

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 9
SERIES OF 2022**

**AN ORDINANCE AMENDING CHAPTER 1.20 OF THE LEADVILLE MUNICIPAL
CODE CONCERNING MAXIMUM PENALTIES FOR MUNICIPAL CODE
VIOLATIONS, IMPRISONMENT FOR NONPAYMENT OF FINES, AND PAYMENT
OF MUNICIPAL COURT FINES WITH INSUFFICIENT FUNDS CHECKS**

WHEREAS, the City of Leadville (“City”) previously adopted general penalty provisions, codified in Chapter 1.20 of the Leadville Municipal Code (“Code”), including provisions concerning maximum jail sentences, imprisonment for nonpayment of fines, and payment of court fines with insufficient funds checks at Sections 1.20.010, 1.20.030, and 1.20.040, respectively; and

WHEREAS, the City desires to update Sections 1.20.010, 1.20.030, and 1.20.040 to ensure consistency with current state laws; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interests of the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Section 1.20.010 Amended. Section 1.20.010 of the Leadville Municipal Code, titled “Designated,” is hereby amended as follows with ~~striketrough text~~ showing deletions and **bold, underlined text** showing additions:

1.20.010 - Designated.

- A. No person shall violate any provisions of the ordinances of the city or of this code. Except in cases where a different punishment is prescribed by any ordinance of the city or this code, any person who violates any of the provisions of the ordinances of the city or of this code shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00), or by incarceration not to exceed ~~one year~~ **three hundred sixty-four (364) days**, or by both such fine and incarceration; provided, however, that no person under the age of eighteen (18) years shall be punished by incarceration.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city or of this code is committed, continued or permitted by any such persons, and he or she shall be punished accordingly.

Section 3. Section 1.20.030 Amended. Section 1.20.030 of the Leadville Municipal Code, titled “Imprisonment for nonpayment of fine—Exception,” is hereby amended as follows with ~~strikethrough text~~ showing deletions and **bold, underlined text** showing additions:

1.20.030 - Imprisonment for nonpayment of fine—Exception.

Failure or refusal to pay a fine or penalty imposed by the municipal court of the city shall result in confinement until such time as such fine or penalty is paid. ~~However, no person shall be imprisoned for failure to pay a fine imposed by the municipal court unless and until such court finds and determines that the defendant had the ability to pay the fine at the time that such payment or payments should have been made.~~**Notwithstanding the foregoing, the municipal court shall not issue an arrest warrant or incarcerate a defendant related to the defendant’s failure to pay a monetary amount unless and until the court has followed the procedural protections and made the required findings as set forth in section 18-1.3-702 of the Colorado Revised Statutes.**

Section 4. Section 1.20.040 Amended. Section 1.20.040 of the Leadville Municipal Code, titled “Insufficient fund check—Tendered as payment of fine,” is hereby amended as follows with ~~strikethrough text~~ showing deletions and **bold, underlined text** showing additions:

1.20.040 - Insufficient fund check—Tendered as payment of fine.

A twenty dollar (\$20.00) fee shall be assessed against any person who issues a check returned for insufficient funds in any payment of any municipal court fees and such fee shall be in addition to any other penalty or interest provided by law. ~~It is unlawful for any person to tender to the court an insufficient fund check or draft in payment of a fine or costs and an attempt to pay any fine or costs imposed by the municipal court with an insufficient fund check or draft shall result in the immediate issuance of a bench warrant for the arrest of the person signing such check or draft.~~

Section 5. Severability. Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and 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 or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 6th day of September, 2022.

CITY OF LEADVILLE, COLORADO:

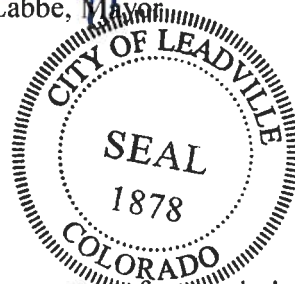


Greg Labbe, Mayor

ATTEST:




Deputy City Clerk



PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the 15th day of September, 2022.


PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 4th day of October, 2022.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:



Deputy City Clerk



PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 13th day of October, 2022.