

**ORDINANCE OF THE  
CITY OF LONE TREE**

**Series of 2019**

**Ordinance No. 19-07**

**AN ORDINANCE AMENDING SECTION 16-1-130 OF CHAPTER 16 OF THE LONE TREE MUNICIPAL CODE TO CHANGE THE PENALTY FOR STOP WORK ORDER ZONING VIOLATIONS TO BE CONSISTENT WITH OTHER ZONING VIOLATIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,  
COLORADO:**

**ARTICLE 1 – AUTHORITY**

The City of Lone Tree (the “City”) is a home rule municipality operating under the Lone Tree Home Rule Charter (the “Charter”) adopted on May 5, 1998 and a Municipal Code (the “Code”), codified and adopted on December 7, 2004. Pursuant to the Charter, the Code and the authority given home rule cities, the City may adopt and amend Ordinances.

**ARTICLE 2 – DECLARATION OF POLICY**

- A. The Code currently provides that zoning violations are subject to a fine of up to one thousand dollars (\$1,000.00), or imprisonment, or both.
- B. The City Council finds an inconsistency in Section 16-1-130 of the Code which imposes a fine only of up to five hundred dollars (\$500.00) for violating a stop work order issued by the City.
- C. The City Council desires to update Section 16-1-130 to modify the penalty for stop work order violations to be consistent with the penalty for other zoning violations.
- D. The City Council finds that it is in the best interest of the public safety and welfare of the citizens of the City of Lone Tree to amend the Code as set forth in this Ordinance.

### **ARTICLE 3 – SAFETY CLAUSE**

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

### **ARTICLE 4 – ADOPTION**

Subsection (c) of Section 16-1-130 of the Code is hereby amended to read as follows, with portions to be removed struck through and portions to be added in capital letters.

Sec. 16-1-130. - Violations.

(c) Each day during which work continues in violation of the terms of an Order to Stop Work shall be deemed a separate violation SUBJECT TO THE PENALTIES SET FORTH IN SECTION 16-1-140 ~~for which a fine of not more than five hundred dollars (\$500.00) shall be imposed.~~ The City Council, through the City Attorney, may also initiate legal proceedings in accordance with applicable statutes, regulations, civil and criminal procedures to enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use and may also pursue any other remedies provided by law.

### **ARTICLE 5 – SEVERABILITY**

If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision or application shall not affect any of the remaining parts, provision or applications of this Ordinance which can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

### **ARTICLE 6 – CAUSES OF ACTION RETAINED**

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

### **ARTICLE 7 – EFFECTIVE DATE**

This Ordinance shall take effective thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days following publication after the second reading if changes are made upon second reading.

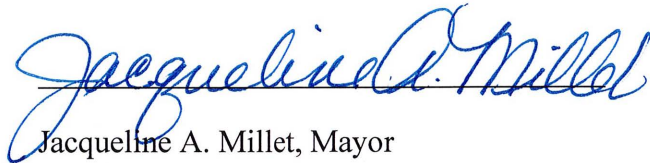
**INTRODUCED, READ AND ORDERED PUBLISHED ON JULY 2, 2019.**

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON JULY 11, 2019.**

**LEGAL NOTICE NO. 935468.**

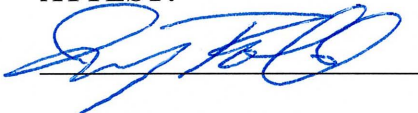
**APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING ON JULY 16, 2019 TO BECOME EFFECTIVE ON AUGUST 10, 2019.**

**CITY OF LONE TREE:**

  
Jacqueline A. Millet, Mayor



**ATTEST:**

  
Jay Robb, City Clerk

Jay Robb, City Clerk