TOWN OF MINTURN, COLORADO

ORDINANCE NO. 6 – SERIES 2013

AN ORDINANCE OF THE TOWN OF MINTURN, AMENDING CHAPTER 7 OF THE MINTURN MUNICIPAL CODE BY THE CREATION OF A NEW SECTION AS IT PERTAINS TO GRAFFITI

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1. Amendment. The Municipal Code of the Town of Minturn is amended by the addition of a Chapter 7, Section 7-3-240, as follows:

Section 7-3-240 Graffiti:

The placement of graffiti upon any public or private property within the Town of Minturn is prohibited; and the failure of a registered owner of property, or the responsible agent of such owner, to remove graffiti from affected property within ten (10) days after delivery of notice to remove the same has been provided to the owner or agent by the Town Administrator, a Code enforcement officer, or a Town police officer is declared a nuisance. The term "graffiti" is defined to mean the product of intentional painting, scratching or coloring (with any contrast medium whatsoever) of any public or private property except by permission of the owner of such property, including the Town Administrator in the case of Town or public property.

It shall be an affirmative defense to a prosecution under this Section that an owner has provided notice to his or her insurance company and is working diligently with the insurance company to remove the graffiti from the affected property.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares that it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. Penalty. It is unlawful for any person to violate any provision of, or fail to comply with any of the requirements of this Ordinance. Any person who violates any provisions of this Ordinance shall be punished by a fine of not more one thousand dollars or by imprisonment for a period of not more than one year, or by both such fine and imprisonment; provided; no person under the age of eighteen years shall be punished by imprisonment.

Section 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which

has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 18th DAY OF SEPTEMBER, 2013. THE 2nd DAY OF OCTOBER AT 6:30 P.M. IS SET FOR PUBLIC HEARING HEREON AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty

Hawkeye Flaherty, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 2ND DAY OF OCTOBER, 2013.

TOWN OF MINTURN, COLORADO

Hawkeye Flaherty

Hawkeye Flaherty, Mayor

ATTEST:

By: _____

Jay Brunvand, Town Clerk