

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1810
Series of 2013

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A BILL FOR AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE NORTHGLENN MUNICIPAL CODE TO PROVIDE FOR THE IMPOSITION OF THE MAXIMUM FINE ALLOWED BY STATE LAW

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 1-1-10 of the Northglenn Municipal Code is amended to read as follows:

Section 1-1-10. General Penalty Continuing Violations.

(a) Whenever by any ordinance of the City of Northglenn any act is prohibited or declared to be unlawful or an offense, or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense, or a misdemeanor:

(1) Where a specific criminal or civil penalty is provided therefor, or such ordinance, or the charter or article of the Municipal Code within which such ordinance provision is contained, provides a criminal or civil penalty for any violation of the provisions of such ordinance, chapter or article, any violations of such ordinance, chapter or article shall be punished as therein provided.

(2) Where no specific criminal or civil penalty is provided therefor, any person convicted of violating an ordinance may be incarcerated in the Adams County jail for a period not to exceed ONE YEAR ~~ninety (90) days~~ or fined in an amount not to exceed TWO THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650.00) PER VIOLATION ~~three hundred dollars (\$300.00)~~, or both, unless a lesser fine or lesser imprisonment may be provided by such ordinance; provided that where the person convicted is under the age of eighteen (18), at the time of the offense, then only the fine shall be applied. THE MAXIMUM FINE AMOUNT SET FORTH HEREIN SHALL BE ADJUSTED FOR INFLATION ON JANUARY 1, 2014, AND ON JANUARY 1 OF EACH YEAR THEREAFTER, AS PROVIDED BY SECTION 31-16-101, C.R.S. (2013).

(b) Each and every day on which any violation of the ordinances of the City, or the rules and regulations adopted pursuant to such ordinances, is committed, exists or continues shall be deemed a separate offense.

Section 2. Section 4-6-9 of the Northglenn Municipal Code is amended to read as follows:

Section 4-6-9. General Penalty Authorization. Unless another penalty is provided for herein, upon conviction of any action or omission declared to be unlawful by this article, a VIOLATION ~~person~~ shall be PUNISHABLE AS PROVIDED IN SECTION 1-1-10(a)(2) OF THIS CODE. ~~subject to a fine not to exceed three hundred dollars (\$300.00), or imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment~~

Section 3. The introductory paragraph of Section 8-2-3 of the Northglenn Municipal Code is amended to read as follows:

Section 8-2-3. Sentencing and Assessing Costs. Any person convicted of, or pleading guilty or no contest to, violating an ordinance may be punished by a fine IN AN AMOUNT NOT TO EXCEED THE AMOUNT PROVIDED IN SECTION 1-1-10(a)(2) OF THIS CODE ~~of not more than one thousand dollars (\$1,000.00), or by imprisonment for a period of not more than one (1) year, or by both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment for violation of any provision of this Code; and provided further that the maximum fine which may be imposed upon any person under the age of eighteen (18) years shall be four hundred ninety nine dollars (\$499.00).~~

Section 4. Section 9-1-7, subsection (b) of the Northglenn Municipal Code is amended to read as follows:

(b) Violation of this Section shall be punishable by a fine of not more than THE AMOUNT SET FORTH IN SECTION 1-1-10(a)(2) OF THIS CODE ~~nine hundred and ninety nine dollars (\$999.00).~~

Section 5. Section 11-56-19(d) of the Northglenn Municipal Code is amended to read as follows:

(d) Penalty. Any person convicted of a violation of any of the acts enumerated in Subsections (a), (b) and (c) above, or who commits any act or omission in violation of any provision of this Article, or of the conditions and requirements of the special use permit, may be punished AS PROVIDED IN SECTION 1-1-10(a)(2) OF THIS CODE ~~by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.~~ Each day of such unlawful operation constitutes a separate violation.

Section 6. Section 12-7-1 of the Northglenn Municipal Code is amended to read as follows:

Section 12-7-1. Penalty. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished AS PROVIDED IN SECTION 1-1-10(a)(2) OF THIS CODE ~~by a fine of not more than three hundred dollars or by imprisonment in the county jail or City jail for not more than ninety days, or by both such fine and imprisonment.~~ Each day that a violation of any of the

provisions of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

Section 7. Section 16-1-1, subsection (g) of the Northglenn Municipal Code is amended to read as follows:

(g) Violations of the provisions of this Section 16-1-1 of the Municipal Code shall be punished by a fine of not more than THE AMOUNT SET FORTH IN SECTION 1-1-10(a)(2) OF THIS CODE ~~three hundred dollars (\$300.00).~~

Section 8. Section 16-1-6 of the Northglenn Municipal Code is amended to read as follows:

Section 16-1-6. Violations--Penalty. Violations of Section 16-1-5 shall be punishable AS PROVIDED IN SECTION 1-1-10(a)(2) OF THIS CODE ~~by a fine of not more than three hundred (\$300.00) dollars or by imprisonment in the City jail or county jail for not more than ninety (90) days, or by both such fine and imprisonment.~~

Section 9. Section 16-3-3, subsection (a) of the Northglenn Municipal Code is amended to read as follows:

(a) Every person who is convicted of violating this ordinance a second or subsequent time within five (5) years shall be punished by imprisonment in the City jail or the county jail for not less than ten (10) days nor more than one (1) year, and, in the discretion of the court, by a fine not to exceed THE AMOUNT SET FORTH IN SECTION 1-1-10(a)(2) OF THIS CODE ~~one thousand dollars (\$1,000.00), or by both such imprisonment and fine; provided, however, that no person under the age of eighteen (18) years shall be subject to imprisonment for such violation; and provided further that the maximum fine which may be imposed upon any person under the age of eighteen (18) years shall be four hundred ninety nine dollars (\$499.00).~~

Section 10. Section 16-15-27, subsection (d)(4) of the Northglenn Municipal Code is amended to read as follows:

(4) Criminal Prosecution. An industrial user who willfully or negligently violates any provision of this Article or willfully or negligently introduces any substance into the POTW which causes personal injury or property damage or knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained by an industrial discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, shall upon conviction, be guilty of a misdemeanor, punishable AS PROVIDED IN SECTION 1-1-10(a)(2) OF THIS CODE ~~by a fine not to exceed one thousand dollars (\$1,000) per day per violation and be subject to imprisonment for not more than ninety (90) days, or both.~~ In addition, these penalties may be sought for any person who maliciously, willfully, or negligently breaks, destroys, uncovers, defaces, tampers with, or otherwise destroys, or who prevents access to, any structure, appurtenance or equipment, or any part to the POTW.

ATTEST:

_____/s/_____
JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

_____/s/_____
COREY Y. HOFFMANN
City Attorney