

CHAPTER 13-600. OFFENSES AGAINST PROPERTY.

PART 13-610. PROPERTY DESTRUCTION.

13-611. DEFINITIONS. For purposes of this chapter:

- A. "Property" means any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure.
- B. "Habitable structure" means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is actually present or not.
- C. "Property" is that of another, if anyone other than the actor has a possessory or proprietary interest in any portion thereof.
- D. "Value" means:
 - 1. The market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or
 - 2. Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.
 - 3. If the property damaged has a value that cannot be ascertained by the criteria set forth in subsections 1 and 2 above, the property shall be deemed to have a value of \$50.00.

13-612. ARSON.

- A. A person is guilty of arson if, by means of fire or explosives, a person unlawfully and intentionally damages the property of another.
- B. Arson is a class B misdemeanor if the damage caused exceeds \$250.00 and is a class C misdemeanor if the damage is less than \$249.99.

13-613. Reserved.

13-614. RECKLESS BURNING.

- A. A person is guilty of reckless burning if he damages the property of another by reckless use of fire or causing an explosion.
- B. Reckless burning is a class B misdemeanor if the damage to property exceeds \$500.00 in value; and a class C misdemeanor if the damage to property exceeds \$50.00 in value. Any other violation under this section shall constitute an infraction.

13-615. Reserved.