

ORDINANCE NO. 734

AN ORDINANCE AMENDING SECTION 1.12.10 OF THE HAYDEN MUNICIPAL CODE CONCERNING THE GENERAL PENALTY FOR CODE VIOLATIONS

WHEREAS, the Town of Hayden, Colorado (the "Town"), is a Colorado home rule municipality, duly organized and existing under its home rule charter; and

WHEREAS, pursuant to Section 1-2 of the home rule charter and C.R.S. § 13-10-113, the Town, acting through its Town Council (the "Council"), is authorized to adopt a general penalty provision enforced by the Town's municipal court; and

WHEREAS, pursuant to such authority, the Council previously adopted a general penalty provision codified as Section 1.12.010 of the Hayden Municipal Code ("Code"); and

WHEREAS, the Council finds that it must amend the general penalty provision to ensure the maximum penalty imposed by the Town's municipal court is in line with the constraints imposed by C.R.S. § 13-10-113(1.5) upon municipal courts which are not of record.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Title 1, Chapter 1.12, Section 1.12.010 of the Code, concerning the Town's general penalty provision, is amended to read as follows:

Section. 1.12.010. – Violation of ordinances; general penalty.

No person shall violate any of the provisions of the ordinances of the town. Any person CONVICTED OF VIOLATING ~~who violates~~ any of the provisions of the ordinances of the town shall be punished by a fine of not more than \$300.00 OR A PERIOD OF INCARCERATION NOT TO EXCEED NINETY (90) DAYS, OR BOTH \$2,650.00. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code or the ordinances of the town, is committed, continued or permitted by any such person, and he shall be punished accordingly.

- (1) The imposition of a penalty does not prevent the revocation or suspension of a license, permit or franchise or any other administrative sanctions authorized by law.
- (2) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rules, regulation or order shall be deemed a public nuisance and may be abated by the town through injunctive or other equitable

relief and by such other means as provided by law. The imposition of a penalty does not prevent equitable relief.

- (3) The violation of any section of this Code by a person not having attained the age of 18 years at the time of the commission of the violation, shall be a misdemeanor. However, such conviction shall be punishable by a fine only, not exceeding \$300.00 or useful public service or such other penalty, excluding imprisonment, as may be appropriate. Any confinement of a child for contempt of municipal court shall not exceed 48 hours, and such confinement shall only be in a facility authorized under C.R.S. § 13-10-113(4).

Section 3. Codification Amendments. The codifier of the Town's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Hayden Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

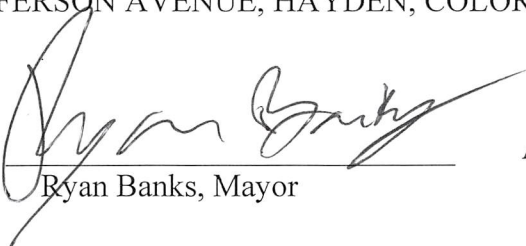
Section 5. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

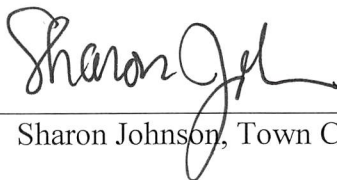
Section 6. No Existing Violation Affected. The repeal or modification of any provision of the Municipal Code of the Town of Hayden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. Effective Date. This Ordinance shall be in full force and effect immediately on final passing and adoption, and shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk.

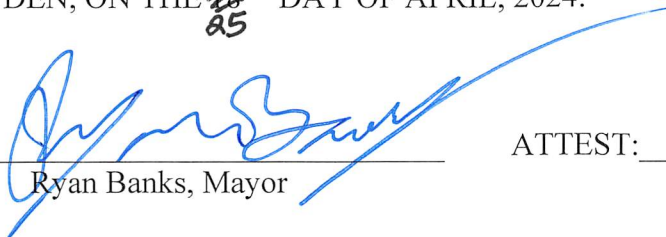
Section 8. Public Hearing on Ordinance No. ____. A public hearing on this Ordinance will be held on April 18, 2024 at the regular meeting of the Hayden Town Council beginning at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Avenue, Hayden, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(D) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ON MARCH 27, 2024, AND SETTING A PUBLIC HEARING FOR APRIL 18, 2024 AT THE COUNCIL CHAMBERS OF THE HAYDEN TOWN HALL, LOCATED AT 178 WEST JEFFERSON AVENUE, HAYDEN, COLORADO.

BY: 
Ryan Banks, Mayor

ATTEST: 
Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE ~~18~~²⁵TH DAY OF APRIL, 2024.

BY: 
Ryan Banks, Mayor

ATTEST: 
Sharon Johnson, Town Clerk