

## **LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that on the 8<sup>th</sup> day of September, 2008, at its regular meeting at 6:00 p.m., in the City Commission Chambers at City Hall, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs adopted an ordinance which reads as follows:

CITY OF HOBBS

ORDINANCE NO. 999

ORDINANCE AMENDING CHAPTERS 9.16  
AND 9.24 OF THE HOBBS MUNICIPAL CODE  
PERTAINING TO OFFENSES AGAINST PROPERTY  
AND THEFT, FRAUD AND SIMILAR OFFENSES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the following Sections of Chapters 9.16 and 9.24 of the Hobbs Municipal Code are amended as follows:

Chapter 9.16

OFFENSES AGAINST PROPERTY

9.16.50 Criminal damage to property.

“Criminal damage to property” consists of intentionally damaging any real or personal property of another without the consent of the owner of the property.

Whoever commits criminal damage to property when the value of the property damaged is not more than one thousand dollars (\$1,000) is guilty of a misdemeanor.

## Chapter 9.24

### THEFT, FRAUD AND SIMILAR OFFENSES

#### 9.24.020 Embezzlement.

No person in the City shall commit embezzlement.

“Embezzlement” consists of the embezzling or converting to a person’s own use of anything of value, with which such person has been entrusted, with fraudulent intent to deprive the owner thereof, when the value of the thing embezzled or converted is not more than five hundred dollars (\$500.00).

#### 9.24.060 Fraud.

No person in the City shall commit fraud.

“Fraud” consists of the intentional misappropriation or taking of anything of value which belongs to another, by means of fraudulent conduct, practices or representations, when the value of the thing misappropriated or taken is not more than five hundred dollars (\$500.00).

#### 9.24.070 Larceny.

No person in the City shall commit larceny.

“Larceny” consists of the stealing of anything of value which belongs to another, when the value of the thing stolen is not more than five hundred dollars (\$500.00).

#### 9.24.080 Receiving stolen property.

A. “Receiving stolen property” means intentionally receiving, retaining or disposing of stolen property, knowing that it has been stolen or believing it has been stolen, unless the property is received, retained or disposed of with intent to restore it to the owner.

B. The requisite knowledge or belief that property has been stolen is presumed in the case of an individual or dealer who:

1. Is found in possession or control of property stolen from two or more persons on separate occasions; or
2. Acquires stolen property for a consideration which the individual or dealer knows is far below the property’s reasonable value. A dealer shall be presumed to know the fair market value of the property in which he deals; or

3. Is found in possession or control of five or more items of property stolen within one year prior to the time of the incident charged pursuant to this section.

C. For the purposes of this section, "dealer" means a person in the business of buying or selling goods or commercial merchandise.

D. Whoever commits receiving stolen property when the value of the property not more than five hundred dollars (\$500.00) is guilty of the offense of receiving stolen property.

#### 9.24.100 Shoplifting--Prohibited--Elements of offense.

No person in the City shall commit the offense of shoplifting.

A. "Shoplifting" consists of any one or more of the following acts:

1. willfully taking possession of merchandise with the intention of converting such merchandise without paying for it;

2. willfully concealing merchandise with the intention of converting it without paying for it;

3. willfully altering a label, price tag or marking upon merchandise with the intention of depriving the merchant of all or some part of the value it; or

4. willfully transferring any merchandise from the container in or on which it is displayed to another container with the intention of depriving the merchant of all or some part of the value it.

B. Whoever commits shoplifting when the value of the merchandise shoplifted is not more than five hundred dollars (\$500.00) is guilty of a misdemeanor.

Copies of the ordinance are available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico.

/s/ Jan Fletcher  
JAN FLETCHER, City Clerk