

TOWN OF LYONS,
COLORADO

ORDINANCE 1034

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING §1-4-30 OF THE LYONS MUNICIPAL CODE RELATED TO APPLICATION OF PENALTIES TO JUVENILES

WHEREAS, the Town of Lyons Board of Trustees ("Board") has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of the Town of Lyons ("Town"); and

WHEREAS, state law sets the maximum penalty for municipal code violations at two thousand six hundred fifty dollars (\$2,650.00) at Section 13-10-113, C.R.S.; and

WHEREAS, the Board desires to amend the penalties applicable to juveniles in Section 1-4-30 of the Lyons Municipal Code to bring the Town's penalties in line with State law and determines that such amendments promote the health, safety and welfare of the citizens of and visitors to the Town of Lyons.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. Section 1-4-30 of the Lyons Municipal Code is hereby repealed and replaced to read in full as follows:

Sec. 1-4-30. - Application of penalties to juveniles.

Every person who, at the time of the commission of the offense, was at least ten (10) years but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as noncriminal pursuant to Section 1-4-40(a) of this Article, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Every such juvenile who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code classified as criminal pursuant to Section 1-4-40(b) of this Article, shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00). Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code

provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

Section 4. 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 1 and 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 19TH DAY OF MARCH 2018.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 2nd
DAY OF April **2018.**

TOWN OF LYONS, COLORADO

Connie Sullivan
Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony
Debra K. Anthony, Town Clerk

