

Town of Basalt, Colorado
Ordinance No. 03
Series of 2020

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, AMENDING CHAPTER 1, ARTICLE IV (GENERAL
PENALTY) OF THE MUNICIPAL CODE TO CONFORM WITH PENALTY
PROVISIONS IN STATE LAW.**

RECITALS

- A. The Town of Basalt ("Town") is a Colorado home-rule municipality, duly organized and existing under the Town's Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.
- B. The Town Council is empowered to amend the Town Code by ordinance.
- C. The Code currently provides for a maximum penalty one year in prison and monetary penalty to be set by schedule for violations of the Code.
- D. By HB 19-1148 the Colorado General Assembly reduced the maximum penalty permitted for the violation of a municipal ordinance to 364 days.
- E. The Town Council finds and determines that the following amendments to Chapter 1, Article IV of the Code are in the best interests of the public health, safety, and welfare of the citizens of Basalt.

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

- 1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
- 2. Section 1-82. General penalty for violations. Section 1-82 contained in Chapter 1, Article IV – General Penalty, of the Basalt Municipal Code is hereby amended to read as follows, with additions shown in **bold, underlined text** and ~~strike-through language~~ deleted. Sections of Chapter 1 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

Sec. 1-82. - General penalty for violations.

Unless otherwise specifically provided, any person violating any provision or failing to comply with any of the mandatory requirements of the ordinances of the Town shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of the Town shall be punished by a fine in an amount set forth on

the fee schedule for such fines adopted by the Town Council pursuant to Section 2-381 et seq. or as sentenced by the Municipal Court. Such fines shall not exceed the maximum fine amount allowed by Colorado law pursuant to C.R.S. § 13-10-113, as it may be amended from time to time. Further, any person convicted of a misdemeanor under the ordinances of the Town may be punished by incarceration not to exceed three hundred sixty-four (364) days, or by both such fine and incarceration, imprisonment for a period not to exceed one (1) year, or by both such fine and imprisonment except as hereinafter provided in Section 1-83. 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 the ordinances of the Town is committed, continued or permitted by any such person, and he or she shall be punished accordingly. In the event the Town shall incur court costs and/or attorney fees to prosecute a person for a violation of a Town ordinance, a person convicted of violation of a Town ordinance shall pay to the Town all attorney fees and costs reasonably incurred by the Town in such matter.

3. Severability. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.
4. Effective Date. This Ordinance shall be effective 14 days after final publication in accordance with the Town of Basalt Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON January 28, 2020, by a vote of 7 to 0 this 14th day of January, 2020.

READ ON SECOND READING AND ADOPTED with amendments, by a vote of 7 to 0 this 28th day of January, 2020.

TOWN OF BASALT, COLORADO

By: _____

Jacque R. Whitsitt, Mayor

ATTEST:

Pamela K. Schilling
Pamela K. Schilling, Town Clerk

Date of first publication: 1/23/20
Date of second publication: 2/6/20
Effective date: 2/20/20

