

ORDINANCE NO. 1154

AN ORDINANCE OF THE CITY OF FORT MORGAN, COLORADO, INCREASING THE MAXIMUM FINE IMPOSED FOR VIOLATIONS OF THE MUNICIPAL CODE

WHEREAS, the Colorado State Legislature amended the Colorado Revised Statutes, § 13-10-113, in 2013 to increase the maximum allowable fine for municipal violations to two thousand six hundred fifty dollars (\$2,650); and

WHEREAS, the amendment to the Colorado Revised Statutes provides that the maximum fine amount shall be adjusted each year for inflation; and

WHEREAS, the City of Fort Morgan maintains a Court of Record and prosecutes municipal ordinance violations subject to the applicable limitations contained in the Colorado State Statutes; and

WHEREAS, other portions of the Fort Morgan Municipal Code related to fees and fines imposed as a result of criminal conduct need updating; and

WHEREAS, the Fort Morgan City Council finds and determines that this Ordinance is necessary for the preservation of the public peace, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FORT MORGAN,

Section 1: The Fort Morgan Municipal Code is hereby amended as reflected in each of the following sections:

Sec. 1-4-10. General penalty; continuing violations.

(a) Whenever in this Code or any other ordinance of the City hereafter enacted, or in any section, rules or regulation promulgated under the provisions of this Code, any act is prohibited or is made or declared to be unlawful or an offense or 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 misdemeanor, where no specific penalty is provided therefor, any person who is convicted of the violation of any such provision of this Code or other ordinance of the City hereafter enacted or of such rules or regulations shall be punished in accordance with the provisions of Subsection (b) below.

(b) ~~Except as UNLESS otherwise PROVIDED BY THIS CODE, noted below (*) or (**), the penalty provisions of the following sections concerning fines and penalties are hereby amended to provide that any person convicted of violating such section THIS CODE may be PUNISHED BY A FINE AS PROVIDED IN C.R.S. § 13-10-113 AS AMENDED. incarcerated for a period not to exceed one (1) year (if incarceration is currently provided as a penalty) or fined an amount not to exceed one thousand dollars (\$1,000.00), or both:~~

<i>Code Section</i>	<i>Short Title</i>
1-4-10	General Penalty
2-2-40	Prohibited Gifts to City Officials
2-4-160	Municipal Court Juror
2-4-240	Failure of Witness to Appear
2-4-270	Municipal Court— Fines, Methods of Payment

4-3-60	Use Tax
4-3-110	Use Tax
4-4-50	Occupational Tax
5-3-40	False Alarms
6-1-60	Abatement of Nuisance
7-2-20	Dogs Running at Large
8-1-30*	Model Traffic Code
8-1-40*	Model Traffic Code
10-1-20	Sentencing
10-3-20	Graffiti
10-4-40	Tobacco Products Use by Minor
10-4-60	Alcohol Possession by Minor
11-1-10	Sidewalk and Street Obstructions
11-2-90	Default in Assessment Payment
15-1-50	Garbage
15-1-90	Abatement of Nuisances
16-1-20	Public Utilities
17-7-90***	Sewer and Wastewater
18-2-120	Water Restrictions
18-3-70	Water Rates and Charges
21-1-90	Building Code Violation
21-4-20	Electrical Code
21-4-290	Electrical Inspector
21-5-20	Mechanical Code
21-6-30	Stop Work Orders
21-6-100	Plumbing Code
21-7-90	Fire Code
21-8-30	Fuel Gas Code
21-11-20	Energy Conservation Code

(c) IF A SECTION OF THIS CODE PROVIDES FOR IMPRISONMENT AS A POSSIBLE PENALTY, THE INCARCERATION SHALL BE FOR A PERIOD NOT TO EXCEED ONE (1) YEAR FOR EACH VIOLATION.

(e) (d) Every day any violation of this Code or any other ordinance of the City hereafter enacted or any rule or regulation promulgated under the provisions of this Code shall ~~continue~~ shall constitute a separate offense.

Sec. 1-4-30. Working City prisoners. RESERVED.

Sec. 4-4-50. Penalty clause.

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this Article shall fail, neglect or refuse to make or file the annual statement of accounts provided in Section 4-4-30 above, the officer, agent, manager or person shall, on conviction thereof, be punished by a fine ~~not less~~

~~than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00);~~ provided that each day after said statement shall become delinquent during which the officer, agent, manager or person shall so fail, neglect or refuse to make and file such statement shall be considered a separate and distinct offense.

Sec. 5-2-150. Standards of conduct.

(10) Tip boxes: An adult business that provides tip boxes shall conspicuously display in the common area of the premises one (1) or more signs in letters at least one (1) inch high to read as follows:

"ADULT ENTERTAINMENT IS REGULATED BY THE CITY OF FORT MORGAN.
Any tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is prohibited by law. Violators face A FINE
~~maximum penalties of \$1,000~~ and/or one year in jail."

Sec. 6-1-60. Violations.

(b) A separate offense shall be deemed committed on each day during or on which a violation of this Chapter continues unabated ten (10) days after the mailing of a notice pursuant to this Chapter. Any person violating this provision shall be fined ~~not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00).~~

Sec. 7-1-40. Sentencing.

Unless otherwise indicated, all violations under this Chapter shall be punishable by a fine of ~~not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00).~~

Sec. 8-1-40. Penalties.

"(4)(a) At the time any person is arrested for commission of any traffic offenses set forth in this code, the arresting officer may, except when the provisions of paragraph (c) of this subsection (4) prohibit it, offer to give a penalty assessment notice to the Defendant. At any time that a person is charged with a commission of any traffic infraction, the officer shall, except when the provisions of paragraph (c) of this subsection (4) prohibit it, give a penalty assessment notice to the Defendant. Such penalty assessment notice shall contain all the information required by section 1707(3) or section 1709, whichever is applicable. The fine or penalty specified in the Common Code for the violation charged may be paid ~~at the office of the Clerk of the Municipal Court, either in person or by postmarking such payment within ten (10) TWENTY (20) days from the date the penalty assessment notice is served upon the Defendant. The Clerk may accept late payment of any penalty assessment up to THE DATE OF ARRAIGNMENT BY THE COURT. twenty (20) days after such payment becomes due. In the case of an offense other than a traffic infraction, a Defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the arresting officer has reasonable and probable grounds to believe will disregard the summons portion of any such notice may be issued a penalty assessment notice if the Defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty thereon to the Clerk.~~ The officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127, C.R.S. Acceptance of a penalty assessment notice and payment of the prescribed fine

or penalty thereon to the Clerk shall be deemed a complete satisfaction for the violation, and the Defendant shall be given a receipt which so states when such fine or penalty thereon is paid in currency or other form of legal tender within the time limits prescribed herein. A check tendered by the Defendant to and accepted by the Clerk and on which payment is received by the City shall be deemed sufficient receipt. If the person who receives the penalty assessment notice pays the fine and any surcharge for the violation on or before ~~the date the payment is due~~ THE TWENTIETH (20th) DAY AFTER RECEIPT OF THE PENALTY ASSESSMENT AS DESCRIBED ABOVE, the points assessed for the violation shall be reduced as follows:

"(I) For a violation having an assessment of three (3) or more points, the points shall be reduced by two (2) points;

"(II) For a violation having an assessment of two (2) points, the points shall be reduced by one (1) point.

"Any person who pays the fine specified and who thereby is eligible for an automatic point reduction shall be assessed a ~~ten-dollar~~ AN administrative surcharge, in addition to the fine imposed.

Sec. 10-1-20. Sentencing.

~~(a) Unless otherwise indicated, all violations under this Chapter shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00).~~ IN ACCORDANCE WITH SECTION 1-4-10 OF THIS CODE.

~~(b) Unless otherwise indicated when a violation under this Chapter is punishable by imprisonment in jail, the term of imprisonment shall not exceed one (1) year.~~

Sec. 10-3-10. Defacing property.

(a) Any person who defaces or causes, aids in or permits the defacing of public or private property without the consent of the owner by any method of defacement, including but not limited to painting, drawing, writing or otherwise marring the surface of the property, by use of paint, spray paint, ink or any other substance or object, commits a misdemeanor.

(b) Any person convicted of defacing property pursuant to this Section shall be ordered by the Court to personally make repairs to any property damaged, or properties similarly damaged, if possible, or to make restitution for the same. IF PUBLIC PROPERTY IS DAMAGED THE PERSON CONVICTED SHALL PAY AN ABATEMENT SURCHARGE IN ADDITION TO ANY OTHER FINE, COST OR SURCHARGE. FUNDS ACCUMULATED UNDER THE GRAFFITI ABATEMENT SURCHARGE SHALL BE USED BY THE CITY TO REMOVE GRAFFITI FROM PUBLIC AND PRIVATE PROPERTY AS AUTHORIZED BY THE CITY MANAGER OR HIS OR HER DESIGNEE.

(c) A person convicted of defacing property shall be punished by a fine.

Sec. 10-3-20. Eradication of graffiti.

(d) Signage of graffiti implements.

(1) Signage required. Every person who operates a retail commercial establishment selling graffiti implements shall place a sign in clear public view at or near the display of such products stating:

"Graffiti is against the law. Any person who defaces real or personal property, with paint or any other liquid or device, is guilty of a crime punishable by ~~imprisonment of up to thirty (30) days and/or a fine up to one thousand dollars (\$1000.00)~~ for each offense."

(e) Penalties.

(1) Fines and imprisonment. Any person violating this Section shall be punished by a fine, ~~by imprisonment for a term not to exceed thirty (30) days, or by both fine and imprisonment at the discretion of the Municipal Court.~~

(4) Any person who pleads or is otherwise found guilty of violating the provisions of this Section ~~or is in violation of Section 10-3-10 of this Article~~ shall pay a ~~fifty-dollar graffiti-AN~~ abatement surcharge in addition to any other fine, cost or surcharge. Funds accumulated under the graffiti abatement surcharge shall be used by the City to remove graffiti from public and private property as authorized by the City Manager or his or her designee.

Sec. 10-4-40. Illegal possession or use of tobacco products by a minor.

(d) Penalties.

(1) Illegal possession or use of a tobacco product by a minor in the City is a petty offense. The Court, upon sentencing a defendant pursuant to this Paragraph may, in addition to any fine or penalty imposed pursuant to this Subsection, order that the defendant perform ~~up to twenty-four (24) hours~~ of useful public service or community service, ~~subject to the conditions and restrictions of Section 18-1-3-507, C.R.S.,~~ and may further order that the defendant complete a Tobacco Education Program at the defendant's own expense. ~~If useful public service or community service is ordered, the defendant shall be granted credit against the fine and court costs imposed at the rate of five dollars (\$5.00) for each hour of such service performed.~~

~~(2) Any person convicted for the first time of violating this Section shall be punished by a fine of not less than thirty-five dollars (\$35.00) and not more than one hundred dollars (\$100.00).~~

~~(3) Any person convicted more than once of violating this Section shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00). In the discretion of the Court, upon a second or subsequent violation of this Section by a minor, the parent or guardians of the minor may also be fined in an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).~~

~~(4) Whenever the Court requires that a person complete any amount of useful public service or community service pursuant to Paragraph (1) of this Subsection, the Court shall also impose upon that person, in addition to any other fine, cost or penalty, a public service fee in an amount approved by the Court.~~

Sec. 10-6-460. Penalty.

A violation of the provisions of this Article shall be punishable as follows:

(1) By a fine ~~IN ACCORDANCE WITH SECTION 1-4-10 OF THIS CODE. of not less than two hundred fifty dollars (\$250.00) but not more than one thousand dollars (\$1,000.00)~~

Sec. 15-1-50. Use of containers by nonresident persons.

(d) Any person violating the provisions of Subsection (c) above shall be punished by A FINE ~~the assessment of a penalty of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00)~~. In any case in which a violation of Subsection (c) above is alleged, all questions of fact and law and the penalty to be assessed in accordance herewith shall be heard and decided by the Municipal Judge and there shall be no trial by jury.

Sec. 16-1-20. Penalties.

(b) Any person violating the provisions of this Section shall, upon conviction, be punished by a fine of ~~not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00)~~. Each day that such violation occurs, exists or continues shall be deemed a separate offense which is separately punishable hereunder.

Sec. 18-2-380. Restrictions on outside use of water.

(b) Any person who violates the restrictions imposed by this Section shall be punished by a fine of ~~not less than fifty dollars (\$50.00), but not more than one thousand dollars (\$1,000.00)~~, for each offense. Fines shall be progressive for repeat offenders with a prior conviction or convictions after September 1, 2002.

Sec. 18-4-20. Violations and penalties.

(a) Any person violating any provision of the Water Systems Cross-Connection and Backflow Control Code of Fort Morgan, Colorado, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine ~~not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days or both fine and imprisonment~~. Each separate day or any portion thereof during which any violation of said code occurs or continues shall be deemed to constitute a separate offense ~~and, upon conviction thereof, shall be punishable as herein provided~~. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of said code. No permit presuming to give authority to violate or cancel the provisions of said code shall be valid, except insofar as the work or use which it authorized is lawful.

Sec. 20-2-50. Enforcement, violations and penalties.

(a) Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Chapter shall be fined ~~not exceeding one thousand dollars (\$1,000.00)~~ for each offense. Each day of the existence of any violation shall be deemed a separate offense.

Sec. 21-1-90. Penalties.

(b) Any person, firm or corporation who shall violate any of the provisions of the Building Code, as adopted and amended herein, or any other construction code of the City; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable 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.~~ The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

Sec. 21-4-20. Penalties.

(b) Upon notice from the Building Official that work on any electrical system is being done contrary to the provisions of the Electrical Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine ~~of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).~~

(c) Any person, firm or corporation who shall violate any of the provisions of the National Electrical Code; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall make an electrical installation in violation thereof; who shall fail to comply with such an order within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, ~~punishable 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.~~ The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day

Sec. 21-5-20. Penalties.

(b) Any person, firm or corporation who shall violate any of the provisions of the Mechanical Code; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein, and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, ~~punishable 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.~~ The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

Sec. 21-6-30. Stop work orders.

Upon notice from the Building Official that work on any plumbing system is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable ~~to~~ FOR a fine IN ACCORDANCE WITH SECTION 1-4-10 OF THIS CODE. ~~of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).~~

Sec. 21-6-100. Penalties.

(b) Any person, firm or corporation who shall violate any of the provisions of the Plumbing Code; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction, within the required time, or any of the provisions of this Chapter, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, ~~punishable 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.~~ The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each separate day or portion thereof, during which any violation of the Plumbing Code occurs or continues or that a prohibited condition is maintained shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the Plumbing Code. No permit presuming to give authority to violate or cancel any of the provisions of the Plumbing Code shall be valid, except insofar as the work or use which is authorized is lawful.

Sec. 21-7-60. Amendments to Fire Code.

(h) Section 111.4, Failure to comply, of the Fire Code, is revised to read and provide as follows:

"111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be liable ~~to~~ FOR a fine of not less than \$100 or more than \$1,000.00 dollars."

Sec. 21-7-90. Penalties.

(b) Any person, firm or corporation who shall violate any of the provisions of the Fire Code; who shall fail to comply therewith; who shall violate or fail to comply with any order thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein, and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable 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.~~ The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

Sec. 21-8-30. Penalties.

(a) Any person violating any provision of the International Fuel Gas Code shall be deemed guilty of a misdemeanor, punishable by a fine ~~not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or both fine and imprisonment.~~ Each separate day or any portion thereof during which any violation of said code occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is lawful.

(c) Upon notice from the Building Official or the Gas Department Superintendent that work is being done contrary to the provisions of this Chapter or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official or the Gas Department Superintendent shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine IN ACCORDANCE WITH SECTION 1-4-10 OF THIS CODE ~~of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).~~

Sec. 21-11-20. Penalties.

(b) Any person violating any of the provisions of the Energy Conservation Code, or of this Article, shall be DEEMED GUILTY OF A MISDEMEANOR punishable by a fine ~~not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding one (1) year, or by both fine and imprisonment.~~ Each and every day or

portion thereof during which any such violation is committed, continued or permitted shall be considered a separate offense.

Sec. 21-12-70. Violation; penalty.

In addition to the administrative remedy for suspension or revocation provided in the preceding Sections, any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punished by a fine ~~not to exceed three hundred dollars (\$300.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment;~~ and provided further, each day or portion thereof during which any violation continues shall constitute a separate offense.

Sec. 21-14-140. Penalties.

(b) Any person, firm or corporation who shall violate any of the provisions of this Article; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine ~~pursuant to Section 1-3-20 of this Code.~~ The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

Section 2. Section 2-4-250 of the Fort Morgan Municipal Code is repealed and replaced as follows:

Sec. 2-4-250. Fees and costs upon conviction; surcharges.

(a) Any and all fees and costs payable or chargeable under the provisions of this Chapter, including jury fees, witness fees and fees for the service of summons, writs and other process mentioned in this Chapter, shall be imposed against the defendant found guilty in any action before or in the Municipal Court.

(b) In any action in which the Municipal Court determines that a natural person was the victim of the crime charged, the Municipal Court shall also impose a victim surcharge against the defendant found guilty in such action.

Section 3. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 4. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that 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 hereby repealed prior to the effective date of this Ordinance.

Section 5. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 6. Certification. The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 7. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

Section 8. Effective date. The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This ordinance shall be effective five (5) days after final publication.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 5th day of August, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister

By: Terry McAlister
Mayor

Attest:

/s/ John Brennan

John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 19th day of August, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister

By: Terry McAlister
Mayor

Attest:

/s/ John Brennan

John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1154** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 5th day of August, 2014. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 9th day of August, 2014, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 19th day of August, 2014. Within five (5) days after its final passage, said **Ordinance No. 1154** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John Brennan
John Brennan
City Clerk