

PALMER LAKE, COLORADO

ORDINANCE NO. 9 OF 2017

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO, AMENDING PROVISIONS OF THE MUNICIPAL CODE TO INCREASE THE MAXIMUM FINE FOR MUNICIPAL ORDINANCE VIOLATIONS TO THE AMOUNT AUTHORIZED BY SECTION 13-10-113, C.R.S., AS AMENDED

WHEREAS, THE TOWN OF PALMER LAKE IS A COLORADO STATUTORY TOWN; AND

WHEREAS, BY VIRTUE OF PALMER LAKE MUNICIPAL CODE SECTION 2.50.040, THE TOWN HAS ESTABLISHED A MUNICIPAL COURT OF RECORD TO HEAR AND TRY ALL ALLEGED VIOLATIONS OF THE ORDINANCES OF THE TOWN; AND

WHEREAS, PURSUANT TO SECTION 2.50.020(A) OF THE PALMER LAKE MUNICIPAL CODE, THE MUNICIPAL COURT HAS AUTHORITY TO IMPOSE FINES AND/OR IMPRISONMENT FOR VIOLATIONS OF MUNICIPAL ORDINANCES WITHIN THE LIMITS SET BY STATE LAW, TOWN ORDINANCE OR COURT RULE; AND

WHEREAS, BY ADOPTION OF HOUSE BILL 13-1060, THE STATE OF COLORADO AMENDED SECTION 13-10-113, C.R.S., TO INCREASE THE MAXIMUM FINE AMOUNT WHICH A MUNICIPAL COURT MAY IMPOSE FOR VIOLATION OF A MUNICIPAL ORDINANCE; AND

WHEREAS, THE PREVIOUS MAXIMUM AUTHORIZED PENALTY WHICH THE MUNICIPAL COURT COULD IMPOSE FOR VIOLATION OF THE ORDINANCES OF THE TOWN WAS ONE THOUSAND DOLLARS (\$1,000.00); AND

WHEREAS, THE TOWN DESIRES TO INCREASE THE MAXIMUM PENALTY WHICH THE MUNICIPAL COURT MAY IMPOSE TO CONFORM TO STATE LAW.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO:

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

Section 2. Section 1.16.010 of the Town of Palmer Lake Municipal Code is hereby amended with additions shown in all caps and deletions shown as strike-throughs:

1.16.010 GENERAL PENALTY ~~Designated~~.

A. Unless otherwise specifically provided IN THE RELEVANT CODE PROVISION(S), any person CONVICTED OF violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the Town of Palmer

Lake shall be guilty of a PETTY OFFENSE-misdemeanor. A person convicted UNDER THIS CODE of a misdemeanor under the ordinances of Palmer Lake shall be punished by a fine of not more than TWO THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650.00), ~~One Thousand Dollars (\$1,000)~~ or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Any such person is guilty of a separate offense for each and every day during any portion of which any violation of the ordinances of the Town of Palmer Lake, Colorado, is committed, continued or permitted by any such person, and he shall be punished accordingly.

Section 3. Section 1.16.020 of the Town of Palmer Lake Municipal Code is hereby amended with additions shown in all caps and deletions shown as strike-throughs:

1.16.020 Minor Offenders.

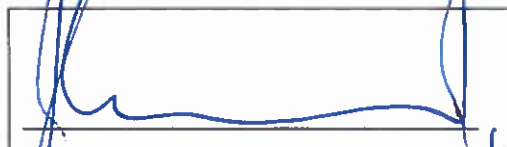
~~Except for alleged violations of Chapter 10.04 of the Palmer Lake Municipal Code (the Model Traffic Code of the Town of Palmer Lake as amended and modified), any ANY minor offender convicted of violation of this Code, or of any ordinance of this Municipality, shall be punished by a fine of not more than TWO THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650.00), One Thousand Dollars (\$1,000), unless provided otherwise by the specific section-CODE PROVISION(S) alleged to have been violated. As to minor offenders alleged to have violated any provision of Chapter 10.04 of this Code, such person shall, upon conviction, remain subject to the general penalty provision in §10.04.030 of this Code for any violation of the Model Traffic Code as modified.~~

Section 4. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 5. Publication and Effective Date. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only in a newspaper of general circulation and in full on the Town official web site. This Ordinance shall become effective thirty (30) days after the date of publication.

THIS ORDINANCE WAS INTRODUCED, PASSED, APPROVED AND ADOPTED ON THIS 13 DAY OF April 2017 BY A VOTE OF 7 FOR AND 0 AGAINST.




JOHN CRESSMAN, MAYOR



ATTEST:

Tara Berreth

TARA BERRETH, TOWN CLERK

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of April 13, 2017, and ordered published by title only by in the Gazette newspaper on April 18, 2017 and in full on the Town official web site.

Tara Berreth

Tara Berreth, Town Clerk

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF EL PASO

I, Mary Heifner, being first duly sworn, deposes and says that she is the Legal Sales Representative of THE COLORADO SPRINGS GAZETTE, LLC., a corporation, the publishers of a daily public newspaper, which is printed and published daily in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called The Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit, May 1, 2017

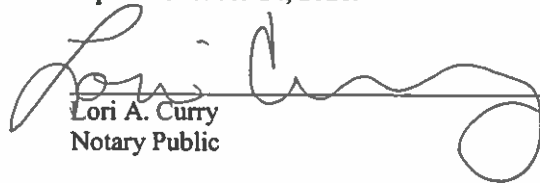
Ordinance 9, 2017 of the Board of Trustees of the Town of Palmer Lake, Colorado, amending provisions of the municipal code to increase the maximum fine for municipal ordinance violations to the amount authorized by section 13-10-113, C.R.S., as amended
Published in CS Gazette May 1, 2017

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Mary Heifner
Legal Sales Representative

Subscribed and sworn to me this May 1, 2017, at said City of Colorado Springs, El Paso County, Colorado. My commission expires October 24, 2020.



Lori A. Curry
Notary Public

The Gazette

LORI CURRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164040549
MY COMMISSION EXPIRES 10/24/2020

The Gazette

gazette.com

30 East Pikes Peak Ave., Suite 100 Colorado Springs, CO 80903

Client: 403515 Town Of Palmer Lake Phone: (719) 481-2953

Address: PO Box 208 Palmer Lake, CO 80133

Ad # 1054534 Requested By: Fax:

Sales Rep.: 0666 Private Party Pool Phone: (719) 632-5511

Fax:

Class.: 0310 Legal Notices

Start Date: 04/18/2017 End Date: 04/24/2017

Publications: Colorado Springs Gazette, gazette.com

Paid Amount: \$0.00 Balance: \$53.36

Total Price:

\$53.36

Page 1 of 1

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Published in Colo Spgs Gazette April 18, 2017

AFFIDAVIT OF PUBLICATION

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COUNTY OF EL PASO

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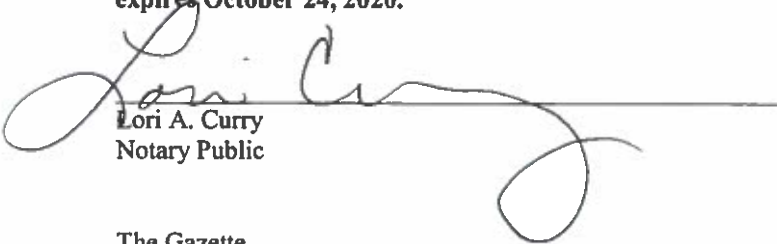
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Mary Heifner
Legal Sales Representative

Subscribed and sworn to me this April 18, 2017, at said City of Colorado Springs, El Paso County, Colorado. My commission expires October 24, 2020.



Lori A. Curry
Notary Public

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Referred to myPublicNotices.com