

**TOWN OF LYONS, COLORADO
ORDINANCE 1060**

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING § 2-6-270 OF THE
LYONS MUNICIPAL CODE RELATED TO PENALTIES FOR
NON-CIVIL TRAFFIC OFFENSES.**

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 2, Article 6, Section 270 of the Lyons Municipal Code (“LMC”) entitled “Penalties for noncivil traffic offenses.” 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 2-6-270 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 2, Article 6, Section 2-6-270 of the Lyons Municipal Code entitled “General Penalty for Violation” is hereby amended in part to read as follows:

Sec. 2-6-270. - Penalties for noncivil traffic offenses.

(a) Upon conviction of or entry of a guilty plea or a plea of nolo contendere to, a traffic offense, as defined in Section 2-6-140 of this Division, any adult (a person age eighteen [18] years or older) may be fined by an amount not to exceed two thousand six hundred and fifty dollars (\$2,650.00) or incarcerated for a period not to exceed three hundred sixty-four days, or both.

(b) Upon conviction of or entry of a guilty plea or a plea of nolo contendere to, a traffic offense, any juvenile (a person under the age of eighteen [18] years) may be fined by an amount not to exceed one thousand dollars (\$1,000.00).

(c) Noncivil traffic offenses subject to penalties as set forth in Subsections (a) and (b) above are as follows:

§1101	Speeding violations more than 25 mph over speed limit	6

§1105	Speed contest	12
§1401	Reckless driving	8
§1402	Careless driving	4
§1413	Eluding or attempting to elude police	12
§1903	Failure to stop for school bus	6
§1409	Compulsory insurance	4

* MTC = Model Traffic Code

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.



ATTEST:

By: Deb Anthony
Town Clerk, Deb Anthony

TOWN OF LYONS

By: Connie Sullivan
Mayor Connie Sullivan