

1.16 - General Penalty

Chapter 1.16 - GENERAL PENALTY

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1.16.010 Violation of code provisions--Penalty--Additional remedies. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of the Evans Municipal Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Evans Municipal Code, unless provision is otherwise herein made shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the Evans Municipal Code is committed, continued or permitted by such person, and shall be punished accordingly. Lack of or delay in enforcement of any provision of this code shall not constitute a waiver of such provision. The City of Evans assumes no liability for any such violation. (Ord. 466-09: 842-92: Prior code 1.01.160)

1.16.020 Violation--Penalty--Juvenile offenders. The violation of any section of this Municipal Code by any person not having attained the age of eighteen (18) years at the time of the commission of the violation shall be a misdemeanor, however, such conviction shall be punishable by a fine only, not exceeding one thousand (\$1,000) dollars, unless a different fine is specifically set forth herein, and notwithstanding the application of imprisonment penalties which may otherwise be applicable to such offenses, if committed by a person eighteen (18) years of age or over as set forth in Section 1.16.010 or any specific penalty provision of a Municipal Ordinance or Code section. In the event that the juvenile court should assume jurisdiction over the juvenile person so charged pursuant to the provisions of the Colorado Children's Code, prior to final adjudication by the municipal court, then all jurisdiction in the matter shall vest with the juvenile court, and the municipal action shall be dismissed. (Ord. 466-09: 875-93)

1.16.030 Violation--Penalty--Useful public service.

A. A violator, upon conviction, may be sentenced to perform a certain number of hours of community or useful public service, not to exceed 40 hours, in addition to any other penalty provided in this Chapter. If a person is convicted of more than one violation, community or useful public service may be imposed on any or each and every violation; any community or useful public service penalties in excess of one arising out of multiple violations within one case may run and be satisfied concurrently or consecutively, in the discretion of the Court.

B. For the purposes of Subsection (A) of this section, "community or useful public service" means any work which is beneficial to the public, any public entity, or any bona fide non-profit private or public organization and which work would not with the exercise of reasonable care, endanger the health or safety of the person required to work.

C. Any community or useful public service penalty imposed pursuant to this section shall be suitable to the age and abilities of the violator, and the amount of community or useful public service work ordered shall be reasonably related to the seriousness of the violation(s).

D. The Court may assess a fee to cover the costs of the defendant participating in the useful public service program, upon every person required to perform community or useful public service pursuant to this section. The Court may waive all or a portion of this fee if the Court determines the violator to be indigent. (Ord. 466-09: 909-94)

1.16.040 Right of entry on property. The administrative authority or agents of the City, without liability, may enter upon any property, vacant lots or premises in the City to perform any abatement allowed by the Evans Municipal Code. Prior to entry upon any private property, vacant lots or premises, the administrative authority or agents of the City shall make a reasonable attempt to contact the owner or tenant of such property. (Ord. 466-09)

1.16.050 Abatement of violations by city. Any violation of the Evans Municipal Code may be abated by the City.

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The full cost of such abatement, together with a 15 percent fee to defray the cost of inspection, abatement and collection, shall be billed to the owner or agent in charge of the property containing or causing such violation. Any such bill that is not paid within 30 days shall cause such assessment to become a lien against such property, to have priority over all liens, except general taxes and prior special assessments, to be placed upon the tax list for the current year, and to be collected in the same manner as other taxes are collected, together with a 15 percent penalty to defray the cost of collection, as provided by the laws of the state. Any violation of the Evans Municipal Code causing a real or potential hazard to life, limb, or property may be abated by the City without prior notice to the owner. Abatement of any other violation shall not commence unless a notice of violation has not been complied with. (Ord. 466-09)

Code Documents



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