

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1032

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING SECTION 1-4-20 OF
THE LYONS MUNICIPAL CODE RELATED TO GENERAL PENALTY FOR VIOLATION**

WHEREAS, the Town of Lyons Board of Trustees ("Board") has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of the Town of Lyons ("Town"); and

WHEREAS, state law sets the maximum penalty for municipal code violations at two thousand six hundred fifty dollars (\$2,650.00) at Section 13-10-113, C.R.S.; and

WHEREAS, the Board desires to amend the penalties in Section 1-4-20 of the Lyons Municipal Code to bring the Town's penalties in line with State law and determines that such amendments promote the health, safety and welfare of the citizens of and visitors to the Town of Lyons.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. Section 1-4-20 of the Lyons Municipal Code is hereby repealed and replaced to read in full as follows:

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

(a) Any person convicted of a non-criminal violation, as designated in Section 1-4-40(a) of this Article, may be fined by an amount not to exceed one thousand dollars (\$1,000.00). Any person convicted of a criminal violation, as designated in Section 1-4-40(b) of this Article, may be incarcerated for a period of up to one (1) year or fined by an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), or both, except as hereinafter provided in Section 1-4-30 below. Any voluntary plea of guilty of nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all of the fines and/or penalties applicable to the original charge.

(b) Where any violation is a continuing offense, each day such violation continues shall be considered a separate and distinct offense.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code

provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

Section 4. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 1 and 2 of this Ordinance within the Lyons Municipal Code.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 19TH DAY OF MARCH 2018.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 2nd
DAY OF April 2018.

TOWN OF LYONS, COLORADO

Connie Sullivan
Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony
Debra K. Anthony, Town Clerk

