

ORDINANCE NO. 2015 - 3

AN ORDINANCE AMENDING ORDINANCE NO. 2013-1 ADOPTED FEBRUARY 12, 2013, THAT ADOPTED BY REFERENCE THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE IN ORDER TO PROVIDE FOR ADDITIONAL PENALTIES WITH RESPECT TO ISSUES CONCERNING WEEDS.

WHEREAS, Ordinance No. 2013-3 adopted February 12, 2013, adopted by reference the 2012 edition of the International Property Maintenance Code, and

WHEREAS, Section 4, Penalties- of the 2013-Ordinance in Subparagraph A thereof provided that any penalty clauses in the code referenced therein were to be deleted in its entirety and replaced with Subparagraph 1 as set forth therein, and

WHEREAS, upon further consideration, the Board of Trustees of the Town of La Jara finds and determines more stringent penalties are necessary in order to effectively compel compliance with the intent of sections of the referenced code that pertain to abatement of and control of weeds within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

Section 1 - Amendment to Section 4. Penalties: of Ordinance No. 2013-1 adopting by reference the 2012 edition of the International Property Maintenance Code is hereby amended by adding new Subparagraphs 2 and 3 to Paragraph A of Section 4. Penalties: to read as follows:

1. With respect to a violation of **Section 302.4** of the 2012 Edition of the International Property Code as herein referenced, any person, firm, or corporation violating any of the provisions of said **Section 302.4** as herein referenced shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of said **Section 302.4** is committed, continued, or permitted, and upon conviction of any such violation shall be punished by a fine of not less than \$300.00 nor more than \$1,000.00, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.
2. Any person, firm, or corporation that has been cited with a violation said **Section 302.4** as herein referenced at least 5 times within a period of 18 consecutive months from the date of the first citation, whether or not convicted with respect to prior citations, and upon the issuance of the fifth citation, shall be deemed guilty of a misdemeanor, and upon conviction stemming from repeated citations as herein provided shall be punished by a fine of not less than \$300.00 nor more than \$1,000.00 and by not less than one day of imprisonment, or by both such fine and imprisonment. The penalties as herein provided are mandatory and the Judge of the Municipal Court shall have no discretion or authority to waive, defer, dismiss, alter, or accept a plea bargain with respect thereto.

Section 2 – RETENTION: All of the terms and provision of Ordinance No. 2013-1 not otherwise amended by this Ordinance shall remain in full and effect without deletion or amendment thereto.

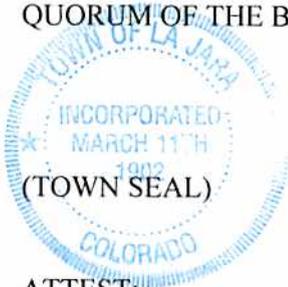
Section 3 – SAVINGS CLAUSE: If any part, section, or subsection of this Ordinance is, for any reasons, judicially determined to be invalid or unenforceable, such determination shall not affect the validity of the remaining section or sections of this Ordinance. The Board of Trustees of the Town of La Jara hereby declares that it would have passed this Ordinance in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid, it being the intent of the Board of Trustees of the Town that such invalid or unenforceable provision are severable.

Section 4 - REPEAL: Any part of Ordinance No. 2013-1 in conflict or inconsistent with the terms and provisions of this ordinance are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinance of the Town shall not revive any other section of any ordinance or ordinances theretofore repealed or superceded in full.

Section 5 – PUBLICATION: The Town Clerk shall certify to the passage of this Ordinance, cause notice of its contents and passage to be as provided by law, and shall cause copies of this Ordinance to be attached to the previously adopted Ordinance No. 1970-4, or any subsequent amending ordinance.

Section 6 – EMERGENCY ENACTMENT: Whereas, the Board of Trustees of the Town of La Jara finds and determines that this Ordinance is necessary for the immediate preservation of the health, safety and welfare of the citizens of the Town of La Jara , this Ordinance shall be in full force and effect immediately upon adoption and the publication thereof as by law provided.

INTRODUCED, READ, APPROVED, ADOPTED, AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AT A REGULAR MEETING OF THE BOARD OF TRUSTEES AFTER PUBLIC NOTICE THEREOF AS REQUIRED BY LAW, AT WHICH A QUORUM OF THE BOARD OF TRUSTEES WAS PRESENT THIS 12TH DAY OF MAY, 2015.



THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA

By: Larry Zaragoza
Larry Zaragoza, Mayor

ATTEST:

Shawn Pagnotta
Shawn Pagnotta, La Jara Town Clerk

APPROVED AS TO FORM:

Raymond J. Valdez, La Jara Town Attorney

Date of Publication: May 19, 2015