

# Town of Silverton

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## ORDINANCE 2010-04

### ESTABLISHING A SCHEDULE OF FINES AND PENALTY ASSESSMENT MECHANISM IN CONNECTION THERETO FOR THE PURPOSES OF ENFORCING CERTAIN PROVISIONS OF THE SILVERTON TOWN CODE

WHEREAS, the Board of Trustees of the Town of Silverton finds a compelling interest in controlling unlawful waste disposal, open fires, and use of fireworks, given that each may negatively impact the health, safety, and welfare of the general public; and

WHEREAS, Sections 6-3-7, 11-4-6, 6-5-4 and of the Town Code, respectively, declare littering, the lighting of open fires, and the use, possession, or sale of fireworks to be unlawful; and

WHEREAS, pursuant to Section 6-1-9 of the Town Code, officers of the Town are vested with the authority to impose a fine of not more than three hundred dollars (\$300.00) and impose a sentence not to exceed ninety (90) days in jail for violations of the aforementioned provisions;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON THAT:

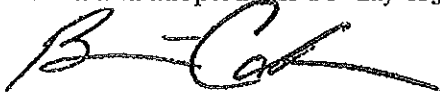
1. **Authority and penalties:** In recognition that C.R.S § 31-16-101 confers upon it as the governing body of Town of Silverton, the authority to provide for enforcement of its ordinances by fine or imprisonment or both, the Board of Trustees of the Town of Silverton hereby adopts the following penalty schedule in accordance with established provisions of its local code.
  - a. Section 6-3-7 Littering on Public Property. Insofar as it is unlawful in the Town of Silverton to deposit litter upon any street or other public place within the Town, or upon private property within the Town jurisdiction, individuals found to have committed a violation of this provision shall be subject to a fine of \$75 for each identified infraction thereof.
  - b. Section 11-4-6 Fire Prohibited. Insofar as open fires have been declared unlawful in the Town of Silverton and fires may only be built in fireplaces or on grills constructed for that purpose in such areas and under such rules and regulations as may be prescribed by Town administration, any individual found to have committed a violation of this provision shall be subject to a fine of \$150 for each identified infraction thereof.
  - c. Section 6-5-4 Fireworks. Insofar as it has been declared unlawful for any person to possess, store, sell, use, discharge or explode any fireworks within the corporate limits of

the Town, any individual found to have committed a violation of this provision shall be subject to a fine of \$300 for each identified infraction thereof.

2. **Penalty Assessment-Municipal Court Appearance:** Upon issuance of a citation for any of the above, the issuing officer of the Town, or individual acting properly as an agent thereof, shall indicate on such citation the defendant's right to waive the right to an appearance in the Silverton Municipal Court and in the alternative, remit payment in the amount of the penalty established herein to the Town Clerk within twenty days from the issuance of the citation in the form of a penalty assessment.

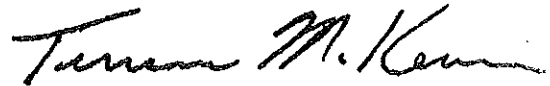
Municipal citations shall also indicate a date and time the defendant will be scheduled to appear before the Municipal Court, at which time the defendant may challenge the validity of the infraction with which he or she is charged. If the defendant elects to appear on the scheduled date, the Municipal Judge may, in addition to the penalty amount, impose reasonable court costs upon the defendant. Within the bounds of his or her discretion, the Municipal Judge may also elect to reduce the penalty amount if good cause is shown. Should the defendant neither remit payment by mail nor appear on the scheduled date, the Municipal Court may issue a bench warrant for such failure to appear.

Passed and adopted this 14<sup>th</sup> day of June, 2010.



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Brian Carlson, Clerk-Treasurer



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Terrence M. Kerwin, Mayor