

CITY OF EVANS, COLORADO

ORDINANCE NO. 656-16

**AN ORDINANCE AMENDING CHAPTER 9.24 OF THE EVANS MUNICIPAL CODE
TO ADD THE CRIME OF ARSON**

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, the City Council of the City of Evans desires to protect the health, safety, and welfare of all its citizens in the City; and

WHEREAS, the City Council finds arson is harmful to the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

1. Chapter 9.24 of the City of Evans Municipal code is hereby amended by adding Section 9.24.190, providing as follows:

9.24.190 - Fourth Degree Arson

1. A person who knowingly or recklessly starts or maintains a fire or causes an explosion, on his own property or that of another, and by doing so places another in danger of death or serious bodily injury or places any building or occupied structure of another in danger of damages commits fourth degree arson.

2. Fourth degree arson is a class 2 misdemeanor if only property is thus endangered and the value of the property is one hundred dollars or more. Every person convicted of a violation of this section shall be punished in accordance with Chapter 1.16 of the Evans Municipal Code.

3. Fourth degree arson is a class 3 misdemeanor if only property is thus endangered and the value of the property is less than one hundred dollars. Every person convicted of a violation of this section shall be punished in accordance with Chapter 1.16 of the Evans Municipal Code.

4. Fourth degree arson is a class 4 felony if a person is thus endangered and will be prosecuted pursuant to the State statute, and not as a municipal offense.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EVANS ON THIS 4TH DAY OF OCTOBER, 2016.**

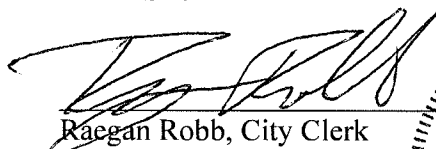
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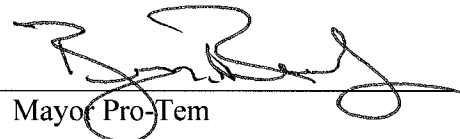

Raegan Robb, City Clerk

 **CITY OF EVANS, COLORADO**
BY: 
John L. Morris, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS 18TH DAY OF OCTOBER,
2016.**

ATTEST:


Raegan Robb, City Clerk

 **CITY OF EVANS, COLORADO**
BY: 
Mayor Pro-Tem