

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 914**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
SECTION 1-4-20 OF THE MEAD MUNICIPAL CODE CONCERNING
THE MAXIMUM PENALTY FOR MUNICIPAL CODE VIOLATIONS**

WHEREAS, the Town of Mead (“Town”) previously adopted general penalty provisions concerning maximum imprisonment and fines for violations of the Town’s Municipal Code (“Code”), codified at Section 1-4-20 of the Code; and

WHEREAS, the Colorado General Assembly enacted HB 19-1148, which changes the maximum jail sentence for municipal code violations and for misdemeanors under state law from one year to three hundred sixty-four (364) days; and

WHEREAS, the Town Board of Trustees desires to amend its general penalty provisions codified at Section 1-4-20 of the Code to be consistent with current state law, as provided below.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Maximum Penalty. Section 1-4-20 of the Town’s Municipal Code, titled “General penalty,” is hereby amended to read in full as follows, with additions shown in bold and underlined and deletions shown in strikethrough:

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

- (a) Any person who shall violate or fail to comply with any provision of any Chapter of this Code, or any provision of any code or other regulation adopted by reference by this Code, by doing any act prohibited or declared to be unlawful thereby, or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required without having a valid license or permit therefor as required, or who shall fail to do any act required by any such provision when such provision declares such failure to be unlawful or to be an offense, shall be guilty of an offense and, upon conviction, shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding ~~one (1) year~~ **three hundred sixty-four (364) days** or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30, unless a specific penalty is provided for a particular offense. Upon conviction of a violation defined as noncriminal, a penalty of not more than five hundred dollars (\$500.00) may

be imposed. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall constitute a separate offense unless some other specific time period is provided for any particular violation.

- (b) In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Board of Trustees, may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violations. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 4. 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 part, section, subsection, sentence, clause or phrase is declared invalid.


Section 5. 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 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 28TH DAY OF OCTOBER, 2019.

ATTEST:

By: Mary E. Strutt
Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD:

By: Colleen G. Whitlow
Colleen G. Whitlow, Mayor