

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE BRIGHTON MUNICIPAL CODE SECTION 1-24-10 TO CHANGE THE MAXIMUM JAIL SENTENCE FOR VIOLATIONS OF THE ORDINANCES OF THE CITY FROM ONE YEAR TO THREE HUNDRED SIXTY-FOUR DAYS; AND SETTING FORTH DETAILS IN RELATION THERETO.

ORDINANCE NO. _____

INTRODUCED BY: Wallin

WHEREAS, in 2017 the Colorado General Assembly amended C.R.S. §13-10-113 to provide that any person convicted of violating a municipal ordinance may be incarcerated for a period not to exceed three hundred sixty-four days; and

WHEREAS, Section 1-24-10(A) Designated of Article 1-24. General Penalty of the Brighton Municipal Code specifies that any person convicted of violating a municipal ordinance may be incarcerated for a period not to exceed one year; and

WHEREAS, the City Council finds that the amending Section 1-24-10(A) relative to the maximum jail sentence imposed by the Brighton Municipal Court to comply with C.R.S. §13-10-113 is in the interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 1-24-10(A). Designated of the BMC, Article 1-24. General Penalty is hereby repealed and reenacted to read as follows:

Sec. 1-24-10. Designated.

(A) Any person convicted of violating any ordinance section or Code section may be incarcerated for a period not to exceed three hundred sixty-four days or fined an amount not to exceed two thousand six hundred fifty dollars (\$2,650), or both (notwithstanding any lower maximums or limitations upon sentences that may be contained in any existing ordinance or Code section of the City and any such previous limitations are hereby rescinded and nullified), including convictions for violation of traffic offenses under the Model Traffic Code adopted by ordinance; except, in nontraffic cases any person who has not become eighteen (18) years of age as of the date of the violation shall not be subject to incarceration unless such incarceration is for failure to comply with a lawful order of the Court or for contempt of Court. The Court may also order convicted defendants to pay restitution to any victim or to the City for any amount of damages or expenses related to the violation.

Section 2. **Purpose.** The purpose of this Ordinance is to provide for the health, safety and welfare of the people.

Section 3. Repeal. Existing 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 taking effect of this Ordinance

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 1st DAY OF August, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

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PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 15TH DAY OF August, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

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