

ORDINANCE NO. 1174

AN ORDINANCE AMENDING SECTION 10 OF CHAPTER 1 ARTICLE 4 OF THE FORT MORGAN MUNICIPAL CODE.

WHEREAS, the Colorado Constitution Article XX Section 6 provides the City authority for “the creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof”; and

WHEREAS, the Fort Morgan Charter Article XI Section 2 creates “a municipal court vested with original jurisdiction over matters arising under the Charter and ordinances of the City”; and,

WHEREAS, Colorado Revised Statutes § 19-1-106 requires, except as otherwise provided by law, “any county or municipal ordinance except traffic ordinances, the penalty for which may be a jail sentence of more than ten days” to be tried in Juvenile Court; and,

WHEREAS, the Fort Morgan Code does not currently differentiate between penalties for adult and penalties for minors; and,

WHEREAS, the Fort Morgan Municipal Court has not imposed jail sentences for minor offenders, nor does the Court have access to appropriate facilities for juveniles to be imprisoned; and,

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

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

Section 1: The Fort Morgan Municipal Code Chapter 1 Article 4 Section 10 is hereby amended to include an additional subsection as follows:

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

(e) Notwithstanding anything within this code to the contrary, minors 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 not be punishable by imprisonment or incarceration for such violation.

Section 2. 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 3. 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 All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance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 4. 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 5. 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 6. 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 7. 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 change shall be effective five (5) days after final publication of this ordinance.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 5th day of May, 2015.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]



By: Terry McAlister
Mayor

Attest:



John Brennan
City Clerk

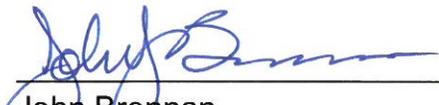
PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 19th day of May, 2015.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]


By: Terry McAlister
Mayor

Attest:


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. 1174** 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 May, 2015. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 8th day of May, 2015, 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 May, 2015. Within five (5) days after its final passage, said **Ordinance No. 1174** 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.


John Brennan
City Clerk