

**ORDINANCE #448**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD REGARDING AMENDING SECTION 1-5 OF THE MUNICIPAL CODE

**WHEREAS**, C.R.S. 13-10-113 language regarding fines and penalties was updated in 2014 and remains current through 2020; and

**WHEREAS**, the last Town of Bayfield Ordinance updating the Municipal Code penalties was adopted in 1995; and

**WHEREAS**, the amendment is an entire replacement of Section 1-5.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO, THE TOWN CODE SHALL BE AMENDED AS FOLLOWS:**

**Section 1-5: Fines and penalties**

- (a) Except as provided in subsection (b) of this section, any person convicted of violating a municipal ordinance in a municipal court of record 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, or both.
- (b) In sentencing or fining a violator, the municipal judge shall not exceed the sentence or fine limitations established by ordinance. Any other provision of the law to the contrary notwithstanding, the municipal judge may suspend the sentence or fine of any violator and place him on probation for a period not to exceed one year.
- (c) The municipal judge is empowered in his discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation.
- (d) Notwithstanding any provision of law to the contrary, a municipal court has the authority to order a child under eighteen years of age confined in a juvenile detention facility operated or contracted by the department of human services or a temporary holding facility operated by or under contract with a municipal government for failure to comply with a lawful order of the court, including an order to pay a fine. Any confinement of a child for contempt of municipal court shall not exceed forty-eight hours.
- (e) If the person convicted of a violation of any section of this Code is under the age of eighteen (18) years, the penalties authorized by this section shall be limited to a fine not to exceed the sum of \$2,650, costs, performance of useful public service, and/or participation in a rehabilitative program such as victim/offender mediation.
- (f) If, as a condition of or in connection with any sentence imposed pursuant to this section, a municipal court judge requires a juvenile who is younger than eighteen years of age to attend school, the municipal court shall notify the school district in which the juvenile is enrolled of such requirement.

Passed and adopted this 1<sup>st</sup> day of December, 2020.

Attest:

  
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Kathleen S. Cathcart, Town Clerk

Mayor:

  
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Ashleigh Tarkington