the damage to property is fifty dollars or less, malicious mischief is a misdemeanor. (Ord. 325, 1978.)

**9.28.100**     **Frauds on innkeepers and business establishments.** It is unlawful for any person to obtain any food, lodging or accommodation at any hotel, restaurant, boarding house or lodging house, or to obtain any services from any business establishment providing such services, without paying therefor, with intent to defraud the owner or manager thereof. Evidence that an individual absconded or surreptitiously removed his baggage from any innkeeper's facility, without paying for such food, lodging or accommodation, shall be prima facie evidence of intent to defraud. Every person convicted of a violation of the provisions of this section shall be guilty of perpetrating a fraud on an innkeeper or business establishment, a misdemeanor. (Ord. 325, 1978.)

**9.28.110**     **Breaking windows.** It is unlawful for any person maliciously to break any window of any building or structure in the city. (Ord. 325, 1978.)

**9.28.120**     **Interfering with monuments.** It is unlawful for any person to remove, alter, pull, destroy, or in any manner interfere with any surveyor's monument or witness stake established or set within the city, except by authority of the city engineer or of the person, firm, corporation or governmental agency which established or set the monument or witness stake. Any authorization by the city engineer to any person not employed in the engineering department must be in writing to be valid. (Ord. 325, 1978.)

**9.28.130**     **Park property--Damaging.** It is unlawful for any unauthorized person to drive any motor vehicle or ride any horse in any public park other than on established roads, or to pick any flowers or plants, or to damage or mutilate any of the shrubs or trees, monuments, or works of art, or in any manner damage any property of the city in any public park or other public land of the city, or to violate any of the rules or regulations relating to the public parks. (Ord. 325, 1978.)

**9.28.140**     **Park property--Hours closed.** It is unlawful for any person, without written permission from the mayor, to enter or go onto or to remain in or on any public park or other public land of the city between the hours of ten p.m. and six a.m. of the following day. (Ord. 325, 1978.)

**9.28.150**     **City property--Removal or damage.** It is unlawful for any person in any manner to damage, mutilate, destroy, remove, disconnect, or interfere or tamper with any machinery, poles, wires, meters, lamps, hydrants, or other appliances or equipment which are the property of the city. (Ord. 325, 1978.)

**9.28.160**      **City property--Unlawful possession.** It is unlawful for any person knowingly to possess without written authority from the mayor or his authorized representative any property of the city, unless the person shall return that property to the city as soon as practicable after discovering or obtaining possession of that property. (Ord. 325, 1978.)

**9.28.170**      **Violation--Penalties.** Every person convicted of a violation of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 325, 1978.)