

ORDINANCE NO. 13
Series of 2019

AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO AMENDING CHAPTER 1, ARTICLE 4; CHAPTER 2, ARTICLE 4; CHAPTER 10, ARTICLE 7; AND CHAPTER 18, ARTICLE 2 OF THE MUNICIPAL CODE OF THE TOWN OF CARBONDALE REGARDING THE MAXIMUM LENGTH OF IMPRISONMENT FOR VIOLATIONS OF MUNICIPAL ORDINANCES

WHEREAS, Governor Polis recently signed into law HB 19-1148, which, among other provisions, reduces the maximum days of imprisonment that a municipal court may impose upon violators of a municipal ordinance from one year to three hundred sixty-four days; and

WHEREAS, HB 19-1148 took effect on August 2, 2019; and

WHEREAS, HB 19-1148 applies to municipal courts of record, as defined in C.R.S. 13-10-102(3); and

WHEREAS, numerous provisions of the Town of Carbondale Municipal Code establish a maximum imprisonment term of up to one year; and

WHEREAS, it is necessary to update the Town Municipal Code to be consistent with the legislative changes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. The foregoing recitals are hereby adopted as findings and determinations of the Board of Trustees.
2. Chapter 1, Article 4; Chapter 2, Article 4; Chapter 10, Article 7; and Chapter 18, Article 2 of the Town of Carbondale Municipal Code shall be amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 1-4-20. - General penalty for violation.

(a) It is unlawful for any person to violate or fail to comply with any of the provisions of this Code. Any person who violates or fails to comply with any provision of this Code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine of not more than \$2,650.00, to be adjusted by inflation each year, or by imprisonment not exceeding 364 days ~~one year~~, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense.

Sec. 1-4-30. - Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten but not yet 18 years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than \$2,650.00 per violation or count, to be adjusted by inflation each year, or by imprisonment not exceeding 364 days~~one year~~. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

Sec. 2-4-100. - Contempt power.

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed \$2,650.00, to be adjusted by inflation each year, or by imprisonment not exceeding 364 days ~~one year~~, or by both such fine and imprisonment.

...

Sec. 10-7-130. - Abusing toxic vapors.

...

(d) Any person who knowingly violates the provisions of Subsection (b) or (c) above commits the offense of abusing toxic vapors. Upon conviction thereof, such person shall be punished by a fine of not more than \$500.00 for a first offense; and upon conviction of a second or subsequent offense, by a fine of not more than \$750.00 and by not more than 364 days of ~~12 months~~ imprisonment.

Sec. 18-2-50. - Violation; penalty.

It is unlawful for any person to violate any provisions of this Chapter. A person who violates any code adopted in this Chapter may be fined in an amount not to exceed \$2,650.00 or imprisoned for a term not to exceed 364 days ~~one year~~, as more fully set forth in Section 1-4-20 of this Code.

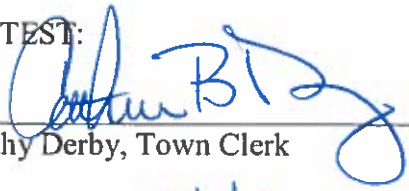
3. This Ordinance shall be effective upon posting and publication in accordance with the Carbondale Home Rule Charter.

INTRODUCED, READ AND PASSED THIS ____ day of _____, 2019.

TOWN OF CARBONDALE, COLORADO
a Colorado home rule municipal corporation,



Dan Richardson, Mayor

ATTEST: 

Cathy Derby, Town Clerk

POSTED: 9/11/19
PUBLISHED: 9/19/19
EFFECTIVE: 10/19/19

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