

**TOWN OF BUENA VISTA, COLORADO**

**ORDINANCE NO. 7**

**(SERIES OF 2019)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,  
AMENDING THE BUENA VISTA MUNICIPAL CODE CONCERNING  
THE MAXIMUM SENTENCE FOR IMPRISONMENT FOR  
VIOLATIONS OF THE MUNICIPAL CODE**

**WHEREAS**, the Colorado legislature recently enacted House Bill 19-1148 ("HB 1148"), effective August 2, 2019;

**WHEREAS**, HB 1148 reduces the maximum days of imprisonment that a municipal court may impose upon violators from one (1) year to three hundred sixty-four (364) days; and

**WHEREAS**, pursuant to this legislation, the Board of Trustees finds that amendment of the Buena Vista Municipal Code is necessary for the Town to comply with state law and for the protection of the public health, safety and welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:**

**Section 1.** Section 1-72(a) of the Buena Vista Municipal Code is hereby amended to read as follows:

**Sec. 1-72. – General penalty for violation.**

- (a) No person shall violate any of the provisions of the ordinances of the Town or of this Code. Except in cases where a different punishment or penalty is prescribed by specific ordinance, any person who violates any of the provisions of the ordinances of the Town or of this Code shall be punished by payment of a fine of not more than two thousand six hundred fifty dollars (\$2,650.00), or by imprisonment not to exceed three hundred sixty-four (364) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-73; and provided further that no indigent person shall be punished by imprisonment unless he or she has been given the opportunity to be represented by counsel. In addition, such person shall pay all court costs and surcharges imposed by the court or other law.

**Section 2.** Section 4-76(b) of the Buena Vista Municipal Code is hereby amended to read as follows:

**Sec. 4-76. – Violations and penalty.**

- (b) Violations of this Article shall be punished by a fine up to one thousand dollars (\$1,000.00) or by a term of imprisonment up to three hundred sixty-four (364) days, or by both such fine and imprisonment.

**Section 3.** Section 6-37 of the Buena Vista Municipal Code is hereby amended to read as follows:

**Sec. 6-37. – Penalty.**

Failure to comply with the terms of this Article shall constitute a violation of this Code. Any person found guilty of or who pleads guilty or nolo contendere to a violation of any section of this Article shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed three hundred sixty-four (364) days, or both such fine and imprisonment.

**Section 4.** Section 8-4(c)(1) of the Buena Vista Municipal Code is hereby amended to read as follows:

**Sec. 8-4. – Penalties; double penalties; driver's license.**

(c) Maximum penalty.

- (1) In criminal traffic offense actions, the maximum penalty for each conviction shall be a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed three hundred sixty-four (364) days, or both such fine and imprisonment.

**Section 5.** Section 13-34(a) of the Buena Vista Municipal Code is hereby amended to read as follows:

**Sec. 13-34. – Violations and penalties.**

- (a) It shall be unlawful for any person to engage in or cause a violation of any provision of this Article or of any term or condition of any WSPD permit, and such person or persons shall be fined upon conviction thereof in an amount up to one thousand dollars (\$1,000.00), and/or imprisoned up to three hundred sixty-four (364) days in jail.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 9<sup>th</sup> day of July, 2019.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By:   
Duff Lacy, Mayor

ATTEST:  
  
Paula Barnett, Town Clerk

