

## ORDINANCE 2022-12

### AN ORDINANCE AMENDING SECTION 1.28.020 (A) OF THE FRUITA MUNICIPAL CODE CONCERNING PENALTIES FOR VIOLATIONS OF THE FRUITA MUNICIPAL CODE

**WHEREAS**, Colorado State Legislature HB19-1148 amended Section 13-10-113 (1) (a) of the Colorado Revised Statutes (C.R.S.) and reduced the maximum imprisonment time for violations of municipal ordinances to 364 days, and

**WHEREAS**, HB19-1148 also amended the maximum fine amount allowed for municipal code violations to \$2,650; and

**WHEREAS**, it is the intent of this ordinance to amend the General Penalty section of the Fruita Municipal Code to reduce the maximum imprisonment time and increase the maximum fine amount for violations of municipal ordinances as allowed pursuant to Section 13-10-113 (1) (a) C.R.S.; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:**

**Section 1.** Section 1.25.020 (A) of the Fruita Municipal Code is hereby amended to read as follows: For purposes of this amendment **additional language is indicated in blue boldface type** and ~~deletions are indicated in red with strikethrough.~~

#### **1.28.020 PENALTIES FOR MUNICIPAL VIOLATIONS DESIGNATED.**

- A. Unless otherwise specifically provided, any person violating any of the provisions of this Code by performing an act prohibited or declared to be unlawful by this Code or failing to comply with or perform an act required by the mandatory requirements of this Code, or valid orders issued pursuant thereto, shall be deemed guilty of a municipal offense. All such offenses are divided into three (3) categories of municipal offenses. The three (3) classifications, and maximum penalties, for each classification are as follows:

CLASS	MAXIMUM FINE	MAXIMUM IMPRISONMENT
A	<del>\$1,000.00</del> -\$2,650	<del>1 Year</del> 364 Days
B	<del>\$1,000.00</del> -\$2,650	6 Months
Non-criminal	<del>\$1,000.00</del> -\$2,650	None

If any offense carries a specific penalty, then that penalty shall apply. Any offense not otherwise classified which does not carry a specific penalty is hereby denominated as a Class B municipal offense.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022**

ATTEST:

CITY OF FRUITA

\_\_\_\_\_  
Margaret Sell, City Clerk

\_\_\_\_\_  
Joel Kincaid, Mayor