

ORDINANCE NO. 2022-02

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO AMENDING CHAPTER 1.08 – GENERAL PENALTY – OF THE MOUNTAIN VILLAGE
MUNICIPAL CODE TO COMPLY WITH HB19-1148**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (the “Charter”); and

WHEREAS, Chapter 1.08 of the Mountain Village Municipal Code (“Municipal Code”), outlines the general penalties for violations of ordinances of the Town; and

WHEREAS, HB19-1148 changed the maximum sentence for a municipal ordinance violation from one (1) year to three hundred sixty-four (364) days; and

WHEREAS, C.R.S. § 13-10-113(1)(a) now provides for a maximum fine of \$2,650.00 for a municipal ordinance violation; and

WHEREAS, in accordance with Section 5.2(d) of the Charter, Town Council held a public hearing on the proposed amendment on March 17, 2022; and

WHEREAS, the Town Council has determined that the adoption of this Ordinance is necessary to comply with HB19-1148 and desires to increase the maximum fine for a municipal ordinance violation to the statutory maximum.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment to the Municipal Code. Section 1.08.010 of the Municipal Code is hereby amended to read as set forth in Exhibit A, attached hereto.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Effective Date. This Ordinance shall become effective on April 16, 2022, and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 6. Public Hearing. A public hearing on this Ordinance was held on the 17th day of March 2022 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.8 of the Charter.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 20th day of January 2022

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE, COLORADO,
A HOME-RULE MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 17th day of March 2022

TOWN OF MOUNTAIN VILLAGE:

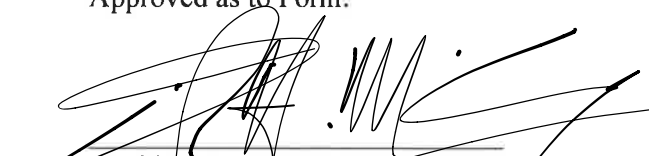
**TOWN OF MOUNTAIN VILLAGE, COLORADO,
A HOME-RULE MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

Approved as to Form:


David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2022-02 ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on January 20, 2022, by the affirmative vote of a quorum of the Town Council as follows:

| Council Member Name | "Yes" | "No" | Absent | Abstain |
|--------------------------|-------|------|--------|---------|
| Laila Benitez, Mayor | X | | | |
| Dan Caton, Mayor Pro-Tem | X | | | |
| Marti Prohaska | X | | | |
| Harvey Mogenson | X | | | |
| Patrick Berry | X | | | |
| Peter Duprey | X | | | |
| Jack Gilbride | X | | | |

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on February 4, 2022, in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 17, 2022. At the public hearing, the Ordinance was considered, read by title, and approved with amendments by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

| Council Member Name | "Yes" | "No" | Absent | Abstain |
|--------------------------|-------|------|--------|---------|
| Laila Benitez, Mayor | X | | | |
| Dan Caton, Mayor Pro-Tem | X | | | |
| Marti Prohaska | X | | | |
| Harvey Mogenson | X | | | |
| Patrick Berry | X | | | |
| Peter Duprey | X | | | |
| Jack Gilbride | | | X | |

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 17th day of March 2022.

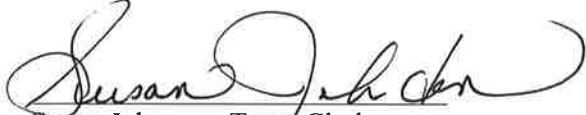

 Susan Johnston, Town Clerk
 (SEAL)



Exhibit A

1.08.010 Designated Penalty.

With the exception of traffic offenses or Sections of this Code where a specific penalty is stated, whenever in any section of this Code or any section of a rule or regulation promulgated hereunder the doing of any act is required, prohibited or declared to be unlawful, any person who shall be convicted of, or plead guilty or no contest to, a violation of any such section shall, for each offense, be fined in a sum not more than ~~One~~ **Two** Thousand **Six Hundred Fifty** Dollars (~~\$1,000~~ **2,650.00**) or ~~imprisoned~~ **by imprisonment** not to exceed ~~one (1) year~~ **three hundred sixty-four (364) days**, or both such fine and imprisonment. Each day an offense continues shall constitute a separate offense.