

ORDINANCE #2008-002

AN ORDINANCE AMENDING THE GENERAL PENALTY PROVISIONS OF THE
CRESTONE TOWN ORDINANCES

WHEREAS, the Ordinances of the Town of Crestone generally provide for the imposition by the Municipal Court as a "not-of-record" Court, of a fine not exceeding three hundred dollars (\$300) and/or imprisonment for a period not exceeding ninety (90) days in accordance with the provisions of C.R.S. 13-10-113 (1.5) for violations of Town Ordinances; and

WHEREAS, the Board of Trustees of the Town of Crestone has by Ordinance 2008- 001 created a qualified Municipal Court of Record for the Town in accordance with the provisions of C.R.S. 13-10-102(3); and

WHEREAS, the jurisdiction of the municipal judge for a qualified municipal court of record is extended, pursuant to the provisions of C.R.S. 13-10-113(1) to impose incarceration for a period not to exceed one (1) year and/or a fine not to exceed one thousand (\$1,000); and

WHEREAS, various penalty provisions of existing Ordinances of the Town should be amended in order to reflect the increased jurisdictional limits of the municipal court.

NOW THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Crestone:

1. The general penalty provision provided for violations of municipal ordinances of the Town of Crestone is hereby established to provide for a fine not to exceed one thousand (\$1,000) or incarceration not to exceed one year or both such fine and incarceration.
2. In accordance with such enactment provided in Section 1, the penalty provisions of the following Ordinances are amended to read as follows:

- A. Ordinance #2007-003
Division 3. Unlawful Conduct Upon Public and Private Property.

Sec. 1-25 Unlawful Conduct

- c. Curfew Imposed Upon a Public Park

Any person violating the provisions of this Ordinance shall be subject to a fine not exceeding **one thousand (\$1,000) dollars** or by incarceration for a period not exceeding **one (1) year** or by both such fine and **incarceration**.

B. Ordinance #2006-013 (An Ordinance Repealing Existing Zoning Ordinances of the Town of Crestone and Enacting New Zoning Regulations for the Town).

5. Section III. Penalties. The following penalty clause is set forth in full and adopted:

b. Any person, firm, business association, or corporation violating any of the provisions of this code of the Town of Crestone, Colorado shall be deemed guilty of an ordinance violation, and, upon conviction, shall be subject to a fine of not more than **\$1,000** or by **incarceration** in jail not exceeding **one (1) year** or by both such fine and **incarceration**. Each such person shall be deemed guilty of a separate offense for each and every day and portion thereof during which any violation of or any of the provisions of this code is committed, continued, or permitted.

C. Ordinance #2006-12 (An Ordinance Amending Ordinance No. 2003-0005 (An Ordinance Identifying, Making Illegal, and Abating Certain Nuisances in the Town of Crestone, Colorado)).

f. Remedies.

(3) *Penalty for Violation.* Any person in the Town who is responsible for creating or maintaining any nuisance as provided for in this Section shall, in addition to the civil penalties and costs provided herein be subject to a fine in an amount not exceeding **one thousand (\$1,000) dollars** or **incarceration** not exceeding **one (1) year** or by both such fine and **incarceration**. Every person violating or contributing in any way to the violation of any provision of this Ordinance shall be deemed guilty of a separate offense for each day during which such violation continues and may be punished for each such violation as provided in this Section.

D. Ordinance #2006-0005 (An Ordinance Prohibiting Owning or Keeping of Vicious or Dangerous Dogs within the Town of Crestone, Colorado)

4. The following penalties and fees, herewith set forth in full, shall apply to this ordinance:

b. Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a fine not

exceeding **one (1) thousand dollars** or **incarceration** not exceeding **one (1) year**, or by both such fine and **incarceration**.

E. Ordinance #2003-005 (An Ordinance Identifying, Making Illegal, and Abating Certain Nuisances in the Town of Crestone, Colorado)

Section VII. Violation and Penalties

Any person convicted in the Municipal Court of any violation of this Ordinance shall be subject to imprisonment in the County jail for a period not to exceed **one (1) year**, or fined an amount not to exceed **one thousand (\$1,000) dollars**, or both such fine and **incarceration**. Each day upon which any violation shall continue shall constitute a separate offense. In addition to, or as an alternate to, Municipal Court prosecution, the Town may, upon five (5) days' prior written notice to the owner, abate the nuisance or cause it to be abated.

F. Ordinance #2003-3 (An Ordinance for the Regulation of Traffic by the Town of Crestone, Colorado, Adopting by Reference the 2003 Edition of the "Model Traffic Code for Colorado Municipalities"; Repealing all Ordinances in Conflict therewith; and Providing Penalties for Violation Thereof)

Section 4. Penalties. The following penalties, herewith set forth in full shall apply to this ordinance.

b. Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceeding **one thousand (\$1,000) dollars**, or **incarceration** not exceeding **one (1) year**, or by both such fine and imprisonment.

G. Ordinance #2002-5

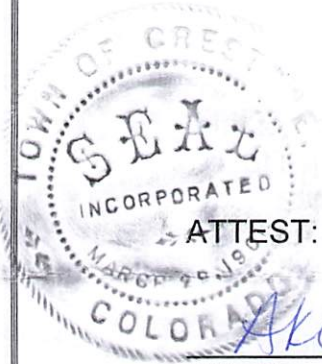
Section 1-p Penalty for violation – Generally.

A conviction for a violation of any section, or subsection of a section, of this chapter, unless otherwise provided to the contrary, shall be punished by a fine not exceeding **one thousand (\$1,000) dollars** or by **incarceration** for a period not exceeding **one (1) year** or by both such fine and **incarceration**.

HEALTH and SAFETY CLAUSE: The Board of Trustees of the Town of Crestone, specifically find that this Ordinance is necessary for the immediate preservation of the public peace, health and safety due to pending cases in

Municipal Court and the appointment of an attorney as Municipal Judge and shall become effective and shall be enforced upon, from, and after this 14th day of January, 2008.

INTRODUCED, read in full, adopted, approved and signed this 14th day of January, 2008.



ATTEST:

Akia Tanara
Akia Tanara, Town Clerk

K. Danforth
Kairina Danforth, Mayor Pro-tem

APPROVED AS TO FORM:

Eugene L. Farish
Eugene L. Farish, #2557
Crestone Town Attorney

TOWN OF CRESTONE
PUBLIC NOTICE
ORDINANCE #2008-002,
AN ORDINANCE AMEND-
ING THE GENERAL PEN-
ALTY PROVISIONS OF THE
CRESTONE TOWN ORDI-
NANCES was adopted, ap-
proved and signed on January
14, 2008. Approved: Kairina
Danforth, Mayor Pro-tem

CERTIFICATION

I **HEREBY CERTIFY** that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 14th day of January, 2008 and published in full in The Crestone Eagle, a legal newspaper in the Town of Crestone on February 1, 2008.

Akia Tanara
Akia Tanara, Town Clerk