

ORDINANCE 2010-05

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, AMENDING SECTIONS OF TITLE 1, GENERAL PROVISIONS, OF THE FRUITA MUNICIPAL CODE UPDATING DEFINITIONS, JURY TRIALS, AND GENERAL PENALTIES FOR VIOLATIONS OF THE MUNICIPAL CODE

WHEREAS, the Fruita City Council finds it necessary to update the probationary periods and penalties for violations of the Fruita Municipal Code, as well as update archaic or outdated provisions of the Code.

LEGISLATIVE INTENT: It is the intent of this ordinance to increase the maximum fine allowed for all offenses of the Fruita Municipal Code to \$1,000, extend the maximum probationary period for a suspended sentence to one year, and change the penalty for failure to appear from a Class B to a Class A offense. In addition, the ordinance also updates the code for archaic and/or outdated provisions.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1: Section 1.04.010, paragraph H of the Fruita Municipal Code is hereby amended to read as follows:

H. "Must" and "shall" ~~ARE: Each is~~ mandatory.

Section 2: Section 1.20.010 of the Fruita Municipal Code is hereby amended to read as follows:

1.20.010 JURY TRIAL PERMITTED WHEN, PROCEDURES, PAYMENT OF JURORS. In any action before **THE** municipal court in which the defendant is entitled to a jury trial by the Constitution or the general laws of the state, such party shall have a jury upon request. The jury shall consist of three jurors unless, ~~in the case of a trial for a petty offense,~~ a greater number, not to exceed six, is requested by the defendant. The jury shall be summoned **PURSUANT TO PROCEDURES ESTABLISHED BY ADMINISTRATIVE ORDER ISSUED BY THE MUNICIPAL COURT JUDGE** ~~by the issuance of a venire to a police officer.~~ Jurors shall be paid the sum of six dollars per day for actual jury service and three dollars for each day of service on the jury panel alone **UNLESS OTHERWISE SET BY RESOLUTION OF THE CITY COUNCIL.**

Section 3: Section 1.28.010 of the Fruita Municipal Code is hereby amended to read as follows:

1.28.010 MUNICIPAL JUDGE POWERS. In sentencing or fining a violator, the municipal judge shall not exceed the sentence or fine limitations established by ordinance. 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** ~~ninety days~~. The Municipal Judge shall be empowered in his discretion to assess costs against any defendant. Said costs shall be established by resolution of the Fruita City Council and may be amended from time to time.

Section 4: Section 1.28.020, paragraph A, of the Fruita Municipal Code is hereby amended to read as follows:

- A. Unless otherwise specifically provided, any person violating any of the provisions of this Code by performing an act prohibited or declared to be unlawful by this Code or failing to comply with or perform an act required by the mandatory requirements of this Code, or valid orders issued pursuant thereto, shall be deemed guilty of a municipal offense. All such offenses are divided into three (3) categories of municipal offenses. The three (3) classifications, and maximum penalties, for each classification are as follows:

CLASS	MAXIMUM FINE	MAXIMUM IMPRISONMENT
A	\$1,000.00	1 Year
B	\$1,000.00 \$500.00	6 Months
Non-criminal	\$1,000.00 \$200.00	None

If any offense carries a specific penalty, then that penalty shall apply. Any offense not otherwise classified which does not carry a specific penalty is hereby denominated as a Class B municipal offense.

Section 5: Section 1.28.020, paragraph E, of the Fruita Municipal Code is hereby amended to read as follows:

- E. Any person who fails to appear in the Municipal Court of the City, pursuant to a summons and complaint issued in compliance with law shall be guilty of the separate municipal offense of "failure to appear," and upon conviction of such offense shall be punished accordingly for violation of a Class ~~A~~ B municipal offense.

PASSED AND ADOPTED by the Fruita City Council this
____ day of _____, 2010

ATTEST:

CITY OF FRUITA, COLORADO

City Clerk

H. Kenneth Henry, Mayor