

TOWN OF OAK CREEK

ORDINANCE NO. 643

AN ORDINANCE AMENDING AND MODIFYING THE OAK CREEK MUNICIPAL CODE REMOVING THE POSSIBILITY OF JAIL TIME AS PENALTY FOR ALL MUNICIPAL OFFENSES

WHEREAS, HB 16-1309, regarding the right to counsel in municipal prosecutions , requires the court to appoint counsel under certain circumstances if the offense charged includes the possibility of incarceration; and

WHEREAS, the Town of Oak Creek wishes to eliminate the possibility of incarceration in connection with all municipal ordinance violations; and

Now, **THEREFORE**, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

SECTION 1. AMENDMENTS. The Oak Creek Municipal Code, is hereby amended as follows: (deletions are shown struck through, additions are shown in bold).

Section 1.20.010 - General Penalty - Continuing Offenses.

- A. A person convicted of a violation of this code shall be punished by a fine not exceeding one thousand dollars ~~or by imprisonment for a term not exceeding one hundred days or any combination thereof.~~ With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

Section 2.08.050 - Duties of Police Officers

- C. They shall be the law enforcement officers of the Town and see that the provisions of the Town code and the laws of the state are obeyed. They may ~~shall~~ arrest without process all persons engaged in the violation, in their presence, of any provision of the Town code or the laws of the state. No person arrested solely for a municipal ordinance violation shall be incarcerated.

Section 5.02.180 - Failure to procure license - Penalty.

It is unlawful for any person to engage in business as a peddler, solicitor, or transient merchant within the Town without first having obtained a license pursuant to the provisions of this chapter or to otherwise violate any provision of this chapter. Each day of violation shall be a separate offense and upon conviction of the same shall be punished by a fine of not more than three hundred dollars ~~or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.~~

Section 8.08.100- Violations and penalties.

A. Whenever in any section of this chapter, the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for violation thereof, any person, firm or corporation who shall be convicted of a violation of any such section shall be punished by a fine not to exceed three hundred dollars, ~~or by imprisonment for not more than ninety days, or by both fine and imprisonment.~~

Section 8.10.200- Violation - Penalty.

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not to exceed three hundred dollars, ~~or by imprisonment for not more than ninety days, or by both such fine and imprisonment.~~

Section 8.11.070 - Violation - Penalty

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not to exceed three hundred dollars, ~~or by imprisonment for not more than ninety days, or by both such fine and imprisonment.~~

Section 8.34.060 - Penalty.

Any person convicted of a violation of any section of this chapter or of any regulations or plan issued pursuant to the authority contained herein shall be punished by a fine ~~or by imprisonment or by both such fine and imprisonment~~ pursuant to the Oak Creek Municipal Code.

Section 9.12.060 - Insufficient age.

The responsibility of a person for his conduct is the same for persons between the ages of ten and eighteen as it is for persons over eighteen. ~~except that no child under eighteen years of age shall be sentenced to jail for violation of the provisions of this title.~~ No child under ten years of age shall be found guilty of any offense.

Section 9.64.020 - Penalties.

Any person engaging in any conduct defined as an offense under this title or otherwise violating any provision and upon conviction shall be punished by a fine not exceeding three hundred dollars, ~~or by imprisonment not exceeding ninety days, or by both such fine and imprisonment,~~ unless otherwise provided. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued, or permitted by such person, and he may be punished accordingly.

Section 10.04.040 - Penalties.

B. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding three hundred dollars, ~~or by imprisonment not exceeding ninety days, or by both such fine and imprisonment.~~

Section 13.08.080 - Enforcement - Penalty.

It shall be unlawful for any person to use water outside at times other than as posted, during a critical water period as determined by the Board of Trustees. Any person

violating this provision shall be guilty of a separate offense for each and every day or portion thereof during which a violation of this ordinance is committed, continued or permitted, punishable by a fine of not more than three hundred dollars, ~~or by imprisonment not to exceed ninety days, or both such fine and imprisonment.~~

Section 13.24.050 - Unauthorized reconnection unlawful

It is unlawful, after water and/or electrical service has been discontinued by shutting off the water and/or electrical supply or in any manner, for any person to reconnect the same without the consent of the Town, and any persons violating this provision shall be guilty of a separate offense for each and every day such unlawful reconnection remains in place, punishable by a fine of not more than three hundred dollars, ~~or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.~~

Section 13.32.020 - Violation - Penalty.

Any person who shall continue any violation beyond the time limit provided for in section 12.32.010 above, shall be guilty of violating the Oak Creek Municipal Code, and convicting thereof could result in a fine not exceeding three hundred dollars per day, ~~and imprisonment not exceeding ninety days for each violation.~~ Each day in which any such violation shall continue shall be deemed a separate offense.

Section 15.04.030 - Penalties.

Any person convicted of violating any provision of this chapter shall, upon conviction, be punished by a fine of not more than three hundred dollars ~~or by imprisonment for not more than ninety days, or by both such fine and imprisonment.~~ Each day that such violation continues shall constitute a separate offense.

SECTION 2. SEVERABILITY, CONFLICTING ORDINANCES REPEALED. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

/

/

/

/

/

/

/


/

/

/


/

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 26th day of
January, 2017.



Nikki Knoebel, Mayor
Chuck Wiseup / Mayor Pro Tem

ATTEST:



Mary Alice Page-Allen
Town Administrator/Clerk

