

**TOWN OF LYONS, COLORADO**

**ORDINANCE 1061**

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

**WHEREAS**, pursuant to C.R.S. § 13-15-103 the Town of Lyons ("the Town") has the authority to make and publish ordinances; and

**WHEREAS**, pursuant to that power the Lyons Board of Trustees ("the Board") previously enacted Chapter 1, Article 4, Section 20 of the Lyons Municipal Code ("LMC") entitled "General penalty" which provides for incarceration for a period of up to one (1) year for a criminal conviction under the LMC; and

**WHEREAS**, Recent changes to state law codified at C.R.S. § 13-10-113 has decreased the amount of time that municipalities may impose for incarceration from one (1) year to 364 days; and

**WHEREAS**, the Town Board of Trustees finds that is in the interest of the health, safety, and welfare of the citizens of the Town and visitors to the Town to conform with the requirements of state law and decrease the amount of jail time imposed by Section 1-4-20 of the LMC.

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

Section 1: The above recitals are hereby incorporated by reference.

Section 2: Chapter 1, Article 4, Section 1-4-20 of the Lyons Municipal Code entitled "General Penalty for Violation" is hereby amended in part to read 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 not to exceed three hundred sixty-four (364) days or fined by an amount not to exceed two thousand six hundred and 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 3: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase

thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 4: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. 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 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 17TH DAY OF JUNE, 2019.**

**INTRODUCED, PASSED AND ADOPTED AND ORDERED PUBLISHED THIS 1ST DAY OF JULY, 2019.**



By: Deb Anthony  
Town Clerk, Deb Anthony

TOWN OF LYONS

By: Connie Sullivan  
Mayor Connie Sullivan