

<p>Colorado Supreme Court 2 East 14th Avenue, Denver, CO 80203</p>	
<p>Original Proceeding Aurora Municipal Court, City of Aurora Case Nos. J316178, J317516</p>	
<p><b>In Re:</b></p> <p><b>Plaintiff:</b></p> <p>The People of the State of Colorado by and through the City of Aurora</p> <p><b>v.</b></p> <p><b>Defendant:</b></p> <p>Ashley Simons.</p>	<p><b>▲COURT USE ONLY▲</b></p>
<p><b>Attorneys for Colorado Municipal League:</b> Robert D. Sheesley, #47150 Rachel Bender, #46228 1144 Sherman Street Denver, CO 80203-2207 Phone: 303-831-6411 Fax: 303-860-8175 Emails: rsheesley@cml.org; rbender@cml.org</p>	<p>Case No. 2024SA308; Case No. 2024SA309.</p>
<p><b>BRIEF OF <i>AMICUS CURIAE</i> COLORADO MUNICIPAL LEAGUE IN SUPPORT OF THE CITY OF AURORA</b></p>	

## CERTIFICATION

I hereby certify that this brief complies with C.A.R. 29 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The amicus brief complies with the applicable word limit set forth in C.A.R. 29(d).

It contains 4,747 words (does not exceed 4,750 words).

The brief complies with the content and form requirements set forth in C.A.R. 29.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 29 and C.A.R. 32.

/s/ Robert Sheesley  
Robert Sheesley, #47150

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The Colorado Municipal League (“CML”) respectfully submits the following *amicus curiae* brief in support of the City of Aurora (“Aurora”).

### **IDENTITY OF CML AND ITS INTEREST IN THE CASE**

CML, formed in 1923, is a non-profit, voluntary association of 271 of the 273 cities and towns located throughout the state of Colorado, comprising nearly 99 percent of the total incorporated state population. CML’s members include all 108 home rule municipalities, 162 of the 164 statutory municipalities, and the lone territorial charter city. This membership includes all municipalities with a population greater than 2,000. CML has regularly appeared in the courts as an *amicus curiae* to advocate on behalf of the interests of municipalities statewide.

CML’s participation will provide a background on municipal courts, their role in and benefits to Colorado’s criminal justice system, and the express constitutional authority of home rule municipalities regarding municipal courts and penalties for municipal ordinance violations. COLO. CONST. Art. XX, § 6 (“Article XX, Section 6”).

To protect their residents, businesses, and public places against crime, municipalities establish ordinances with maximum penalties for crimes committed within the municipality that vary from the maximum penalties for similar statutory offenses that can be committed elsewhere in the state. Aurora’s court correctly found

that the city's ordinances neither violate Colorado's equal protection provisions nor conflict with statute. Reversing that decision would negate longstanding precedent construing Article XX and improperly extend Colorado's equal protection doctrine.

### **ARGUMENT**

CML's brief is similar to its brief filed in *In re People v. Camp*, 24SA276, with additional discussion of the home rule analysis, particularly the consideration of uniformity (pages 14-16), and the equal protection arguments raised by Petitioner's *amici* (pages 21-22). CML has compiled a list of municipal general trespass and trespass to motor vehicle offenses and their potential penalties for all home rule municipalities, attached as Exhibit A

CML urges the Court to refrain from endorsing an extreme application of Article II, Section 25 of the Colorado Constitution or finding that the General Assembly silently preempted home rule authority to define municipal ordinances and penalties. Even assuming *arguendo* that penalties for municipal ordinance violations are a matter of mixed state and local concern, the Petition presents no credible preemption argument because the statutory penalties for state crimes do not conflict with and were not intended to override municipal penalties for ordinance violations. This Court should not extend its minority view of equal protection to state offenses and municipal violations.



## **I. Overview of municipal courts and their unique role.**

Petitioner and their *amici* misconstrue Colorado's criminal justice system as a monolith in which no variation from state norms can be tolerated and home rule municipalities are directly controlled by the General Assembly. In reality, as defined by the Colorado Constitution, the Colorado Revised Statutes, and this Court's precedent, municipal courts and the municipal laws within their jurisdiction are an integral yet separate part of the criminal justice system.

### **A. Municipal Authority.**

Municipal courts have existed since the state's creation, but the current statutory framework was created in 1969. *See* Barbara Bintliff, *A Jurisdictional History of the Colorado Courts*, 65 U. Colo. L. Rev. 577, 609 (1994) (citing Act of July 1, 1969, ch. 107, § 1, 1969 Colo. Sess. Laws 273). Since 1902, the Colorado Constitution has given clear authority to home rule municipalities over the creation of their municipal courts and the imposition of penalties for ordinance violations.

Article XX, Section 6 states that home rule municipalities:

[S]hall have the powers set out in sections 1, 4 and 5 of this article, and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:

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c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof;

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h. The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter.

Municipal court jurisdiction is defined by a municipal charter or ordinances and are limited to matters of local concern. C.R.S. § 31-10-104; *see also Town of Frisco v. Baum*, 90 P.3d 845 (Colo. 2004). Municipal courts handle a range of matters, from traffic and minor criminal matters to more complex issues like “domestic violence, assault, prostitution, theft (including motor vehicle), zoning, land use, building code, juvenile, restraining order, real property nuisance and abatement, animal, and sales tax matters.” Christopher D. Randall, *Municipal Courts in Colorado: Practice and Procedure*, 38 Colo. Law. 39 (Dec. 2009).

Title 13 of the Colorado Revised Statutes, which guides municipal court operations in statutory and, to an extent, home rule municipalities, explicitly provides that it may be superseded by municipal charter or ordinance of a home rule city or town, except for specified provisions. C.R.S. § 13-10-103 (asserting statewide interests in judge salaries, juvenile incarceration, appearances of minors’ parents, jury trials for petty offenses, improperly entered guilty pleas, domestic violence prosecution, open court proceedings, and rules of procedure). The constitutionality

of the General Assembly's assertion of control over the operation of municipal courts regarding most of the limited matters identified in C.R.S. § 13-10-103 has not been evaluated against Article XX, Section 6.

Despite the express constitutional authority of home rule municipalities to regulate municipal courts and local penalties, municipal courts are constrained by constitutional and statutory limits in a few key areas not involved here:

- Conduct criminalized by state law cannot be treated as a civil proceeding. *City of Canon City v. Merris*, 323 P.2d 614, 620 (Colo. 1958), *overruled on other grounds by Vela v. People*, 484 P.2d 1204 (Colo. 1971).
- Constitutional norms regarding proceedings in state courts apply in municipal courts, like the right to a jury trial. C.R.S. § 13-10-114(1); *Hardamon v. Mun. Ct. In & For City of Boulder*, 497 P.2d 1000, 1002-03 (Colo. 1972).
- Felony offenses and particular subject matters, like DUI/DWAI laws or red-light cameras, exceed municipal jurisdiction. *Quintana v. Edgewater Mun. Ct.*, 498 P.2d 931, 932 (Colo. 1972); *City of Commerce City v. State*, 40 P.3d 1273 (Colo. 2002).

These limits do not constrain the constitutional power to impose and enforce municipal penalties for ordinance violations.

While state statute provides that municipal sentencing authority is based on “the sentence or fine limitations established by ordinance,” municipal penalties are not tied to statutory limitations for similar state crimes. *See* C.R.S. § 13-10-113(2). Most recently modified in 2019, state law authorizes, for convictions of municipal ordinances in a municipal court of record, incarceration for up to 364 days (as of 2019) or a fine of \$2,650 (adjusted for inflation) (as of 2013), or both. C.R.S. § 13-10-113(1); *see also* C.R.S. § 31-16-101(1) (authorizing a similar fine or period of incarceration of up to one year, or both); § 31-1-102(1) (providing that Title 31’s provisions generally can be superseded by home rule charters and ordinances). Limits for courts not of record are 90 days or \$300, or both. C.R.S. § 13-10-113(1.5).

Municipalities vary in the range of potential punishments and vest the municipal court with discretion to impose an appropriate sentence. *See* Exhibit A. Many rely on a general penalty provision based on the maximum penalties allowed under state law, but others impose a lower maximum, rely on schedules that provide for discretion in sentencing, or allow only fines.

**B. Municipal courts and the offenses they adjudicate benefit Colorado's justice system.**

Colorado's municipal courts benefit their communities as well as the state. Municipal courts are created to implement laws that were designed to address the specific needs and problems of a municipality. Colorado Municipal League, *Municipal Courts*, 9 (2019). Municipal courts relieve the state court system of a significant burden. This Court has recognized that municipal courts are a valid and necessary adjunct to the state court system and some offenses are best prosecuted in municipal court. *Quintana*, 498 P.2d at 932; *Blackman v. Cnty. Ct.*, 455 P.2d 885 (Colo. 1969); *Schooley v. Cain*, 351 P.2d 389 (Colo. 1960).

Municipal courts offer accessibility to victims, defendants, and witnesses that the state court system cannot provide. They are in the community where most of those people are likely to live, reducing the need for travel, time off work, and the distraction of witnesses (like police officers) from their duties. Municipal courts "have an advantage over other courts because of their simplicity in procedure and the reduction of expense and delay," making them user-friendly for defendants and attorneys and expedient, benefiting all involved. *Randall*, 38 Colo. Law. 39; *see also* C.M.C.R. Rule 202 (recognizing that the rules should be "construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay"). Municipal courts also provide justice-involved

persons unique opportunities, such as creative sentencing, restorative justice programs, and diversion options. *See Problem Solving Courts and Services, Colorado Municipal Judges Association*, <https://www.coloradomunicipalcourts.org/problem-solving-courts/>.

Criminal case filings have increased in many municipal courts. Randall, 38 Colo. Law. 39. By taking these cases, municipalities allow state courts to handle more serious offenses while also addressing their communities' most pressing public safety issues. These cases would otherwise have been filed in state court, resulting in an increased caseload for judges, prosecutors, and defense counsel. By example, when the General Assembly recently considered eliminating domestic violence prosecution in municipal courts, Legislative Council estimated that about 3,884 cases annually would shift to state courts or Denver county court from only five municipal courts. The cost to the state: an estimated \$2.6 million in 2023-24 and \$5.5 million in 2024-25, dozens of new state employees, and millions of dollars to fund district attorneys offices (excluding Denver). Fiscal Note, HB23-1222, March 31, 2024, available at <https://tinyurl.com/HB23-1222-Fiscal-Note>.

## **II. The state has not preempted municipal penalties, which are strictly a matter of local concern.**

Municipal home rule is based upon the theory that a municipality's citizens should have the right to decide how their local government is organized and how

local problems are solved. Coloradans overwhelmingly adopted Article XX of the Colorado Constitution in 1902 and, in 1912, amendment of Article XX, Section 6, to broadly express home rule powers. Since 1970, municipalities of any size can adopt a home rule charter. *See Colorado Municipal League, Home Rule Handbook: An Introduction to the Establishment and Exercise of Home Rule*, 3-5 (2022) (excerpt attached as Exhibit B).

Where a constitutional provision conflicts or is inconsistent with the provisions of Article XX, the conflicting other provision is “inapplicable to the matters and things by [the home rule] amendment covered and provided for.” COLO. CONST. Art. XX, § 8. Article XX, Section 6 expressly grants authority to create municipal courts and to impose fines and penalties for the violations of any charter provision or ordinance.

**A. Municipal penalties do not conflict with state law.**

Home rule municipalities have plenary authority to regulate issues of local concern, but state law supersedes conflicting ordinances in a matter of statewide or mixed concern. *See City of Longmont v. Colo. Oil and Gas Ass’n*, 369 P.3d 573, 579 (Colo. 2016). The Court need not conduct this analysis here because no conflict exists between state law, as amended by Senate Bill 21-271, and any municipal ordinances imposing penalties for violations of municipal ordinances. *See Vela*, 484

P.2d at 1206 (declining to address whether crime of disturbance was strictly a local matter because there was no conflict). Without a conflict, a home rule ordinance can coexist with a state ordinance even on a matter of mixed concern. *Longmont*, 369 P.3d at 579.

Conflicts are recognized in three forms of preemption – express, implied, or operational conflict preemption. *Id.* at 582. Here, there is no “clear and unequivocal” statement of intent or any implicit intent to occupy the field of criminal penalties for both municipal and state offenses. *See id.* Whether an operational conflict exists depends on whether effectuating the local interest materially impedes or destroys a state interest, which can include authorizing what a state law forbids or forbidding what a state law allows. *Id.* Showing an operational conflict preemption of express home rule authority should be a heavy burden especially when there is no evidence that the General Assembly intended such preemption. Courts should endeavor to avoid finding conflict between state and local legislative acts and should attempt to harmonize and give effect to both. *Bd. of Cnty. Commr’s La Plata Cnty. v. Bowen/Edwards Assocs., Inc.*, 830 P.2d 1045, 1058 (Colo. 1992).

As detailed above, the independence of municipal courts and the broad authority of home rule municipalities to define local crimes (even where the state addresses the same crime) and establish unique local penalties are not novel concepts



in Colorado. The General Assembly is aware municipalities have general statutory authority to impose penalties for ordinance violations that can exceed state penalties and adjusted those as recently as 2019. *See* C.R.S. §§ 13-10-113(1), 31-16-101(1). The General Assembly is also aware that sentencing authority is limited to “the sentence or fine limitations established by ordinance,” unlimited by statutory penalties for similar state crimes. *See* C.R.S. § 13-10-113(2).

In 2021, the General Assembly expressly confined SB21-271 to state crimes and penalties and showed no intent to mandate uniform penalties across municipal and state courts. Nothing in SB21-271 prohibits home rule municipalities from imposing more stringent penalties for crimes committed in their jurisdiction than that imposed by the state for violations of a corresponding state law. The task force from which SB21-271 grew, specifically acknowledged it was not addressing municipal charges in its recommendations. Colorado Commission on Criminal and Juvenile Justice Sentencing Reform Task Force, Sentence Structure Working Group, Minutes of Q&A Session #2: Misdemeanor Sentencing/Offenses (March 5, 2021), [https://cdpsdocs.state.co.us/ccjj/meetings/2021/2021-03-05\\_CCJJ-SRTF-SentStructWG-Q&A-Minutes.pdf](https://cdpsdocs.state.co.us/ccjj/meetings/2021/2021-03-05_CCJJ-SRTF-SentStructWG-Q&A-Minutes.pdf).

“Except in felony categories, mere difference in penalty provisions in a statute and ordinance does not necessarily establish a conflict in the sense discussed here.”

*City of Aurora v. Martin*, 507 P.2d 868, 870 (Colo. 1973). There is no state interest in uniform penalties that can be impeded when: state law permits concurrent jurisdiction for similar offenses; a separate and distinct system exists to define and adjudicate municipal offenses; and this Court’s precedent recognizes that different penalties can apply at the municipal and state levels. Unlike in *Longmont*, there is no exhaustive set of statewide regulations for municipal penalties and the General Assembly effectively disclaimed any interest in ensuring uniformity between municipal and state penalties. No state interest in preempting municipal ordinance penalties should be inferred under these circumstances. *See Ryals v. City of Englewood*, 364 P.3d 900, 910 (Colo. 2016) (rejecting view that preemptive state interest could be inferred from a state preference). Notwithstanding Petitioner’s claim that “times have changed,” nothing has “changed” with respect to the seriousness of crime and the impact it has on a community. The state presumably retains an interest in combating crime, which is enhanced by municipal prosecution instead of prosecution in state court.

Ordinances define potential penalties for violations of ordinances that prohibit a particular action in the municipality. No municipality impedes criminal sentencing in state courts for state crimes. No municipality imposes a penalty for the violation of the state trespass statutes. If anything, municipal penalties and ordinances further

the state's interest in combating crime and reducing the burden on the state court system.

**B. Municipal penalties remain a matter of local concern.**

This Court may choose not to undertake a constitutional evaluation based on the possibility that the General Assembly, by silence, intended to preempt home rule authority and disrupt longstanding practice in this area. If the Court wishes to consider whether this case involves an issue of local or mixed concern pursuant to the factors detailed in *City and County of Denver v. State*, 369 P.3d 573 (Colo. 1990), CML urges the Court to hold that municipal penalties are a matter of strictly local concern, consistent with this Court's precedent and Article XX, Section 6's express language concerning municipal penalties.

This Court previously confirmed that the penalty for a municipal ordinance violation should be viewed as a matter of local concern and that a home rule municipality has the "right to impose its own system of punishments for violations of its ordinances," distinct from the state's sentencing scheme. *People v. Wade*, 757 P.2d 1074, 1076-77 (Colo. 1988). In *Wade*, this Court corrected a misapplication of *Merris* and rejected the view that uniformity of the "treatment and disposition of an offense" required municipal penalties to align with the state's sentencing principles, even if state law restricted a probation term longer than the maximum authorized

imprisonment. 757 P.2d at 1077 (“To find that a home rule city’s penal ordinances must share the state’s so-called “philosophy in sentencing” would diminish, to a large degree, the independence and self-determination vested in those cities by the constitution.”); *see also Martin*, 507 P.2d at 871 (holding municipal penalty could be lower than state penalty for similar assault and battery offense).

Under the *Denver v. State* factors, local interests should be viewed as superseding any state interest in the nature and extent of penalties for municipal ordinance violations, if not for the offense itself. CML offers the following to provide further context for the Court in addition to the analysis of the *Denver v. State* factors by Aurora and other supporting *amici*. If the mere passage of time and changed policy sentiments of the General Assembly (real or suggested) control the home rule analysis, then Article XX ceases to have any meaning.

### **Uniformity**

There is no state interest in the uniformity of municipal penalties and state penalties for similar offenses. Uniformity itself is not a virtue and the General Assembly has made no declaration that it has any interest in such uniformity. In fact, the Code of Criminal Procedure is “the legislature’s affirmative expression of its intent that state penalties for offenses not be understood as preempting home rule city laws.” *Wade*, 757 P.2d at 1076 (discussing C.R.S. § 16-1-102, which does not

apply “to violations of municipal charters or municipal ordinances” except in specified circumstances). Colorado’s criminal justice system contemplates a separate municipal court system that adjudicates municipal charges and imposes penalties defined by municipal ordinance to address specific, localized needs. *See* C.R.S. §§ 13-10-101 *et seq.* The statutory limits on municipal penalties have never been required to conform to state penalties for state crimes.

No person should expect uniformity of penalties or any factor that influences penalties, including maximum penalties, sentencing guidelines, probation, alternative sentencing, and other variations that exist between court systems. Such a conclusion would be inconsistent with statute and this Court’s precedent recognizing that home rule municipalities can impose their own punishments for violations of ordinances. *See* C.R.S. § 13-10-113; *Wade*, 757 P.2d at 1076; *Martin*, 507 P.2d at 871. Every person is deemed to know the law and may be subject to different penalties or commit different offenses depending on where they are in the state. This could be a specific municipality or a sensitive area in which a criminal act is punished more than the same act committed elsewhere. *See, e.g.*, C.R.S. § 18-4-503(1)(b) (punishing trespass in common areas of hotels or apartments more severely than simple trespass).

The Court's decision in *Commerce City* must be understood in context. The Court's holdings in *Wade* and *Martin* were not overturned. The statute at issue limited the use of a new technology on highways that affected drivers committing non-criminal offenses in transit through a municipality. Unlike traditional traffic stops, drivers would receive notice of the offense weeks later. The statute also limited sharing revenue with vendors. In contrast, criminal trespass does not involve new technology and persons criminally trespassing in a particular jurisdiction is in no way like the drivers passing through numerous jurisdictions, having no notice that a violation occurred. *See Commerce City*, 40 P.3d at 1280-81. The defendant in this case should not have been surprised that they were committing trespass in Aurora and should expect that Aurora could punish the crime more severely.

### **Extraterritoriality**

The only extraterritorial effects of ordinances like Aurora's are to deter criminal acts in the city, perhaps pushing them elsewhere, and to reduce the burden on the state's court system. Locally defined penalties for ordinance violations do not affect persons outside of the municipal boundary unless they choose to enter the municipality and intentionally engage in criminal activities prohibited by municipal ordinance. There is no showing that, like the ordinances in *Commerce City*, Aurora's ordinances disproportionately affect non-residents or that individuals will be subject

to a patchwork of penalties when committing crimes in many jurisdictions. *See* 40 P.3d at 1284. No extraterritorial effect of significance has been identified to show a state interest. *See Denver v. State*, 788 P.2d at 769 (extraterritorial impact must be significant and more than *de minimis*).

### **Tradition**

As discussed above, Colorado law has long envisioned a criminal justice system that permits both the state and municipalities to regulate misdemeanors and petty offenses, even regarding the same conduct, and allows municipalities to determine their own penalties. This reflects the understanding that municipal courts are particularly adept at handling low level prosecutions. Colorado's statutes have consistently granted municipalities broad discretion to define the applicable penalty; this did not change with SB21-271.

Other authority that distinguishes between municipal and state court authority further support a finding of predominant local interest with respect to history and tradition. Municipal courts are governed by separate statutes, which generally may be superseded by home rule municipalities. *See* C.R.S. §§ 13-10-101 *et seq.* The Code of Criminal Procedure generally does not apply to prosecution of municipal violations. *See Wade*, 757 P.2d at 1076; C.R.S. § 16-1-102. The sentencing authority of municipal courts is governed by municipal ordinance, not state law for statutory

offenses. *Compare* C.R.S. § 13-10-113(2), *with* C.R.S. § 18-1-103 (stating Title 18 governs “punishment for any offense defined in any statute of this state, whether in this title or elsewhere . . .”).

### **Constitution**

As detailed above, Article XX, Section 6 expressly grants home rule municipalities the power to create and define municipal court authority and to impose, enforce, and collect penalties for charter and ordinance violations. The clear delegation of home rule authority and the long tradition of permitting municipal penalties to be defined locally, even when varying from state penalties, should be controlling in this case. The textual commitment of authority to home rule municipalities is significant and strongly weighs in favor of finding penalties for municipal ordinance violations are strictly a matter of local concern. *See Denver v. State*, 369 P.3d at 770 (holding the local interest was substantial, primarily due to direct textual support in the constitution); *see also Town of Telluride v. San Miguel Valley Corp.*, 185 P.3d 161, 170 (Colo. 2008) (holding the legislature could not deny express condemnation authority in Article XX even where its use could implicate statewide concerns).

Article XX, Section 6 alone establishes that municipal penalties for ordinance violations are a matter of substantial local concern. The remaining *Denver v. State*



factors buttress that finding and make clear that the state has no demonstrable or significant interest necessitating a different result.

### **III. Municipal ordinance penalties that vary from statutory penalties do not deny equal protection.**

CML supports arguments by Aurora regarding the application of Article II, Section 25 of the Colorado Constitution. CML also urges the Court to refuse to extend *Trueblood v. Tinsley*, 366 P.2d 655 (Colo. 1961) to require uniformity between statutory and municipal ordinance penalties, if it does not choose to recede from *Trueblood* and its progeny entirely and follow the reasoning of *United States v. Batchelder*, 442 U.S. 114 (1979).

This Court has never held that equal protection is implicated when a municipal ordinance and a state criminal statute involving the same conduct could result in different penalties. *Trueblood* and its progeny relate to comparative penalties of state statutes; none concern municipal ordinances that differ from state statutes. Given the Court's decisions in *Wade* and *Martin*, which were issued during the same period with no reference to equal protection concerns, it is unlikely such precedent would exist.

There are compelling reasons for maintaining the narrow application of *Trueblood*, in addition to those identified by Aurora. Home rule municipalities have substantial and compelling grounds for linking stricter penalties to crime that occurs

in their jurisdictions. These municipalities have adopted different penalties for trespass and trespass to motor vehicles. *See* Exhibit A. A municipal court may maintain a fine schedule that is below the statutory penalty for a corresponding offense. These choices are neither arbitrary nor irrational nor are they hidden from public view. As the authority to do so is grounded in the express text of Article XX of the Colorado Constitution, any conflicts between constitutional provisions should be avoided.

Given the differences in court systems, it is an oversimplification to state that a potentially harsher penalty alone in a municipal court violates equal protection when the maximum penalty alone is only part of a case. A prosecution in one forum can result in a variety of differences affecting a possible sentence beyond the potential maximum penalty. For example, a district attorney may have lenient plea-bargaining policies, whereas a municipal prosecutor may insist on taking more cases to trial; the same may be true even in state court, with differences between district attorney's offices across the state.

Conversely, there are permutations in which prosecution in state court could be more severe than in municipal court. While state law may appear to be more lenient given SB21-271, prosecution in state court could result in a less favorable outcome for a defendant depending on aggravating factors, prior offenses, or other

circumstances. For example, state trespass offenses are subject to an eighteen-month statute of limitations for a misdemeanor or six months for a petty offense but prosecutions for municipal violations are limited to a one-year statute of limitations, both running from the commission of the offense. *Compare* C.R.S. § 16-5-401(1)(a), *with* C.R.S. § 31-16-111.

Extending Article II, Section 25 as suggested by Petitioner would result in a situation where any difference between penalties or potential outcomes could lead to an equal protection claim in either state or municipal court. Such a result would undermine otherwise viable prosecutions. Already, Petitioner’s theory has resulted in lawsuits against municipal peace officers for the alleged deprivation of constitutional rights pursuant to C.R.S. § 13-21-131 on the theory that citation into municipal court violates Article II, § 25. *See Lozano v. Westminster, McDonald & McKechnie*, 2024CV31572.

The Court’s decision to align with federal jurisprudence to abandon the “dual sovereignty” concept as it relates to the double jeopardy clause has no bearing on the ability of municipalities to impose different punishments as long as the person is not tried twice for the same offense. *See People v. Horvat*, 527 P.2d 47, 49 (Colo. 1974) (citing *Waller v. Florida*, 397 U.S. 387 (1970)). Despite being superseded as to double jeopardy issues, decisions contemporary with the Colorado Constitution’s

adoption reflect no concern that equal protection would be offended by the state and municipalities establishing different penalty schemes for the same acts. *See Hughes v. People*, 9 P. 50, 52 (1885) (“the single act, being made punishable both by the general law of the state and by the ordinances of the town wherein it was committed, constitutes two distinct and several offenses, subject to punishment by the proper tribunals of the state and the municipality respectively”); *Deitz v. City of Central*, 1 Colo. 323, 328 (Colo. 1871).

Ultimately, if home rule municipalities cannot effectively address crimes because the General Assembly has dictated a lower penalty for an offense statewide, municipalities may decide, for fiscal, policy, or other reasons, to no longer prosecute such matters. Each case would then need to be filed in state court, substantially increasing the burden on the court system. Victims, defendants, and witnesses would likely experience additional costs and travel because the state court is not likely to be in their municipality. Police officers would be taken away from their jurisdiction for trials and hearings. Alternatively, these cases may never be prosecuted, leaving victims without justice and communities without remedy. The concerns underlying Colorado’s minority view of equal protection surely do not merit these results.

## CONCLUSION

Home rule municipalities are endowed with constitutional authority in Article XX, Section 6 to establish local penalties for the violations of municipal ordinances to address impacts of crime on their communities. These penalties are neither preempted by state law nor unconstitutional under Article II, Section 25.

Dated January 13, 2025.

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## CERTIFICATE OF SERVICE

I hereby certify that on this January 13, 2025, I filed the foregoing **BRIEF OF AMICUS CURIAE COLORADO MUNICIPAL LEAGUE IN SUPPORT OF THE CITY OF AURORA** via Colorado Courts E-Filing, which will send a true and correct copy to the following:

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Colorado Municipal League

**EXHIBIT A TO BRIEF OF AMICUS CURIAE COLORADO MUNICIPAL LEAGUE**

**Home Rule General Trespass, Motor Vehicle Trespass & Penalty Ordinances  
(As Compared to C.R.S. § 18-4-503(1)(c) and § 18-4-504(1))**

<b>Home Rule Municipality</b>	<b>Maximum fine</b>	<b>Maximum period of imprisonment</b>	<b>Trespass Ordinance</b>	<b>Motor Vehicle Trespass Ordinance</b>	<b>General Penalty Ordinance*</b>
<b>Alamosa<sup>1</sup></b>	\$2,650**	364 days (repeat offenders)	<a href="#">11-99(a)(3)</a>	N/A	<a href="#">1-17</a> ; <a href="#">1-18</a>
<b>Arvada<sup>2</sup></b>	\$2,650**	364 days	<a href="#">62-40(c)(1)</a>	<a href="#">62-204</a>	<a href="#">1-5</a>
<b>Aspen<sup>3</sup></b>	\$2,650**	1 year	<a href="#">15.04.280</a>	N/A	<a href="#">1.04.080</a>
<b>Aurora<sup>4</sup></b>	\$2,650	364 days	<a href="#">94-71</a>	<a href="#">94-83</a>	<a href="#">1-13</a>
<b>Avon<sup>5</sup></b>	\$2,650**	1 year	<a href="#">9.20.020</a>	N/A	<a href="#">1.08.010</a>
<b>Basalt<sup>6</sup></b>	\$2,650**	364 days	N/A	N/A	<a href="#">1-82</a>
<b>Black Hawk<sup>7</sup></b>	\$2,650**	1 year	<a href="#">10-21</a>	N/A	<a href="#">1-71</a>
<b>Boulder<sup>8</sup></b>	\$2,650**	90 days	<a href="#">5-4-3</a>	<a href="#">5-4-4</a>	<a href="#">5-2-4</a>
<b>Breckenridge<sup>9</sup></b>	\$2,650**	364 days	<a href="#">6-3B-11</a>	N/A	<a href="#">1-4-1</a>
<b>Brighton<sup>10</sup></b>	\$2,650	364 days	<a href="#">9-12-10(a)</a>	<a href="#">9-12-10(b)</a>	<a href="#">1-24-10</a>
<b>Broomfield<sup>11</sup></b>	\$2,650	364 days	<a href="#">9-52-010</a>	<a href="#">9-52-060</a>	<a href="#">1-12-020</a>
<b>Burlington<sup>12</sup></b>	\$1-\$300	90 days	<a href="#">9.02.020</a>	N/A	<a href="#">1.16.020</a>

\* Similar authorization and limits may be found in home rule charters. This table does not reflect local fine schedules, local sentencing limitations, elements of crimes and exceptions, presumptions, penalties applicable to juveniles, statutes of limitations, repeat offenses, or alternative sentencing. This table does not include trespass ordinances specific to particular places or types of properties (e.g., public property).

\*\* Where noted, the maximum fine may be adjusted as provided in C.R.S. § 13-10-113.

<b>Cañon City</b> <sup>13</sup>	\$2,650**	364 days	<a href="#">9.40.010</a>	<a href="#">9.40.010(A)(4)</a>	<a href="#">1.28.010;</a> <a href="#">Art. XV,</a> <a href="#">Sec. 3</a>
<b>Carbondale</b> <sup>14</sup>	\$2,650	364 days	<a href="#">10-4-30</a>	N/A	<a href="#">1-4-20</a>
<b>Castle Pines</b> <sup>15</sup>	\$2,650	364 days	<a href="#">10-7-20</a>	N/A	<a href="#">1-4-20</a>
<b>Castle Rock</b> <sup>16</sup>	\$1,000	1 year	<a href="#">9.04.050</a>	N/A	<a href="#">1.08.010</a>
<b>Cedaredge</b> <sup>17</sup>	\$2,650**	1 year	<a href="#">9.04.300</a>	N/A	<a href="#">1.16.010;</a> <a href="#">1.16.020</a>
<b>Centennial</b> <sup>18</sup>	\$2,650	364 days	N/A	N/A	<a href="#">1-4-10</a>
<b>Central City</b> <sup>19</sup>	\$2,650	364 days	<a href="#">10-5-10</a>	<a href="#">10-5-10(a)(9)</a>	<a href="#">1-4-20(c)</a>
<b>Cherry Hills Village</b> <sup>20</sup>	\$2,650**	364 days	<a href="#">10-4-30</a>	N/A	<a href="#">1-4-20</a>
<b>Colorado Springs</b> <sup>21</sup>	\$2,500	189 days	<a href="#">9.6.102</a>	N/A	<a href="#">1.1.201</a>
<b>Commerce City</b> <sup>22</sup>	\$2,650**	364 days	<a href="#">12-3007</a>	N/A	<a href="#">1-3003(a)</a>
<b>Cortez</b> <sup>23</sup>	\$499	180 days	<a href="#">18-52</a>	N/A	<a href="#">17-16A</a>
<b>Craig</b> <sup>24</sup>	\$100-\$750	10-60 days	<a href="#">9.48.010</a>	N/A	<a href="#">9.04.010</a>
<b>Crested Butte</b> <sup>25</sup>	\$2,650	364 days	<a href="#">10-4-50</a>	N/A	<a href="#">1-4-20</a>
<b>Dacono</b> <sup>26</sup>	\$1,000	364 days	<a href="#">10-62</a>	N/A	<a href="#">1-70</a>
<b>Delta</b> <sup>27</sup>	\$2,650	364 days	<a href="#">9.04.090</a>	N/A	<a href="#">1.08.010</a>
<b>Denver</b> <sup>28</sup>	\$999	300 days	<a href="#">38-115</a>	<a href="#">38-51.12</a>	<a href="#">1-13-1-14</a>
<b>Dillon</b> <sup>29</sup>	\$2,650	364 days	N/A	N/A	<a href="#">1-4-20(b)</a>
<b>Durango</b> <sup>30</sup>	\$2,650	364 days	<a href="#">17-57</a>	<a href="#">17-57(d)</a>	<a href="#">1-16</a>



<b>Eagle</b> <sup>31</sup>	\$2,650	364 days	<a href="#">9.14.060</a>	<a href="#">9.14.060(A)(2)</a>	<a href="#">1.12.010</a>
<b>Edgewater</b> <sup>32</sup>	\$999	180 days	<a href="#">10-5-30</a>	N/A	<a href="#">1-4-20</a>
<b>Englewood</b> <sup>33</sup>	\$2,650	360 days	<a href="#">7-6F-2</a>	<a href="#">7-6F-2(A)(3)</a>	<a href="#">1-4-1</a>
<b>Erie</b> <sup>34</sup>	\$2,650	364 days	<a href="#">6-6-6</a>	N/A	<a href="#">1-4-4</a>
<b>Evans</b> <sup>35</sup>	\$2,650	N/A	<a href="#">9.24.050</a>	N/A	<a href="#">1.16.010</a>
<b>Federal Heights</b> <sup>36</sup>	\$2,650**	1 year	<a href="#">38-45</a>	N/A	<a href="#">1-15(a)(2)</a>
<b>Fort Collins</b> <sup>37</sup>	\$3,000	180 days	<a href="#">17-40</a>	<a href="#">17-40</a>	<a href="#">1-15(a)</a>
<b>Fort Morgan</b> <sup>38</sup>	\$2,650**	N/A	<a href="#">10-3-70</a>	N/A	<a href="#">1-4-10(b)</a>
<b>Fountain</b> <sup>39</sup>	\$2,650	364 days	<a href="#">9.24.020</a>	N/A	<a href="#">1.12.010</a>
<b>Frisco</b> <sup>40</sup>	1,000	1 year	<a href="#">127-19</a>	N/A	<a href="#">1-14(A)(1)</a>
<b>Fruita</b> <sup>41</sup>	\$2,650	364 days	<a href="#">9.01.027</a>	<a href="#">9.01.027(B)</a>	<a href="#">1.28.020(A)</a>
<b>Glendale</b> <sup>42</sup>	\$1,000	N/A	<a href="#">9.20.060</a>	N/A	<a href="#">1.16.010</a>
<b>Glenwood Springs</b> <sup>43</sup>	\$2,650	364 days	<a href="#">120.020.090</a>	<a href="#">120.020.090</a>	<a href="#">010.020.080</a>
<b>Golden</b> <sup>44</sup>	\$2,650**	6 months	<a href="#">8.04.450</a>	N/A	<a href="#">1.01.110</a>
<b>Grand Junction</b> <sup>45</sup>	\$1,000	1 year	<a href="#">9.04.080</a>	N/A	<a href="#">1.040.080(b)</a>
<b>Greeley</b> <sup>46</sup>	\$1,000	364 days	<a href="#">14-288</a>	N/A	<a href="#">1-229(b)(2)</a>
<b>Greenwood Village</b> <sup>47</sup>	\$2,650	180 days	<a href="#">9-16-30</a>	N/A	<a href="#">1-4-20(a)</a>
<b>Gunnison</b> <sup>48</sup>	\$100	N/A	<a href="#">5.10.070</a>	N/A	<a href="#">4.20.010;</a> <a href="#">5.10.290</a>
<b>Gypsum</b> <sup>49</sup>	N/A	N/A	N/A	N/A	N/A

<b>Hayden</b> <sup>50</sup>	\$2,650	N/A	<a href="#">14.36.010</a>	<a href="#">14.36.010(b)</a>	<a href="#">1.12.010</a>
<b>Holyoke</b> <sup>51</sup>	\$300	N/A	<a href="#">9.20.030</a>	N/A	<a href="#">1.16.010</a>
<b>Hudson</b> <sup>52</sup>	\$2,650**	364 days	<a href="#">10-15</a>	N/A	<a href="#">1-51</a>
<b>Johnstown</b> <sup>53</sup>	\$2,650**	N/A	<a href="#">10-62</a>	N/A	<a href="#">1-62</a>
<b>Keystone</b>	N/A	N/A	N/A	N/A	N/A
<b>Kiowa</b> <sup>54</sup>	\$2,650**	N/A	<a href="#">10-72</a>	<a href="#">10-73</a>	<a href="#">1-72</a>
<b>La Junta</b> <sup>55</sup>	\$2,000	180 days	<a href="#">9.08.200</a>	N/A	<a href="#">1.08.010</a>
<b>Lafayette</b> <sup>56</sup>	\$2,650**	364 days	<a href="#">75-165</a>	N/A	<a href="#">1-10</a>
<b>Lakewood</b> <sup>57</sup>	\$2,650**	365 days	<a href="#">9.66.010</a>	<a href="#">9.66.020</a>	<a href="#">1.16.020</a>
<b>Lamar</b> <sup>58</sup>	\$300	N/A	<a href="#">14-11</a>	N/A	<a href="#">1-21</a>
<b>Larkspur</b> <sup>59</sup>	\$2,650**	N/A	N/A	N/A	<a href="#">1-4-20</a>
<b>Littleton</b> <sup>60</sup>	\$2,650**	364 days	<a href="#">6-4-41(A)</a>	N/A	<a href="#">1-4-1</a>
<b>Lone Tree</b> <sup>61</sup>	\$2,650	1 year	<a href="#">10-3-10</a>	<a href="#">10-3-10(a)(3)</a>	<a href="#">1-4-20</a>
<b>Longmont</b> <sup>62</sup>	\$500	90 days	<a href="#">10.24.100</a>	N/A	<a href="#">1.12.010</a>
<b>Louisville</b> <sup>63</sup>	\$2,650**	364 days	<a href="#">9.54.010</a>	N/A	<a href="#">1.28.010</a>
<b>Loveland</b> <sup>64</sup>	\$2,650**	364 days	<a href="#">9.48.010(A)</a>	N/A	<a href="#">1.12.010</a>
<b>Manitou Springs</b> <sup>65</sup>	\$2,650	90 days	<a href="#">9.36.060</a>	N/A	<a href="#">1.01.100</a>
<b>Minturn</b> <sup>66</sup>	\$2,650**	N/A	<a href="#">10-6-20</a>	N/A	<a href="#">1-4-20</a>
<b>Monte Vista</b> <sup>67</sup>	\$2,650	364 days	<a href="#">8-4-20</a>	N/A	<a href="#">1-4-20</a>
<b>Montrose</b> <sup>68</sup>	\$2,650	364 days	<a href="#">6-1-11(A)(1)</a>	<a href="#">6-1-11(A)(8)</a>	<a href="#">1-2-3</a>

<b>Monument</b> <sup>69</sup>	\$2,650	90 days	<a href="#">9.16.040</a>	N/A	<a href="#">1.20.010</a>
<b>Morrison</b> <sup>70</sup>	\$2,650	364 days	<a href="#">4-1-5(B)</a>	N/A	<a href="#">1-4-1(A)</a>
<b>Mountain View</b> <sup>71</sup>	\$2,650**	1 year	<a href="#">10.02.010</a>	N/A	<a href="#">1.06.020</a>
<b>Mountain Village</b> <sup>72</sup>	\$2,650	364 days	N/A	N/A	<a href="#">1.08.010</a>
<b>Mt. Crested Butte</b> <sup>73</sup>	\$2,650	365 days	<a href="#">15-11(a)</a>	<a href="#">15-11(c)</a>	<a href="#">1-14</a>
<b>New Castle</b> <sup>74</sup>	\$1,000	364 days	<a href="#">9.40.030</a>	<a href="#">9.40.030(B)</a>	<a href="#">1.20.010</a>
<b>Northglenn</b> <sup>75</sup>	\$2,650**	1 year	<a href="#">9-2-2(a)</a>	<a href="#">9-2-2(b)</a>	<a href="#">1-1-10</a>
<b>Ophir</b>	N/A	N/A	N/A	N/A	N/A
<b>Ouray</b> <sup>76</sup>	\$2,650	N/A	<a href="#">10-2(I)</a>	N/A	<a href="#">1-4</a>
<b>Pagosa Springs</b> <sup>77</sup>	\$1,000	1 year	<a href="#">12.8.9</a>	<a href="#">12.8.9</a>	<a href="#">1.3.3</a>
<b>Parachute</b> <sup>78</sup>	Set in court schedule.	Set in court schedule.	<a href="#">11.07.050</a>	<a href="#">11.07.050(A)(2)</a>	N/A
<b>Parker</b> <sup>79</sup>	\$999	1 year	<a href="#">8.02.010</a>	N/A	<a href="#">1.02.060</a>
<b>Pueblo</b> <sup>80</sup>	\$1,000	N/A	<a href="#">11-1-406</a>	N/A	<a href="#">11-1-103</a>
<b>Rico</b>	N/A	N/A	N/A	N/A	N/A
<b>Ridgway</b> <sup>81</sup>	\$300	N/A	<a href="#">10-3-9</a>	N/A	<a href="#">1-1-6</a>
<b>Rifle</b> <sup>82</sup>	\$2,000.00	364 days	<a href="#">10-4-90</a>	N/A	<a href="#">1-4-20</a>
<b>Sanford</b>	N/A	N/A	N/A	N/A	N/A
<b>Severance</b> <sup>83</sup>	\$2,650**	N/A	<a href="#">10-4-100</a>	N/A	<a href="#">1-4-20</a>

<b>Sheridan</b> <sup>84</sup>	\$2,650**	364 days	<a href="#">50-26</a>	N/A	<a href="#">1-14</a>
<b>Silt</b> <sup>85</sup>	\$2,650**	364 days	<a href="#">9.36.010(A)</a>	N/A	<a href="#">1.12.20</a>
<b>Silver Plume</b>	N/A	N/A	N/A	N/A	N/A
<b>Silverthorne</b> <sup>86</sup>	\$2,650**	364 days	<a href="#">2-4-9</a>	N/A	<a href="#">1-1-19</a>
<b>Snowmass Village</b> <sup>87</sup>	\$1,000	1 year	<a href="#">10-44</a>	N/A	<a href="#">1-72</a>
<b>Steamboat Springs</b> <sup>88</sup>	\$999	180 days	<a href="#">10-99(a)</a>	<a href="#">10-99(b)</a>	<a href="#">1-15(c)</a>
<b>Sterling</b> <sup>89</sup>	\$999	3 months	<a href="#">12-13</a>	N/A	<a href="#">1-15(a)</a>
<b>Telluride</b> <sup>90</sup>	\$1,000	90 days	<a href="#">10-4-50</a>	N/A	<a href="#">1-4-10(a)(1)</a>
<b>Thornton</b> <sup>91</sup>	\$2,650**	364 days	<a href="#">38-179</a>	<a href="#">38-179(b)(4)</a>	<a href="#">1-8(b)</a>
<b>Timnath</b> <sup>92</sup>	\$2,650**	364 days	<a href="#">10-4-30</a>	N/A	<a href="#">1-4-20(a)</a>
<b>Trinidad</b> <sup>93</sup>	\$300	N/A	<a href="#">16-17</a>	N/A	<a href="#">1-8</a>
<b>Vail</b> <sup>94</sup>	\$2,650	180 days	<a href="#">6-3E-3</a>	N/A	<a href="#">1-4-1(A)(1)</a>
<b>Ward</b>	N/A	N/A	N/A	N/A	N/A
<b>Westminster</b> <sup>95</sup>	\$2,650	364 days	<a href="#">6-3-5</a>	<a href="#">6-3-7</a>	<a href="#">1-8-1(A)</a>
<b>Wheat Ridge</b> <sup>96</sup>	\$1,000	364 days	<a href="#">16-46</a>	N/A	<a href="#">1-5</a>
<b>Windsor</b> <sup>97</sup>	\$2,650**	N/A	<a href="#">10-3-10</a>	N/A	<a href="#">1-4-20(a)</a>
<b>Winter Park</b> <sup>98</sup>	\$1,000	364 days	<a href="#">4-9B-9</a>	N/A	<a href="#">1-4-1(C)</a>
<b>Woodland Park</b> <sup>99</sup>	\$1,000	1 year	<a href="#">9.55.020</a>	N/A	<a href="#">1.12.010</a>
<b>Wray</b> <sup>100</sup>	Set by resolution	N/A	<a href="#">9.28.130</a>	N/A	N/A
<b>Yuma</b> <sup>101</sup>	\$2,650	90 days	<a href="#">9.20.040</a>	<a href="#">9.20.040</a>	<a href="#">1.10.020(A)</a>

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<sup>1</sup> **Alamosa:**

*Alamosa considers trespass to be a non-jailable offense unless the court approves proceeding as a jailable offense at the prosecution's request. Generally, trespass would be a non-jailable offense if the defendant has three or more convictions for the offense within the prior two years.*

[https://library.municode.com/co/alamosa/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH11MIOF\\_ARTVIOFREPR\\_S11-99TR](https://library.municode.com/co/alamosa/codes/code_of_ordinances?nodeId=PTIICOOR_CH11MIOF_ARTVIOFREPR_S11-99TR)

[https://library.municode.com/co/alamosa/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-17GEPECOVI](https://library.municode.com/co/alamosa/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-17GEPECOVI)

[https://library.municode.com/co/alamosa/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-18DECEMUOF](https://library.municode.com/co/alamosa/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-18DECEMUOF)

<sup>2</sup> **Arvada:**

[https://library.municode.com/co/arvada/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH62OF\\_ARTIIMIOF\\_S62-40CRTRPRPUPR](https://library.municode.com/co/arvada/codes/code_of_ordinances?nodeId=PTIICOOR_CH62OF_ARTIIMIOF_S62-40CRTRPRPUPR)

[https://library.municode.com/co/arvada/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH62OF\\_ARTVIIUNUSMOVE\\_S62-204MOVETR](https://library.municode.com/co/arvada/codes/code_of_ordinances?nodeId=PTIICOOR_CH62OF_ARTVIIUNUSMOVE_S62-204MOVETR)

[https://library.municode.com/co/arvada/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-5GEPECOVI](https://library.municode.com/co/arvada/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECOVI)

<sup>3</sup> **Aspen:**

[https://library.municode.com/co/aspen/codes/municipal\\_code?nodeId=TIT15OF\\_CH15.04MIOFPE2\\_S15.04.280TRPR](https://library.municode.com/co/aspen/codes/municipal_code?nodeId=TIT15OF_CH15.04MIOFPE2_S15.04.280TRPR)

[https://library.municode.com/co/aspen/codes/municipal\\_code?nodeId=PTIICOOR\\_TIT1GEPR\\_CH1.04GEPR\\_S1.04.080GEPEVICOCOVIDE](https://library.municode.com/co/aspen/codes/municipal_code?nodeId=PTIICOOR_TIT1GEPR_CH1.04GEPR_S1.04.080GEPEVICOCOVIDE)

<sup>4</sup> **Aurora:**

<https://aurora.municipal.codes/Code/94-71>

<https://aurora.municipal.codes/Code/94-83>

<https://aurora.municipal.codes/Code/1-13>

<sup>5</sup> **Avon:**

[https://library.municode.com/co/avon/codes/home\\_rule\\_charter\\_and\\_code?nodeId=CD\\_TIT9PUPEMOWE\\_CH9.20OFAGPR\\_9.20.020TR](https://library.municode.com/co/avon/codes/home_rule_charter_and_code?nodeId=CD_TIT9PUPEMOWE_CH9.20OFAGPR_9.20.020TR)

[https://library.municode.com/co/avon/codes/home\\_rule\\_charter\\_and\\_code?nodeId=CD\\_TIT1GEPR\\_CH1.08GEPE\\_1.08.010DE](https://library.municode.com/co/avon/codes/home_rule_charter_and_code?nodeId=CD_TIT1GEPR_CH1.08GEPE_1.08.010DE)

<sup>6</sup> **Basalt:**

[https://library.municode.com/co/basalt/codes/municipal\\_code?nodeId=CH1GEPR\\_ARTIVGEPE\\_S1-82GEPEVI](https://library.municode.com/co/basalt/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-82GEPEVI)

<sup>7</sup> **Black Hawk:**

[https://library.municode.com/co/black\\_hawk/codes/municipal\\_code?nodeId=CO\\_CH10GEOF\\_ARTIIOFAGPR\\_S10-21TR](https://library.municode.com/co/black_hawk/codes/municipal_code?nodeId=CO_CH10GEOF_ARTIIOFAGPR_S10-21TR)

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[https://library.municode.com/co/black\\_hawk/codes/municipal\\_code?nodeId=CO\\_CH1GEPR\\_ARTIVGEPE\\_S1-73CRPE](https://library.municode.com/co/black_hawk/codes/municipal_code?nodeId=CO_CH1GEPR_ARTIVGEPE_S1-73CRPE)

<sup>8</sup> **Boulder:**

*Boulder requires a finding that a defendant acted “intentionally, knowingly or recklessly with respect to the material elements of the violation” for a non-traffic offense to be subject to a jail.*

[https://library.municode.com/co/boulder/codes/municipal\\_code?nodeId=TIT5GEOF\\_CH4OFAGPR\\_5-4-3TR](https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT5GEOF_CH4OFAGPR_5-4-3TR)

[https://library.municode.com/co/boulder/codes/municipal\\_code?nodeId=TIT5GEOF\\_CH4OFAGPR\\_5-4-4TRMOVE](https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT5GEOF_CH4OFAGPR_5-4-4TRMOVE)

[https://library.municode.com/co/boulder/codes/municipal\\_code?nodeId=TIT5GEOF\\_CH2GEPR\\_5-2-4GEPE](https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT5GEOF_CH2GEPR_5-2-4GEPE)

<sup>9</sup> **Breckenridge:**

<https://breckenridge.town.codes/Code/6-3B-11>

<https://breckenridge.town.codes/Code/1-4-1>

<sup>10</sup> **Brighton:**

[https://library.municode.com/co/brighton/codes/municipal\\_code?nodeId=CH9PUPEMOWE\\_ART9-12PUPRPEPR\\_S9-12-10ACCOTR](https://library.municode.com/co/brighton/codes/municipal_code?nodeId=CH9PUPEMOWE_ART9-12PUPRPEPR_S9-12-10ACCOTR)

[https://library.municode.com/co/brighton/codes/municipal\\_code?nodeId=CH1GEPR\\_ART1-24GEPE\\_S1-24-10DE](https://library.municode.com/co/brighton/codes/municipal_code?nodeId=CH1GEPR_ART1-24GEPE_S1-24-10DE)

<sup>11</sup> **Broomfield:**

[https://library.municode.com/co/broomfield/codes/municipal\\_code?nodeId=TIT9PUPEMOWE\\_V.OFAGPR\\_CH9-52TR\\_9-52-010UNENPRPRPUPR](https://library.municode.com/co/broomfield/codes/municipal_code?nodeId=TIT9PUPEMOWE_V.OFAGPR_CH9-52TR_9-52-010UNENPRPRPUPR)

[https://library.municode.com/co/broomfield/codes/municipal\\_code?nodeId=TIT9PUPEMOWE\\_V.OFAGPR\\_CH9-52TR\\_9-52-060TRVE](https://library.municode.com/co/broomfield/codes/municipal_code?nodeId=TIT9PUPEMOWE_V.OFAGPR_CH9-52TR_9-52-060TRVE)

[https://library.municode.com/co/broomfield/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1-12GEPE\\_1-12-020PEDE](https://library.municode.com/co/broomfield/codes/municipal_code?nodeId=TIT1GEPR_CH1-12GEPE_1-12-020PEDE)

<sup>12</sup> **Burlington:**

[https://library.municode.com/co/burlington/codes/code\\_of\\_ordinances?nodeId=TIT9CRPUPEMOWE\\_CH9.02OFAGPR\\_9.02.020CRTR](https://library.municode.com/co/burlington/codes/code_of_ordinances?nodeId=TIT9CRPUPEMOWE_CH9.02OFAGPR_9.02.020CRTR)

[https://library.municode.com/co/burlington/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.16GEPE\\_1.16.020FIPE](https://library.municode.com/co/burlington/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.16GEPE_1.16.020FIPE)

<sup>13</sup> **Cañon City:**

*Cañon City’s charter authorizes both fines and imprisonment but the city’s ordinances only permit fines.*

[https://library.municode.com/co/canon\\_city/codes/code\\_of\\_ordinances?nodeId=TIT9PUPEMOWE\\_DIVVOFAGPR\\_CH9.40TR\\_S9.40.010TR](https://library.municode.com/co/canon_city/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_DIVVOFAGPR_CH9.40TR_S9.40.010TR)

[https://library.municode.com/co/canon\\_city/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.28GEPE\\_S1.28.010PECOVI](https://library.municode.com/co/canon_city/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.28GEPE_S1.28.010PECOVI)

[https://library.municode.com/co/canon\\_city/codes/code\\_of\\_ordinances?nodeId=PTICHCACO\\_ARTXVSEICOOR\\_S3PEVI](https://library.municode.com/co/canon_city/codes/code_of_ordinances?nodeId=PTICHCACO_ARTXVSEICOOR_S3PEVI)

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- <sup>14</sup> **Carbondale:**  
[https://library.municode.com/co/carbondale/codes/municipal\\_code?nodeId=CD\\_ORD\\_CH10GEOF\\_ART4PUPRPEPR\\_S10-4-30TR](https://library.municode.com/co/carbondale/codes/municipal_code?nodeId=CD_ORD_CH10GEOF_ART4PUPRPEPR_S10-4-30TR)  
[https://library.municode.com/co/carbondale/codes/municipal\\_code?nodeId=CD\\_ORD\\_CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/carbondale/codes/municipal_code?nodeId=CD_ORD_CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>15</sup> **Castle Pines:**  
[https://library.municode.com/co/castle\\_pines/codes/municipal\\_code?nodeId=CH10GEOF\\_ART7OFAGPR\\_S10-7-20TR](https://library.municode.com/co/castle_pines/codes/municipal_code?nodeId=CH10GEOF_ART7OFAGPR_S10-7-20TR)  
[https://library.municode.com/co/castle\\_pines/codes/municipal\\_code?nodeId=CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/castle_pines/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>16</sup> **Castle Rock:**  
[https://library.municode.com/co/castle\\_rock/codes/municipal\\_code?nodeId=TIT9PUPEMOWE\\_CH9.04OFAGPUPE\\_ARTIPRPE\\_SA\\_9.04.050TRPRPR](https://library.municode.com/co/castle_rock/codes/municipal_code?nodeId=TIT9PUPEMOWE_CH9.04OFAGPUPE_ARTIPRPE_SA_9.04.050TRPRPR)  
[https://library.municode.com/co/castle\\_rock/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.08GEPE\\_1.08.010VIPE](https://library.municode.com/co/castle_rock/codes/municipal_code?nodeId=TIT1GEPR_CH1.08GEPE_1.08.010VIPE)
- <sup>17</sup> **Cedaredge:**  
<https://www.cedaredgecolorado.com/DocumentCenter/View/58/T09---Title-9--PUBLIC-PEACE-MORALS-AND-WELFARE-PDF?bidId=>  
<https://cedaredgecolorado.com/DocumentCenter/View/52/T01---Title-1--GENERAL-PROVISIONS-PDF>
- <sup>18</sup> **Centennial:**  
[https://library.municode.com/co/centennial/codes/municipal\\_code?nodeId=CEMUCO\\_CH1GEPR\\_ART4GEPE\\_S1-4-10GEPEVI](https://library.municode.com/co/centennial/codes/municipal_code?nodeId=CEMUCO_CH1GEPR_ART4GEPE_S1-4-10GEPEVI)
- <sup>19</sup> **Central City:**  
[https://library.municode.com/co/central\\_city/codes/municipal\\_code?nodeId=CH10GEOF\\_ARTVOFAGPR\\_S10-5-10TR](https://library.municode.com/co/central_city/codes/municipal_code?nodeId=CH10GEOF_ARTVOFAGPR_S10-5-10TR)  
[https://library.municode.com/co/central\\_city/codes/municipal\\_code?nodeId=CH1GEPR\\_ARTIVGEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/central_city/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI)
- <sup>20</sup> **Cherry Hills Village:**  
[https://library.municode.com/co/cherry\\_hills\\_village/codes/municipal\\_code?nodeId=CH10GEOF\\_ARTIVPUPRPEPR\\_S10-4-30TR](https://library.municode.com/co/cherry_hills_village/codes/municipal_code?nodeId=CH10GEOF_ARTIVPUPRPEPR_S10-4-30TR)  
[https://library.municode.com/co/cherry\\_hills\\_village/codes/municipal\\_code?nodeId=CH1GEPR\\_ARTIVGEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/cherry_hills_village/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI)
- <sup>21</sup> **Colorado Springs:**  
[https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings\\_co/0-0-0-16413](https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-16413)  
[https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings\\_co/0-0-0-118](https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-118)
- <sup>22</sup> **Commerce City:**  
[https://library.municode.com/co/commerce\\_city/codes/municipal\\_code?nodeId=COOR\\_CH12PUPESA\\_ARTIIIOFINPR\\_S12-3000TR](https://library.municode.com/co/commerce_city/codes/municipal_code?nodeId=COOR_CH12PUPESA_ARTIIIOFINPR_S12-3000TR)  
[https://library.municode.com/co/commerce\\_city/codes/municipal\\_code?nodeId=COOR\\_CH1GE\\_ARTIIICOEN\\_S1-3003PEGE](https://library.municode.com/co/commerce_city/codes/municipal_code?nodeId=COOR_CH1GE_ARTIIICOEN_S1-3003PEGE)

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- <sup>23</sup> **Cortez:**  
[https://library.municode.com/co/cortez/codes/code\\_of\\_ordinances?nodeId=PTIITHCO\\_CH18OFIS\\_S18-52TR](https://library.municode.com/co/cortez/codes/code_of_ordinances?nodeId=PTIITHCO_CH18OFIS_S18-52TR)  
[https://library.municode.com/co/cortez/codes/code\\_of\\_ordinances?nodeId=PTIITHCO\\_CH17MUCO\\_S17-16ASEMUCO](https://library.municode.com/co/cortez/codes/code_of_ordinances?nodeId=PTIITHCO_CH17MUCO_S17-16ASEMUCO)
- <sup>24</sup> **Craig:**  
[https://library.municode.com/co/craig/codes/municipal\\_code?nodeId=TIT9PUPEMOWE\\_VIOFAGPR\\_CH9.48TR\\_9.48.010GE](https://library.municode.com/co/craig/codes/municipal_code?nodeId=TIT9PUPEMOWE_VIOFAGPR_CH9.48TR_9.48.010GE)  
[https://library.municode.com/co/craig/codes/municipal\\_code?nodeId=TIT9PUPEMOWE\\_IGEPH\\_CH9.04ENPE\\_9.04.010PECL](https://library.municode.com/co/craig/codes/municipal_code?nodeId=TIT9PUPEMOWE_IGEPH_CH9.04ENPE_9.04.010PECL)
- <sup>25</sup> **Crested Butte:**  
[https://library.municode.com/co/crested\\_butte/codes/municipal\\_code?nodeId=CH10GEOF\\_ART4PUPRPEPR\\_S10-4-50TR](https://library.municode.com/co/crested_butte/codes/municipal_code?nodeId=CH10GEOF_ART4PUPRPEPR_S10-4-50TR)  
[https://library.municode.com/co/crested\\_butte/codes/municipal\\_code?nodeId=CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/crested_butte/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>26</sup> **Dacono:**  
[https://library.municode.com/co/dacono/codes/municipal\\_code?nodeId=CH10GEOF\\_ART4OFAGPR\\_S10-62TRRIOWPR](https://library.municode.com/co/dacono/codes/municipal_code?nodeId=CH10GEOF_ART4OFAGPR_S10-62TRRIOWPR)  
[https://library.municode.com/co/dacono/codes/municipal\\_code?nodeId=CH1GEPR\\_ART5GEPE\\_S1-70DE](https://library.municode.com/co/dacono/codes/municipal_code?nodeId=CH1GEPR_ART5GEPE_S1-70DE)
- <sup>27</sup> **Delta:**  
<https://www.cityofdelta.net/media/13251>  
<https://www.cityofdelta.net/media/13056>
- <sup>28</sup> **Denver:**  
[https://library.municode.com/co/denver/codes/code\\_of\\_ordinances?nodeId=TITIIREMUCO\\_CH38OFMIPR\\_ARTIVOFAGPUOR\\_SA\\_DIV1GE\\_S38-115TR](https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH38OFMIPR_ARTIVOFAGPUOR_SA_DIV1GE_S38-115TR)  
[https://library.municode.com/co/denver/codes/code\\_of\\_ordinances?nodeId=TITIIREMUCO\\_CH38OFMIPR\\_ARTIIIOFAGPR\\_DIV1GE\\_S38-51.12TRMOVE](https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH38OFMIPR_ARTIIIOFAGPR_DIV1GE_S38-51.12TRMOVE)  
[https://library.municode.com/co/denver/codes/code\\_of\\_ordinances?nodeId=TITIIREMUCO\\_CH1GEPR\\_S1-13GEPE](https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH1GEPR_S1-13GEPE)  
[https://library.municode.com/co/denver/codes/code\\_of\\_ordinances?nodeId=TITIIREMUCO\\_CH1GEPR\\_S1-14OFCL](https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH1GEPR_S1-14OFCL)
- <sup>29</sup> **Dillon:**  
[https://library.municode.com/co/dillon/codes/municipal\\_code?nodeId=DIMUCO\\_CH1GEPR\\_ARTIVGEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/dillon/codes/municipal_code?nodeId=DIMUCO_CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI)
- <sup>30</sup> **Durango:**  
[https://library.municode.com/co/durango/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17OF\\_ARTIVOFREPR\\_S17-57TR](https://library.municode.com/co/durango/codes/code_of_ordinances?nodeId=PTIICOOR_CH17OF_ARTIVOFREPR_S17-57TR)  
[https://library.municode.com/co/durango/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-16GEPECOVI](https://library.municode.com/co/durango/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-16GEPECOVI)
- <sup>31</sup> **Eagle:**  
[https://library.municode.com/co/eagle/codes/code\\_of\\_ordinances?nodeId=COOR\\_TIT9PUPESAMO\\_CH9.14OFAGPEREPR\\_S9.14.060CRTR](https://library.municode.com/co/eagle/codes/code_of_ordinances?nodeId=COOR_TIT9PUPESAMO_CH9.14OFAGPEREPR_S9.14.060CRTR)



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[https://library.municode.com/co/eagle/codes/code\\_of\\_ordinances?nodeId=COOR\\_TIT1GEPR\\_CH1.12PEMUORVI\\_S1.12.010GEPEDE](https://library.municode.com/co/eagle/codes/code_of_ordinances?nodeId=COOR_TIT1GEPR_CH1.12PEMUORVI_S1.12.010GEPEDE)

<sup>32</sup> **Edgewater:**

[https://library.municode.com/co/edgewater/codes/municipal\\_code?nodeId=EDMUCO\\_CH10GEOF\\_ART5PUPRPEPR\\_S10-5-30TR](https://library.municode.com/co/edgewater/codes/municipal_code?nodeId=EDMUCO_CH10GEOF_ART5PUPRPEPR_S10-5-30TR)

[https://library.municode.com/co/edgewater/codes/municipal\\_code?nodeId=EDMUCO\\_CH1GEPR\\_ART4GEPE\\_S1-4-20GEPE](https://library.municode.com/co/edgewater/codes/municipal_code?nodeId=EDMUCO_CH1GEPR_ART4GEPE_S1-4-20GEPE)

<sup>33</sup> **Englewood:**

[https://library.municode.com/co/englewood/codes/code\\_of\\_ordinances?nodeId=TIT7PUSA\\_CH6OFCO\\_ARTFOFREPR\\_7-6F-2TR](https://library.municode.com/co/englewood/codes/code_of_ordinances?nodeId=TIT7PUSA_CH6OFCO_ARTFOFREPR_7-6F-2TR)

[https://library.municode.com/co/englewood/codes/code\\_of\\_ordinances?nodeId=TIT1AD\\_CH4GEPE\\_1-4-1GEPE](https://library.municode.com/co/englewood/codes/code_of_ordinances?nodeId=TIT1AD_CH4GEPE_1-4-1GEPE)

<sup>34</sup> **Erie:**

[https://library.municode.com/co/erie/codes/code\\_of\\_ordinances?nodeId=TIT1ADPE\\_CH4MUCOGEPE\\_1-4-4PEPRGE](https://library.municode.com/co/erie/codes/code_of_ordinances?nodeId=TIT1ADPE_CH4MUCOGEPE_1-4-4PEPRGE)

<sup>35</sup> **Evans:**

[https://library.municode.com/co/evans/codes/municipal\\_code?nodeId=MUCO\\_TIT9PUPEMOWE\\_CH9.24OFAGPR\\_9.24.050CRTR](https://library.municode.com/co/evans/codes/municipal_code?nodeId=MUCO_TIT9PUPEMOWE_CH9.24OFAGPR_9.24.050CRTR)

[https://library.municode.com/co/evans/codes/municipal\\_code?nodeId=MUCO\\_TIT1GEPR\\_CH1.16GEPE\\_1.16.010VICOPRENDRE](https://library.municode.com/co/evans/codes/municipal_code?nodeId=MUCO_TIT1GEPR_CH1.16GEPE_1.16.010VICOPRENDRE)

<sup>36</sup> **Federal Heights:**

[https://library.municode.com/co/federal\\_heights/codes/code\\_of\\_ordinances?nodeId=PTIIMUCO\\_CH38MIOF\\_ARTIVOFAGPR\\_S38-45TR](https://library.municode.com/co/federal_heights/codes/code_of_ordinances?nodeId=PTIIMUCO_CH38MIOF_ARTIVOFAGPR_S38-45TR)

[https://library.municode.com/co/federal\\_heights/codes/code\\_of\\_ordinances?nodeId=PTIIMUCO\\_CH1GEPR\\_S1-15PE](https://library.municode.com/co/federal_heights/codes/code_of_ordinances?nodeId=PTIIMUCO_CH1GEPR_S1-15PE)

<sup>37</sup> **Fort Collins:**

*The maximum penalty in Fort Collins is inclusive of the fine and any surcharge.*

[https://library.municode.com/co/fort\\_collins/codes/municipal\\_code?nodeId=CH17MIOF\\_ARTIIIOFAGPR\\_S17-40TRTRRAPR](https://library.municode.com/co/fort_collins/codes/municipal_code?nodeId=CH17MIOF_ARTIIIOFAGPR_S17-40TRTRRAPR)

[https://library.municode.com/co/fort\\_collins/codes/municipal\\_code?nodeId=CH1GEPR\\_S1-15GEPESUMIOFPEOFTROFTRCIIN](https://library.municode.com/co/fort_collins/codes/municipal_code?nodeId=CH1GEPR_S1-15GEPESUMIOFPEOFTROFTRCIIN)

<sup>38</sup> **Fort Morgan:**

[https://library.municode.com/co/fort\\_morgan/codes/municipal\\_code?nodeId=CH10GEOF\\_ART3OFAGPR\\_S10-3-70TR](https://library.municode.com/co/fort_morgan/codes/municipal_code?nodeId=CH10GEOF_ART3OFAGPR_S10-3-70TR)

[https://library.municode.com/co/fort\\_morgan/codes/municipal\\_code?nodeId=CH1GEPR\\_ART4GEPE\\_S1-4-10GEPECOVI](https://library.municode.com/co/fort_morgan/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-10GEPECOVI)

<sup>39</sup> **Fountain:**

[https://library.municode.com/co/fountain/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TIT9PUPEMOWE\\_CH9.24OFAFPR\\_D](https://library.municode.com/co/fountain/codes/code_of_ordinances?nodeId=PTIICOOR_TIT9PUPEMOWE_CH9.24OFAFPR_D)

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[https://library.municode.com/co/fountain/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TIT1GEPR\\_CH1.12GEPE\\_S1.12.010GEPE](https://library.municode.com/co/fountain/codes/code_of_ordinances?nodeId=PTIICOOR_TIT1GEPR_CH1.12GEPE_S1.12.010GEPE)

<sup>40</sup> **Frisco:**

[https://library.municode.com/co/frisco/codes/code\\_of\\_ordinances?nodeId=CH127OF\\_S127-19TR](https://library.municode.com/co/frisco/codes/code_of_ordinances?nodeId=CH127OF_S127-19TR)

[https://library.municode.com/co/frisco/codes/code\\_of\\_ordinances?nodeId=CH1GEPR\\_ARTIADCO\\_S1-14GEPEVI](https://library.municode.com/co/frisco/codes/code_of_ordinances?nodeId=CH1GEPR_ARTIADCO_S1-14GEPEVI)

<sup>41</sup> **Fruita:**

[https://library.municode.com/co/fruita/codes/municipal\\_code?nodeId=TIT9PUPEMOWE\\_CH9.01PUPEMOWE\\_9.01.027CRTR](https://library.municode.com/co/fruita/codes/municipal_code?nodeId=TIT9PUPEMOWE_CH9.01PUPEMOWE_9.01.027CRTR)

[https://library.municode.com/co/fruita/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.28GEPE\\_1.28.020PEMUVIDE](https://library.municode.com/co/fruita/codes/municipal_code?nodeId=TIT1GEPR_CH1.28GEPE_1.28.020PEMUVIDE)

<sup>42</sup> **Glendale:**

<https://www.codepublishing.com/CO/Glendale/#!/Glendale09/Glendale0920.html#9.20.060>

<https://www.codepublishing.com/CO/Glendale/#!/Glendale01/Glendale0116.html#1.16>

<sup>43</sup> **Glenwood Springs:**

[https://library.municode.com/co/glenwood\\_springs/codes/municipal\\_code?nodeId=TIT120CRPR\\_ART120.020OFAGPEPR\\_120.020.090TR](https://library.municode.com/co/glenwood_springs/codes/municipal_code?nodeId=TIT120CRPR_ART120.020OFAGPEPR_120.020.090TR)

[https://library.municode.com/co/glenwood\\_springs/codes/municipal\\_code?nodeId=TIT010GEPR\\_ART010.020INGE\\_010.020.080GEPEVICOCIVI](https://library.municode.com/co/glenwood_springs/codes/municipal_code?nodeId=TIT010GEPR_ART010.020INGE_010.020.080GEPEVICOCIVI)

<sup>44</sup> **Golden:**

[https://library.municode.com/co/golden/codes/municipal\\_code?nodeId=TIT8PUPESA\\_CH8.04CRCO\\_ARTIVOFAGPR\\_8.04.450TR](https://library.municode.com/co/golden/codes/municipal_code?nodeId=TIT8PUPESA_CH8.04CRCO_ARTIVOFAGPR_8.04.450TR)

[https://library.municode.com/co/golden/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.01COPR\\_1.01.110VIEN](https://library.municode.com/co/golden/codes/municipal_code?nodeId=TIT1GEPR_CH1.01COPR_1.01.110VIEN)

<sup>45</sup> **Grand Junction:**

<https://ecode360.com/44688060>

<https://ecode360.com/44646032>

<sup>46</sup> **Greeley:**

[https://library.municode.com/co/greeley/codes/municipal\\_code?nodeId=PTIICOOR\\_TIT14CRCOOF\\_CH9OFAGPR\\_S14-288CRTRVIDE](https://library.municode.com/co/greeley/codes/municipal_code?nodeId=PTIICOOR_TIT14CRCOOF_CH9OFAGPR_S14-288CRTRVIDE)

[https://library.municode.com/co/greeley/codes/municipal\\_code?nodeId=PTIICOOR\\_TIT1GEPR\\_CH9GEPE\\_S1-229PEDE](https://library.municode.com/co/greeley/codes/municipal_code?nodeId=PTIICOOR_TIT1GEPR_CH9GEPE_S1-229PEDE)

<sup>47</sup> **Greenwood Village:**

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- [https://library.municode.com/co/greenwood\\_village/codes/municipal\\_code?nodeId=CH9GEOF\\_ART16PR\\_S9-16-30TR](https://library.municode.com/co/greenwood_village/codes/municipal_code?nodeId=CH9GEOF_ART16PR_S9-16-30TR)  
[https://library.municode.com/co/greenwood\\_village/codes/municipal\\_code?nodeId=CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/greenwood_village/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>48</sup> **Gunnison:**  
<https://www.codepublishing.com/CO/Gunnison/#!/Gunnison05/Gunnison0510.html#5.10.070>  
<https://www.codepublishing.com/CO/Gunnison/#!/Gunnison04/Gunnison0420.html#4.20.010>  
<https://www.codepublishing.com/CO/Gunnison/#!/Gunnison05/Gunnison0510.html#5.10.290>
- <sup>49</sup> **Gypsum:**  
*All violations of the Gypsum code are civil infractions.*  
[https://library.municode.com/co/gypsum/codes/code\\_of\\_ordinances?nodeId=TIT2ADPE\\_CH2.01MUCO\\_2.01.180CIIN](https://library.municode.com/co/gypsum/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.01MUCO_2.01.180CIIN)
- <sup>50</sup> **Hayden:**  
[https://library.municode.com/co/hayden/codes/municipal\\_code?nodeId=TIT14PUPEMO\\_CH14.36TR\\_S14.36.010ACPR](https://library.municode.com/co/hayden/codes/municipal_code?nodeId=TIT14PUPEMO_CH14.36TR_S14.36.010ACPR)  
[https://library.municode.com/co/hayden/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.12GEPE\\_S1.12.010VIORGEPE](https://library.municode.com/co/hayden/codes/municipal_code?nodeId=TIT1GEPR_CH1.12GEPE_S1.12.010VIORGEPE)
- <sup>51</sup> **Holyoke:**  
[https://library.municode.com/co/holyoke/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TIT9PUPEMOWE\\_CH9.20OFAGPR\\_S9.20.030ACCOTR](https://library.municode.com/co/holyoke/codes/code_of_ordinances?nodeId=PTIICOOR_TIT9PUPEMOWE_CH9.20OFAGPR_S9.20.030ACCOTR)  
[https://library.municode.com/co/holyoke/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TIT1GEPR\\_CH1.16GEPE\\_S1.16.010GPEPE](https://library.municode.com/co/holyoke/codes/code_of_ordinances?nodeId=PTIICOOR_TIT1GEPR_CH1.16GEPE_S1.16.010GPEPE)
- <sup>52</sup> **Hudson:**  
[https://library.municode.com/co/hudson/codes/municipal\\_code?nodeId=CD\\_CH10GEOF\\_ART2OFINPR\\_S10-15TR](https://library.municode.com/co/hudson/codes/municipal_code?nodeId=CD_CH10GEOF_ART2OFINPR_S10-15TR)  
[https://library.municode.com/co/hudson/codes/municipal\\_code?nodeId=CD\\_CH1GEPR\\_ART5GEPE\\_S1-51FIPE](https://library.municode.com/co/hudson/codes/municipal_code?nodeId=CD_CH1GEPR_ART5GEPE_S1-51FIPE)
- <sup>53</sup> **Johnstown:**  
[https://library.municode.com/co/johnstown/codes/municipal\\_code?nodeId=CH1GEPR\\_ARTIVGEPE\\_S1-62GEPEVICOCOVI](https://library.municode.com/co/johnstown/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-62GEPEVICOCOVI)
- <sup>54</sup> **Kiowa:**  
[https://library.municode.com/co/kiowa/codes/municipal\\_code?nodeId=KIOWA\\_MUNICIPAL\\_CODE\\_CH10GEOF\\_ARTIVPR\\_S10-72TRPROWPR](https://library.municode.com/co/kiowa/codes/municipal_code?nodeId=KIOWA_MUNICIPAL_CODE_CH10GEOF_ARTIVPR_S10-72TRPROWPR)  
[https://library.municode.com/co/kiowa/codes/municipal\\_code?nodeId=KIOWA\\_MUNICIPAL\\_CODE\\_CH10GEOF\\_ARTIVPR\\_S10-73TRMOVE](https://library.municode.com/co/kiowa/codes/municipal_code?nodeId=KIOWA_MUNICIPAL_CODE_CH10GEOF_ARTIVPR_S10-73TRMOVE)  
[https://library.municode.com/co/kiowa/codes/municipal\\_code?nodeId=KIOWA\\_MUNICIPAL\\_CODE\\_CH1GEPR\\_ARTIVGEPE\\_S1-72GEPEVI](https://library.municode.com/co/kiowa/codes/municipal_code?nodeId=KIOWA_MUNICIPAL_CODE_CH1GEPR_ARTIVGEPE_S1-72GEPEVI)

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- <sup>55</sup> **La Junta:**  
[https://library.municode.com/co/la\\_junta/codes/municipal\\_code?nodeId=TIT9PUPEMOWE\\_CH9.08OFGE\\_VOFAGPR\\_9.08.200TR](https://library.municode.com/co/la_junta/codes/municipal_code?nodeId=TIT9PUPEMOWE_CH9.08OFGE_VOFAGPR_9.08.200TR)  
[https://library.municode.com/co/la\\_junta/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.08GEPE\\_1.08.010PEVI](https://library.municode.com/co/la_junta/codes/municipal_code?nodeId=TIT1GEPR_CH1.08GEPE_1.08.010PEVI)
- <sup>56</sup> **Lafayette:**  
[https://library.municode.com/co/lafayette/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH75OFIS\\_ARTIVOFAGPR\\_S75-165TR](https://library.municode.com/co/lafayette/codes/code_of_ordinances?nodeId=COOR_CH75OFIS_ARTIVOFAGPR_S75-165TR)  
[https://library.municode.com/co/lafayette/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH1GEPR\\_S1-10GEPECOVIIN](https://library.municode.com/co/lafayette/codes/code_of_ordinances?nodeId=COOR_CH1GEPR_S1-10GEPECOVIIN)
- <sup>57</sup> **Lakewood:**  
[https://library.municode.com/co/lakewood/codes/municipal\\_code?nodeId=TIT9PUPESA\\_VIOFAGPR\\_CH9.66TR\\_9.66.010TRNL](https://library.municode.com/co/lakewood/codes/municipal_code?nodeId=TIT9PUPESA_VIOFAGPR_CH9.66TR_9.66.010TRNL)  
[https://library.municode.com/co/lakewood/codes/municipal\\_code?nodeId=TIT9PUPESA\\_VIOFAGPR\\_CH9.66TR\\_9.66.020MOVETR](https://library.municode.com/co/lakewood/codes/municipal_code?nodeId=TIT9PUPESA_VIOFAGPR_CH9.66TR_9.66.020MOVETR)  
[https://library.municode.com/co/lakewood/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.16PEVI\\_1.16.020PEDE](https://library.municode.com/co/lakewood/codes/municipal_code?nodeId=TIT1GEPR_CH1.16PEVI_1.16.020PEDE)
- <sup>58</sup> **Lamar:**  
[https://library.municode.com/co/lamar/codes/municipal\\_code?nodeId=PTIICOOR\\_CH14OF\\_ARTIINGE\\_S14-11TR](https://library.municode.com/co/lamar/codes/municipal_code?nodeId=PTIICOOR_CH14OF_ARTIINGE_S14-11TR)  
[https://library.municode.com/co/lamar/codes/municipal\\_code?nodeId=PTIICOOR\\_CH1GEPR\\_S1-21GEPE](https://library.municode.com/co/lamar/codes/municipal_code?nodeId=PTIICOOR_CH1GEPR_S1-21GEPE)
- <sup>59</sup> **Larkspur:**  
[https://library.municode.com/co/larkspur/codes/municipal\\_code?nodeId=CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/larkspur/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>60</sup> **Littleton:**  
<https://online.encodeplus.com/regs/littleton-co-cc/doc-viewer.aspx?secid=236&keywords=penalties%2Cpenalties%27%2Cpenalty%27s%2Cpenalty#secid-1133>  
<https://online.encodeplus.com/regs/littleton-co-cc/doc-viewer.aspx?secid=236&keywords=penalties%2Cpenalties%27%2Cpenalty%27s%2Cpenalty#secid-236>
- <sup>61</sup> **Lone Tree:**  
[https://library.municode.com/co/lone\\_tree/codes/municipal\\_code?nodeId=CH10GEOF\\_ARTIIIOFAGPR\\_S10-3-10TR](https://library.municode.com/co/lone_tree/codes/municipal_code?nodeId=CH10GEOF_ARTIIIOFAGPR_S10-3-10TR)  
[https://library.municode.com/co/lone\\_tree/codes/municipal\\_code?nodeId=CH1GEPR\\_ARTIVGEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/lone_tree/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI)
- <sup>62</sup> **Longmont:**  
[https://library.municode.com/co/longmont/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TIT10PUPEMOWE\\_CH10.24OFAGPR\\_S10.24.100TR](https://library.municode.com/co/longmont/codes/code_of_ordinances?nodeId=PTIICOOR_TIT10PUPEMOWE_CH10.24OFAGPR_S10.24.100TR)  
[https://library.municode.com/co/longmont/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TIT1GEPR\\_CH1.12GEPE\\_S1.12.010DE](https://library.municode.com/co/longmont/codes/code_of_ordinances?nodeId=PTIICOOR_TIT1GEPR_CH1.12GEPE_S1.12.010DE)

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- <sup>63</sup> **Louisville:**  
[https://library.municode.com/co/louisville/codes/code\\_of\\_ordinances?nodeId=V.OFAGPR\\_CH9.54TR](https://library.municode.com/co/louisville/codes/code_of_ordinances?nodeId=V.OFAGPR_CH9.54TR)  
[https://library.municode.com/co/louisville/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.28GEPE\\_S1.28.010GEPE](https://library.municode.com/co/louisville/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.28GEPE_S1.28.010GEPE)
- <sup>64</sup> **Loveland:**  
[https://library.municode.com/co/loveland/codes/code\\_of\\_ordinances?nodeId=PTIILOCOMUCO\\_TIT9PUPEORMO\\_V.OFAGPR\\_CH9.48TR\\_9.48.010TRPRPUPR](https://library.municode.com/co/loveland/codes/code_of_ordinances?nodeId=PTIILOCOMUCO_TIT9PUPEORMO_V.OFAGPR_CH9.48TR_9.48.010TRPRPUPR)  
[https://library.municode.com/co/loveland/codes/code\\_of\\_ordinances?nodeId=PTIILOCOMUCO\\_TIT1GEPR\\_CH1.12FIPE\\_1.12.010GEPEPETRIN](https://library.municode.com/co/loveland/codes/code_of_ordinances?nodeId=PTIILOCOMUCO_TIT1GEPR_CH1.12FIPE_1.12.010GEPEPETRIN)
- <sup>65</sup> **Manitou Springs:**  
[https://library.municode.com/co/manitou\\_springs/codes/code\\_of\\_ordinances?nodeId=TIT9PUPEMOWE\\_VOFAGPR\\_CH9.36TRHE\\_9.36.060THRO](https://library.municode.com/co/manitou_springs/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_VOFAGPR_CH9.36TRHE_9.36.060THRO)  
[https://library.municode.com/co/manitou\\_springs/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.01COAD\\_1.01.100VIPU](https://library.municode.com/co/manitou_springs/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.01COAD_1.01.100VIPU)
- <sup>66</sup> **Minturn:**  
[https://library.municode.com/co/minturn/codes/charter\\_and\\_municipal\\_code?nodeId=MUNICIPAL\\_CODE\\_CH10GEOF\\_ART6PUPRPEPR\\_S10-6-20TR](https://library.municode.com/co/minturn/codes/charter_and_municipal_code?nodeId=MUNICIPAL_CODE_CH10GEOF_ART6PUPRPEPR_S10-6-20TR)  
[https://library.municode.com/co/minturn/codes/charter\\_and\\_municipal\\_code?nodeId=MUNICIPAL\\_CODE\\_CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/minturn/codes/charter_and_municipal_code?nodeId=MUNICIPAL_CODE_CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>67</sup> **Monte Vista:**  
[https://library.municode.com/co/monte\\_vista/codes/municipal\\_code?nodeId=CH8GEOF\\_ART4OFAGPR\\_DIV1GE\\_S8-4-20TR](https://library.municode.com/co/monte_vista/codes/municipal_code?nodeId=CH8GEOF_ART4OFAGPR_DIV1GE_S8-4-20TR)  
[https://library.municode.com/co/monte\\_vista/codes/municipal\\_code?nodeId=CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/monte_vista/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>68</sup> **Montrose:**  
[https://library.municode.com/co/montrose/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TITVIPORE\\_CH6-1MIOF\\_S6-1-11TR](https://library.municode.com/co/montrose/codes/code_of_ordinances?nodeId=PTIICOOR_TITVIPORE_CH6-1MIOF_S6-1-11TR)  
[https://library.municode.com/co/montrose/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TITIAD\\_CH1-2GEPR\\_S1-2-3GEPE](https://library.municode.com/co/montrose/codes/code_of_ordinances?nodeId=PTIICOOR_TITIAD_CH1-2GEPR_S1-2-3GEPE)
- <sup>69</sup> **Monument:**  
[https://library.municode.com/co/monument/codes/code\\_of\\_ordinances?nodeId=TIT9PUPEWE\\_CH9.16OFREPR\\_9.16.040TR](https://library.municode.com/co/monument/codes/code_of_ordinances?nodeId=TIT9PUPEWE_CH9.16OFREPR_9.16.040TR)  
[https://library.municode.com/co/monument/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.20GEPE\\_1.20.010GEPEONVI](https://library.municode.com/co/monument/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.20GEPE_1.20.010GEPEONVI)
- <sup>70</sup> **Morrison:**  
[https://codelibrary.amlegal.com/codes/morrisonco/latest/morrison\\_co/0-0-0-16837](https://codelibrary.amlegal.com/codes/morrisonco/latest/morrison_co/0-0-0-16837)  
[https://codelibrary.amlegal.com/codes/morrisonco/latest/morrison\\_co/0-0-0-699](https://codelibrary.amlegal.com/codes/morrisonco/latest/morrison_co/0-0-0-699)
- <sup>71</sup> **Mountain View:**  
<https://mountainview.municipal.codes/Code/10.02.010>

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- <https://mountainview.municipal.codes/Code/1.06.020>
- <sup>72</sup> **Mountain Village:**  
<https://mountainvillage.municipal.codes/MVMC/1.08.010>
- <sup>73</sup> **Mt. Crested Butte:**  
<https://ecode360.com/44307231#44307250>  
<https://ecode360.com/44306041#44306110>
- <sup>74</sup> **New Castle:**  
[https://library.municode.com/co/new\\_castle/codes/code\\_of\\_ordinances?nodeId=TIT9PUPEMOWE\\_CH9.40OFAGPR\\_9.40.030CRTR](https://library.municode.com/co/new_castle/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.40OFAGPR_9.40.030CRTR)  
[https://library.municode.com/co/new\\_castle/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.20GEPE\\_1.20.010GEPE](https://library.municode.com/co/new_castle/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.20GEPE_1.20.010GEPE)
- <sup>75</sup> **Northglenn:**  
[https://municode.northglenn.org/ch9/content\\_9-2.html#9-2-2](https://municode.northglenn.org/ch9/content_9-2.html#9-2-2)  
[https://municode.northglenn.org/ch1/content\\_1-1.html#1-1-10](https://municode.northglenn.org/ch1/content_1-1.html#1-1-10)
- <sup>76</sup> **Ouray:**  
<https://ouray.municipal.codes/Code/10-2>  
<https://ouray.municipal.codes/Code/1-4>
- <sup>77</sup> **Pagosa Springs:**  
[https://library.municode.com/co/pagosa\\_springs/codes/code\\_of\\_ordinances?nodeId=CH12OF\\_ART8REPR\\_S12.8.9CRTR](https://library.municode.com/co/pagosa_springs/codes/code_of_ordinances?nodeId=CH12OF_ART8REPR_S12.8.9CRTR)  
[https://library.municode.com/co/pagosa\\_springs/codes/code\\_of\\_ordinances?nodeId=CH1GEPR\\_ART3VIEN\\_S1.3.3FIIN](https://library.municode.com/co/pagosa_springs/codes/code_of_ordinances?nodeId=CH1GEPR_ART3VIEN_S1.3.3FIIN)
- <sup>78</sup> **Parachute:**  
<https://parachute.municipal.codes/PMC/11.07.050>
- <sup>79</sup> **Parker:**  
[https://library.municode.com/co/parker/codes/municipal\\_code?nodeId=TIT8CRCO\\_CH8.02OFAGPR\\_8.02.010TR](https://library.municode.com/co/parker/codes/municipal_code?nodeId=TIT8CRCO_CH8.02OFAGPR_8.02.010TR)  
[https://library.municode.com/co/parker/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.02GEPR\\_1.02.060GEPECOVI](https://library.municode.com/co/parker/codes/municipal_code?nodeId=TIT1GEPR_CH1.02GEPR_1.02.060GEPECOVI)
- <sup>80</sup> **Pueblo:**  
*Pueblo's trespass ordinance specifically excludes motor vehicles and dwellings.*  
[https://library.municode.com/co/pueblo/codes/code\\_of\\_ordinances?nodeId=TITXIPORE\\_CH1GEOFCO\\_ARTIVOFAGPR\\_S11-1-406TR](https://library.municode.com/co/pueblo/codes/code_of_ordinances?nodeId=TITXIPORE_CH1GEOFCO_ARTIVOFAGPR_S11-1-406TR)  
[https://library.municode.com/co/pueblo/codes/code\\_of\\_ordinances?nodeId=TITXIPORE\\_CH1GEOFCO\\_ARTIGEPR\\_S11-1-103PEVI](https://library.municode.com/co/pueblo/codes/code_of_ordinances?nodeId=TITXIPORE_CH1GEOFCO_ARTIGEPR_S11-1-103PEVI)

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- <sup>81</sup> **Ridgway:**  
[https://library.municode.com/co/ridgway/codes/code\\_of\\_ordinances?nodeId=CH10GEOF\\_S3MIOF\\_10-3-9TR](https://library.municode.com/co/ridgway/codes/code_of_ordinances?nodeId=CH10GEOF_S3MIOF_10-3-9TR)  
[https://library.municode.com/co/pueblo/codes/code\\_of\\_ordinances?nodeId=TITXIPORE\\_CH1GEOF\\_CO\\_ARTIVOFAGPR\\_S11-1-401THME](https://library.municode.com/co/pueblo/codes/code_of_ordinances?nodeId=TITXIPORE_CH1GEOF_CO_ARTIVOFAGPR_S11-1-401THME)
- <sup>82</sup> **Rifle:**  
[https://library.municode.com/co/rifle/codes/charter\\_and\\_municipal\\_code?nodeId=CH10GEOF\\_ARTIVPUPRPEPR\\_S10-4-90TR](https://library.municode.com/co/rifle/codes/charter_and_municipal_code?nodeId=CH10GEOF_ARTIVPUPRPEPR_S10-4-90TR)  
[https://library.municode.com/co/rifle/codes/charter\\_and\\_municipal\\_code?nodeId=CH1GEPR\\_ARTIVGEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/rifle/codes/charter_and_municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI)
- <sup>83</sup> **Severance:**  
[https://library.municode.com/co/severance/codes/municipal\\_code?nodeId=CH10OF\\_ART4OFAGPR\\_S10-4-100TR](https://library.municode.com/co/severance/codes/municipal_code?nodeId=CH10OF_ART4OFAGPR_S10-4-100TR)  
[https://library.municode.com/co/severance/codes/municipal\\_code?nodeId=CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/severance/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>84</sup> **Sheridan:**  
[https://library.municode.com/co/sheridan/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH50OFMIPR\\_ARTIVOFAGPR\\_S50-26TR](https://library.municode.com/co/sheridan/codes/code_of_ordinances?nodeId=PTIICOOR_CH50OFMIPR_ARTIVOFAGPR_S50-26TR)  
[https://library.municode.com/co/sheridan/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-14GEPECOVI](https://library.municode.com/co/sheridan/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-14GEPECOVI)
- <sup>85</sup> **Silt:**  
[https://library.municode.com/co/silt/codes/code\\_of\\_ordinances?nodeId=TIT9PUPEMOWE\\_CH9.36TR\\_9.36.010TR](https://library.municode.com/co/silt/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.36TR_9.36.010TR)  
[https://library.municode.com/co/silt/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.12GEPE\\_1.12.020PE](https://library.municode.com/co/silt/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.12GEPE_1.12.020PE)
- <sup>86</sup> **Silverthorne:**  
[https://library.municode.com/co/silverthorne/codes/charter\\_and\\_municipal\\_code?nodeId=CO\\_CH2PUSA\\_ARTIVOFAGTO\\_S2-4-9TR](https://library.municode.com/co/silverthorne/codes/charter_and_municipal_code?nodeId=CO_CH2PUSA_ARTIVOFAGTO_S2-4-9TR)  
[https://library.municode.com/co/silverthorne/codes/charter\\_and\\_municipal\\_code?nodeId=CO\\_CH1GEGO\\_ARTIGEPR\\_S1-1-19VIPE](https://library.municode.com/co/silverthorne/codes/charter_and_municipal_code?nodeId=CO_CH1GEGO_ARTIGEPR_S1-1-19VIPE)
- <sup>87</sup> **Snowmass Village:**  
[https://library.municode.com/co/snowmass\\_village/codes/municipal\\_code?nodeId=CH10GEOF\\_ARTIIIOFAGPUPEORSA\\_S10-44TRPR](https://library.municode.com/co/snowmass_village/codes/municipal_code?nodeId=CH10GEOF_ARTIIIOFAGPUPEORSA_S10-44TRPR)  
[https://library.municode.com/co/snowmass\\_village/codes/municipal\\_code?nodeId=CH1GEPR\\_ARTIVGEPE\\_S1-72GEPEVI](https://library.municode.com/co/snowmass_village/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-72GEPEVI)
- <sup>88</sup> **Steamboat Springs:**  
[https://library.municode.com/co/steamboat\\_springs/codes/code\\_of\\_ordinances?nodeId=PTIISTSPREMUCO\\_CH10GEOF\\_ARTIII OFAGPR\\_S10-99TR](https://library.municode.com/co/steamboat_springs/codes/code_of_ordinances?nodeId=PTIISTSPREMUCO_CH10GEOF_ARTIII OFAGPR_S10-99TR)  
[https://library.municode.com/co/steamboat\\_springs/codes/code\\_of\\_ordinances?nodeId=PTIISTSPREMUCO\\_CH1GEPR\\_ARTIIN GE\\_S1-15GEPECOVI](https://library.municode.com/co/steamboat_springs/codes/code_of_ordinances?nodeId=PTIISTSPREMUCO_CH1GEPR_ARTIIN GE_S1-15GEPECOVI)

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- <sup>89</sup> **Sterling:**  
[https://library.municode.com/co/sterling/codes/code\\_of\\_ordinances?nodeId=PTIICICO\\_CH12OF\\_S12-13TR](https://library.municode.com/co/sterling/codes/code_of_ordinances?nodeId=PTIICICO_CH12OF_S12-13TR)  
[https://library.municode.com/co/sterling/codes/code\\_of\\_ordinances?nodeId=PTIICICO\\_CH1GEPR\\_S1-15GEPECOVI](https://library.municode.com/co/sterling/codes/code_of_ordinances?nodeId=PTIICICO_CH1GEPR_S1-15GEPECOVI)
- <sup>90</sup> **Telluride:**  
<https://telluride.municipal.codes/TMC/10-4-50>  
<https://telluride.municipal.codes/TMC/1-4-10>
- <sup>91</sup> **Thornton:**  
[https://library.municode.com/co/thornton/codes/code\\_of\\_ordinances?nodeId=CO\\_CH38LAENOFTR\\_ARTVIOFINPRRI\\_S38-179TR](https://library.municode.com/co/thornton/codes/code_of_ordinances?nodeId=CO_CH38LAENOFTR_ARTVIOFINPRRI_S38-179TR)  
[https://library.municode.com/co/thornton/codes/code\\_of\\_ordinances?nodeId=CO\\_CH1GEPR\\_ARTIINGE\\_S1-8GEPECOVI](https://library.municode.com/co/thornton/codes/code_of_ordinances?nodeId=CO_CH1GEPR_ARTIINGE_S1-8GEPECOVI)
- <sup>92</sup> **Timnath:**  
[https://library.municode.com/co/timnath/codes/municipal\\_code?nodeId=CD\\_CH10GEOF\\_ART4PUPRPEPR\\_S10-4-30TR](https://library.municode.com/co/timnath/codes/municipal_code?nodeId=CD_CH10GEOF_ART4PUPRPEPR_S10-4-30TR)  
[https://library.municode.com/co/timnath/codes/municipal\\_code?nodeId=CD\\_CH1GEPR\\_ART4GEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/timnath/codes/municipal_code?nodeId=CD_CH1GEPR_ART4GEPE_S1-4-20GEPEVI)
- <sup>93</sup> **Trinidad:**  
*Trinidad conforms to the maximum state penalty for an offense, notwithstanding a conflicting provision of its code.*  
[https://www.trinidad.co.gov/government/chapter\\_16\\_-\\_public\\_peace,\\_morals\\_and\\_welfare.php](https://www.trinidad.co.gov/government/chapter_16_-_public_peace,_morals_and_welfare.php)  
[https://www.trinidad.co.gov/government/chapter\\_1\\_-\\_general\\_provisions.php](https://www.trinidad.co.gov/government/chapter_1_-_general_provisions.php)
- <sup>94</sup> **Vail:**  
[https://codelibrary.amlegal.com/codes/vailco/latest/vail\\_co/0-0-0-4298](https://codelibrary.amlegal.com/codes/vailco/latest/vail_co/0-0-0-4298)  
[https://codelibrary.amlegal.com/codes/vailco/latest/vail\\_co/0-0-0-572](https://codelibrary.amlegal.com/codes/vailco/latest/vail_co/0-0-0-572)
- <sup>95</sup> **Westminster:**  
[https://library.municode.com/co/westminster/codes/code\\_of\\_ordinances?nodeId=COOR\\_TITVIPORE\\_CH3THFRTRLO\\_6-3-5TR](https://library.municode.com/co/westminster/codes/code_of_ordinances?nodeId=COOR_TITVIPORE_CH3THFRTRLO_6-3-5TR)  
[https://library.municode.com/co/westminster/codes/code\\_of\\_ordinances?nodeId=COOR\\_TITVIPORE\\_CH3THFRTRLO\\_6-3-7MOVETR](https://library.municode.com/co/westminster/codes/code_of_ordinances?nodeId=COOR_TITVIPORE_CH3THFRTRLO_6-3-7MOVETR)  
[https://library.municode.com/co/westminster/codes/code\\_of\\_ordinances?nodeId=CD\\_ORD\\_TITIAD\\_CH8PEIN\\_1-8-1PE](https://library.municode.com/co/westminster/codes/code_of_ordinances?nodeId=CD_ORD_TITIAD_CH8PEIN_1-8-1PE)
- <sup>96</sup> **Wheat Ridge:**  
[https://library.municode.com/co/wheat\\_ridge/codes/code\\_of\\_ordinances?nodeId=PTIICOLA\\_CH16OFIS\\_ARTIIIIOFAGPRRI\\_S16-46CRTRPRPUPR](https://library.municode.com/co/wheat_ridge/codes/code_of_ordinances?nodeId=PTIICOLA_CH16OFIS_ARTIIIIOFAGPRRI_S16-46CRTRPRPUPR)  
[https://library.municode.com/co/wheat\\_ridge/codes/code\\_of\\_ordinances?nodeId=PTIICOLA\\_CH1GEPR\\_S1-5GEPE](https://library.municode.com/co/wheat_ridge/codes/code_of_ordinances?nodeId=PTIICOLA_CH1GEPR_S1-5GEPE)
- <sup>97</sup> **Windsor:**  
[https://library.municode.com/co/windsor/codes/charter\\_and\\_municipal\\_code?nodeId=WI\\_CH10GEOF\\_ARTIIIIOFAGPR\\_S10-3-](https://library.municode.com/co/windsor/codes/charter_and_municipal_code?nodeId=WI_CH10GEOF_ARTIIIIOFAGPR_S10-3-)



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[https://library.municode.com/co/windsor/codes/charter\\_and\\_municipal\\_code?nodeId=WI\\_CH1GEPR\\_ARTIVGEPE\\_S1-4-20GEPEVI](https://library.municode.com/co/windsor/codes/charter_and_municipal_code?nodeId=WI_CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI)

<sup>98</sup> **Winter Park:**

[https://codelibrary.amlegal.com/codes/winterparkco/latest/winterpark\\_co/0-0-0-1835](https://codelibrary.amlegal.com/codes/winterparkco/latest/winterpark_co/0-0-0-1835)

[https://codelibrary.amlegal.com/codes/winterparkco/latest/winterpark\\_co/0-0-0-99](https://codelibrary.amlegal.com/codes/winterparkco/latest/winterpark_co/0-0-0-99)

<sup>99</sup> **Woodland Park:**

[https://library.municode.com/co/woodland\\_park/codes/code\\_of\\_ordinances?nodeId=TIT9PUPEMOWE\\_CH9.55PRPR\\_9.55.020TR](https://library.municode.com/co/woodland_park/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.55PRPR_9.55.020TR)

[https://library.municode.com/co/woodland\\_park/codes/code\\_of\\_ordinances?nodeId=TIT1GEPR\\_CH1.12GEPE\\_1.12.010DE](https://library.municode.com/co/woodland_park/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.12GEPE_1.12.010DE)

<sup>100</sup> **Wray:**

*Wray's fine is determined in accordance with a fee schedule adopted from time to time by the city council by resolution.*

[https://library.municode.com/co/wray/codes/code\\_of\\_ordinances?nodeId=TIT9PUPEMOWE\\_CH9.28OFAGPR\\_9.28.130TRPRPR](https://library.municode.com/co/wray/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.28OFAGPR_9.28.130TRPRPR)

<sup>101</sup> **Yuma:**

[https://library.municode.com/co/yuma/codes/municipal\\_code?nodeId=TIT9GEOF\\_CH9.20OFAGPR\\_9.20.040ACCOTR](https://library.municode.com/co/yuma/codes/municipal_code?nodeId=TIT9GEOF_CH9.20OFAGPR_9.20.040ACCOTR)

[https://library.municode.com/co/yuma/codes/municipal\\_code?nodeId=TIT1GEPR\\_CH1.10GEPE\\_1.10.020FIPE](https://library.municode.com/co/yuma/codes/municipal_code?nodeId=TIT1GEPR_CH1.10GEPE_1.10.020FIPE)



COLORADO  
MUNICIPAL  
LEAGUE

EMPOWERED CITIES AND TOWNS,  
UNITED FOR A STRONG COLORADO

# 2022 HOME RULE HANDBOOK



# CHAPTER I

## A HISTORY OF HOME RULE

### MUNICIPAL HOME RULE DEFINED

In Colorado, municipal “home rule” derives its authority directly from Article XX of the Colorado Constitution. It is a form of government under the control of local citizens rather than state government, with powers and authority derived from the municipality’s locally enacted charter and ordinances, rather than state statutes. It affords citizens of cities and towns who adopt a local charter freedom from the need for state enabling legislation and protection from state interference in “local and municipal matters.” Home rule does not, however, affect any powers of the federal government—home rule authority relates to state-local relations, not federal-local relations.

Until the advent of home rule authority, municipalities and other local governments were exclusively creatures of the state legislature, dependent on state enabling legislation and subject to state control and interference. This historical relationship between the state and municipal governments is known as “Dillon’s Rule,” named for a 19th-century Iowa Supreme Court justice and municipal law authority. In those states with home rule governments, the authority to establish and operate home rule municipalities is established by state statute or constitutional enactments, which override “Dillon’s Rule.”

### ORIGIN AND HISTORY OF HOME RULE IN OTHER STATES

The government of many American cities was bad, if not terrible, during the last decades of the 19th century. The era of 1865 to 1895 was one of tremendous physical growth of cities and expansion of municipal activities. From a municipal administration standpoint, it was a period of disintegration, waste, and inefficiency. Political machines and bosses plundered many communities. Lax moral standards in business life, the apathy of the public, and general neglect of the whole municipal problem by leading citizens, the press, and universities, all contributed to the low state of municipal affairs. Lack of a common body of knowledge and definite standards for municipal government, coupled with legislative interference and local politics, produced a confused situation in local organization and responsibility. Corruption in city government was made possible by the prevailing spoils system, by the activities of national political parties in local elections, and by the absence of adequate instruments of democratic control and of scientific methods of administration. Few outstanding public officials and administrators existed, municipal reference and research agencies were nonexistent, and organizations of public officials were in their infancy. The period has been justly described as the “Dark Ages” of American municipal history.<sup>1</sup>

In response to the treatment of cities by state governments, the home rule movement began. In 1875, Missouri became the first state to adopt home rule by inclusion in its new constitution of home rule entitlement for cities greater than 100,000 in population. California became the second state to authorize home rule after adopting its new constitution in 1879. Other states conferring home rule rights for cities during the remaining years of the 19th century included Minnesota and Washington. However, home rule and other municipal reforms became much more popular and prevalent during the Progressive Era—a period that historians generally date from 1900 to 1915 or 1920.<sup>2</sup>

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<sup>1</sup> See FRANK MANN STEWART, *A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE* (University of California Press 1950).

<sup>2</sup> JOHN A. RUSH, *THE CITY-COUNTY CONSOLIDATED 141-150* (1941).

A leading historian of American city government during the Progressive Era summarized the movement this way:

*In conclusion, how shall we account for and describe the Progressive movement? There were national problems of great magnitude evidencing themselves chiefly in the cities. For the most part these were accounted for by the nineteenth-century changes in the nature of the economic world, for which the old assumptions were inadequate and many of them incorrect. Whole groups of people were aroused to compassion and indignation at the now patent injustices because of these facts and the attendant frustrations. Diagnosis and exposure of the problems had begun. At this point pragmatism with a conscience leading to activism took over. It was a confluence of many strands—Populist, utopian, the experience and sensitivity of the settlements, the social gospel and the aroused conscience, the successes and failures of earlier reformers, frustrations of many groups, socialist reasoning, the rising consciousness of organized labor, scientific management, the Spanish–American War and its aftermath, a belief in progress—but all raised to a higher level, together with a freshness of approach and a moral component.<sup>3</sup>*

Reformers were interested in a number of reform devices, including home rule, to foster a sense of community. According to Griffith:

*Most stress was laid upon home rule, nonpartisanship, elections-at-large, and development of neighborhood centers. Naturally, there were other arguments for each of these. Among them was the thought that each would help weaken the power of spoils, the machine, and corrupt politics, at the state, city, and ward levels ... Government by the state, an agency outside the control of the voters of the individual city, was naturally the subject of further attack by the exponents of city self-government. The demand on the part of the city was insistent for a greater voice in its own affairs.<sup>4</sup>*

Numerous states, including Colorado, adopted municipal home rule during the Progressive Era. The progressive movement and the rush for home rule slowed down greatly after the commencement of World War I; however, additional states have adopted home rule over the years since then.<sup>5</sup>

The National Municipal League was probably the most prominent and influential national organization in promoting home rule and other municipal reforms during the Progressive Era and thereafter. The organization was founded in 1894 by local citizen groups and individuals interested in reforming municipal government. In later years, the League would devote attention to reforming county and state government.

In 1899, the National Municipal League adopted a “Municipal Program,” publishing it the following year. Later it was to be referred to as a “Model City Charter.” Over the years, the National Municipal League has published several revised editions. (The National Municipal League has changed its name to the National Civic League; it is not to be confused with the National League of Cities, which is the national association of cities and towns.) This “Municipal Program” contained provisions regarding municipal home rule to be incorporated in the state constitution and provisions for a Model City Charter. Its home rule features were described as follows:

*Special legislation for cities was not absolutely prohibited, but it was surrounded by certain safeguards designed to protect the city from unwarranted interference with its local affairs. Home rule, the right to adopt and amend charters, was given to cities with a population of 25,000 or more. As Chairman Deming said, “The city’s independence is guaranteed. The state legislature cannot meddle with purely local affairs.” Elsewhere Mr. Deming defined the fundamental principle of the program in these words: “... ample power in the city to conduct the local government, without possibility of outside assistance or of outside interference save by such supervision of a central state administrative authority as may be necessary to enforce a state law applicable alike to all the cities or all the inhabitants of the state.” All else in the program was detail in the application of this principle. And Professor Rowe declared that the object of the program was to provide such a position in the political system of the state and such a framework of government as would give*

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<sup>3</sup> ERNEST S. GRIFFITH, A HISTORY OF AMERICAN CITY GOVERNMENT: THE PROGRESSIVE YEARS AND THEIR AFTERMATH 1900-1920 32 (Praeger Publishers 1974).

<sup>4</sup> ERNEST S. GRIFFITH, A HISTORY OF AMERICAN CITY GOVERNMENT: THE PROGRESSIVE YEARS AND THEIR AFTERMATH 1900-1920 123 (Praeger Publishers 1974).

<sup>5</sup> ERNEST S. GRIFFITH, A HISTORY OF AMERICAN CITY GOVERNMENT: THE PROGRESSIVE YEARS AND THEIR AFTERMATH 1900-1920 123-125, 258 (Praeger Publishers 1974); JOHN A. RUSH, THE CITY-COUNTY CONSOLIDATED 150-158 (1941).

*to the city the widest possible freedom of action in formulating the details of its own organization and in the determination of its local policy.*<sup>6</sup>

Home rule has remained a foundation of the National Municipal League’s municipal reform agenda through the years, including its latest model state constitution and city charter.<sup>7</sup>

## ORIGIN AND HISTORY OF HOME RULE IN COLORADO

Municipal home rule in Colorado was adopted by state voters in 1902 and clarified and expanded by voters in 1912. Colorado’s adoption in 1902 was probably influenced by developments in other states and by recommendations of the National Municipal League. The National Municipal League’s 1900 Model City Charter has been credited to have “formed the basis for a sweeping amendment to the Colorado Constitution.”<sup>8</sup>

Historically, Colorado’s own home rule movement appears to have been fueled primarily by actions of state government affecting Denver and its citizens and a desire to form a consolidated city and county of Denver.

Denver had been granted a charter in 1861 by the territorial legislature. Denver and those other cities that were still operating under territorial charters retained the right to continue to operate under their special charters rather than being governed by general municipal laws when the constitution was adopted and statehood granted in 1876. (Georgetown is the only municipality still operating under a territorial charter.)

Following statehood, Denver’s territorial charter, because it was not yet constitutionally based, was periodically amended or replaced by the General Assembly, and Denver eventually became the “political football” of the party in power. Classic examples of state interference were charter amendments enacted by the General Assembly in 1889 providing for a board of public works, and in 1891 for a fire and police board, with members of both boards appointed by the governor. Thus, the state took over the control of Denver’s public improvements, public safety, and other related activities.

Armed conflict nearly broke out in 1894 when Gov. Davis H. Waite had a dispute with two of his appointees to Denver’s Fire and Police Commission over their failure to follow his policies and their subsequent failure to accept his attempt to remove them from office. Armed forces for the state and city faced off before cooler heads prevailed and weapons were withdrawn.

In addition to the desire for local control, civic leaders in Denver wanted to establish a consolidated city and county. Combining these two objectives in one movement proved to be powerful in terms of voter appeal.

A historic breakthrough in Colorado’s home rule movement occurred in 1901 when Denver Sen. John A. Rush, with the support of Gov. James Orman, passed legislation to refer to statewide voters Article XX of the Colorado Constitution forming Denver as a consolidated home rule city and county and also conferring on the citizens of first- and second-class cities the right to adopt local charters and become home rule municipalities. Gov. Orman, in his inaugural address, gave strong support to the home rule amendment:

*The question of home rule for Denver has been a disturbing one ever since the enactment of the law under which the governor appoints the Denver board of public works and the fire and police board. It may occur that governors will be elected that have little or no knowledge of the governmental affairs of such a city as Denver [and] the responsibilities for all city employees should be cast upon the people who live in the cities. Place the responsibility where it belongs—upon the voters of the city.*<sup>9</sup>

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<sup>6</sup> FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE 38, 53 (University of California Press 1950).

<sup>7</sup> The early history of municipal reform and home rule efforts and developments of the National Municipal League have been published in the following publications: FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE (University of California Press 1950); Alfred Willoughby, *The Involved Citizen: A Short History of the National Municipal League*, NAT’L CIVIC REVIEW, Dec. 1969; NAT’L MUN. LEAGUE, *Proceedings of the Milwaukee Conference for Good City Government and Sixth Annual Meeting of the National Municipal League* (1900).

<sup>8</sup> FRANK MANN STEWART, A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE 48 (University of California Press 1950).

<sup>9</sup> Marjorie Hornbein, *Denver’s Struggle for Home Rule*, Denv. Mag., Fall 1971, at 345.

The amendment was approved overwhelmingly by a vote of 59,750 to 25,767.<sup>10</sup>

While the right of citizens in cities of the first and second class to adopt home rule was provided, the history is unclear to what extent these cities sought that right and to what extent voters in 1902 were influenced by the extension of home rule prerogatives statewide. A Colorado Municipalities article published by the Colorado Municipal League (CML) in 1925 identified the following charters as adopted between the 1902 and the 1912 constitutional amendments: Denver (1904), Colorado Springs (1909), Grand Junction (1909), Pueblo (1911), Durango (1912), and Delta (1912).<sup>11</sup>

Subsequent to passage of the amendment in 1902, a great deal of legal and political controversy and turmoil occurred, primarily involving Denver.<sup>12</sup> This caused supporters of home rule to initiate in 1912 a clarifying and strengthening amendment.

The 1912 measure rewrote Section 6 of Article XX to specifically enumerate various municipal home rule powers and included a powerful “catch-all” paragraph:

*It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.*<sup>13</sup>

Incidentally, the 1912 measure was placed on the ballot by initiative, not referral by the General Assembly. The right of initiative had been made possible by the 1910 voter-approved measure granting initiative and referenda powers to voters statewide.

The 1912 measure also changed the 1902 provision by extending home rule status from cities of the first and second class to any city or town “having a population of two thousand inhabitants.” In addition, the measure “ratified, affirmed, and validated” the charters and related elections of Denver, Pueblo, Colorado Springs, Grand Junction, and of any other unnamed city that had adopted a home rule charter. The title of the 1912 initiative just referred to home rule for cities and towns, again not singling out Denver. The 1912 initiative passed by a vote of 49,596 for to 44,778 against.

A common theme of the charters adopted by Colorado Springs, Pueblo, Delta, Durango, and Grand Junction was the adoption of the commission form of government—a popular structure in that era that vested both administrative and legislative authority in a small number of elected officials. Eventually, each city amended its charter to establish the council–manager form. In contrast, Denver’s first locally adopted charter of 1904 provided for a mayor–council structure that has evolved into its current strong mayor–council form. Colorado Springs instituted a strong mayor–council form in 2011 and Pueblo followed suit in 2017.

Complaints appearing in the newspapers suggest a variety of systemic problems that drove the home rule movements in these cities. Although efforts to adopt home rule initially were opposed or delayed by some councils and others with political influence, the persistence of those citizens supporting home rule ultimately prevailed.

The prefatory synopsis to Grand Junction’s charter stated eloquently in 1909 what supporters of home rule today might repeat:

*The intent and purpose of this Charter is to establish a free and independent City, so far as the Constitution of the state will permit, their natural, inherent, and inalienable right of local self-government, with all its powers, duties, and responsibilities.*

A third measure affecting home rule was approved in 1950. In 1949, the General Assembly passed HCR 10 that referred the amendment to voters. According to its records, the Colorado Municipal League sponsored the 1949 legislation and

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<sup>10</sup> COLO. CONST. art. XX, §§ 2, 5 (1902) (*amended* 2000) (originally published in Colo. Sess. L. 97-106 (1901)). The primary sources of the Colorado experience discussed above include JOHN A. RUSH, *THE CITY-COUNTY CONSOLIDATED* 141-150 (1941); Marjorie Hornbein, *Denver’s Struggle for Home Rule*, *DENV. MAG.*, Fall 1971, at 345; JEROME C. SMILEY, *HISTORY OF DENVER* (Times-Sun Publ’g Co.) (1901); CLYDE LYNDON KING, *THE HISTORY OF THE GOVERNMENT OF DENVER WITH SPECIAL REFERENCE TO ITS RELATIONS WITH PUBLIC SERVICE CORPORATIONS* (Fisher Book Co. 1911).

<sup>11</sup> Don C. Sowers, *How to Secure a Home Rule Charter in Colorado*, 1 COLO. MUNICIPALITIES, Oct. 1925, at 9-10.

<sup>12</sup> FRANK MANN STEWART, *A HALF CENTURY OF MUNICIPAL REFORM: THE HISTORY OF THE NATIONAL MUNICIPAL LEAGUE* (University of California Press 1950). For example, much of the controversy after 1902 centered on Denver’s authority to perform county functions through officers of its own choosing, and questions about whether state laws or city laws would control municipal elections. *People v. Curtice*, 117 P. 357 (Colo. 1911); *Mauff v. People ex rel Clay*, 123 P. 101 (Colo. 1912).

<sup>13</sup> COLO. CONST. art. XX, § 6 (originally published in Colo. Sess. L. 669-671 (1913)).

spearheaded the successful vote in 1950.<sup>14</sup> The 1950 measure amended Section 2 of Article XX relating to compensation of Denver officers and, more important for municipalities statewide, amended Section 5 to allow charter amendments and the question of whether to form a charter convention to be referred to voters by action of the governing body as well as by initiative. Before 1950, charter measures could be initiated only by local voters. It was a cumbersome process, especially when minor changes were needed. The amendment passed by a vote of 145,780 for, to 91,700 against.

Another important home rule amendment was approved by voters in 1970 as part of a local government reform measure referred by the General Assembly in 1969. The home rule portion of the measure was included with the support of CML. It added a new Section 9 to Article XX to extend the right to adopt home rule to the citizens of each municipality, regardless of population or when incorporated, and directed the General Assembly to enact statutory procedures to facilitate the adoption, amendment, and repeal of home rule charters. The referred measure also authorized the General Assembly to enact a more limited “structural” form of home rule for counties.<sup>15</sup> Only Weld County (1976) and Pitkin County (1978) have taken advantage of this form of home rule. The 1970 measure was approved by an overwhelming vote of 325,512 for, to 170,986 against.<sup>16</sup>

The 1970 amendment has enabled many towns with less than 2,000 people to become home rule and led to the CML-drafted Municipal Home Rule Act of 1971, which has remained substantially unchanged since its adoption as the procedure utilized in the adoption and amendment of charters.<sup>17</sup>

There have been other amendments over the years affecting home rule, such as the Taxpayer Bill of Rights (TABOR) in 1992<sup>18</sup> and the Term Limits Amendment in 1994,<sup>19</sup> and a few specialized amendments, including the 1998 amendments to Article XX that created the City and County of Broomfield effective November 15, 2001.<sup>20</sup> As is the case for any other constitutional enactment, the provisions of Article XX and the parameters of home rule authority can be amended or overridden by later enacted constitutional amendments approved at a statewide election.

## A PERSPECTIVE ON HOME RULE VERSUS STATE JURISDICTION

Considerable tension has existed and will continue to exist between local and state control. Municipal home rule has not eliminated that tension; however, home rule has established a constitutional relationship between the state and home rule municipalities that has:

- Enabled home rule municipalities to utilize diverse powers, organizations, and procedures without the need for state enabling legislation
- Protected home rule municipalities from state interference in matters local and municipal in nature
- Helped establish and preserve an atmosphere of state respect for local control for other local governments, resulting in fairly broad statutory authority for non-home rule local governments and a certain level of disinclination on the part of state officials to micromanage local governments
- Maintained for state government certain authority to manage and control matters determined to be of statewide or mixed state and local concern.

Preserving home rule authority has, nevertheless, required constant vigilance by CML, municipalities, and other home rule supporters. State officials and legislators, private entities, special interests, and even individuals often have challenged home rule authority in the General Assembly and before the courts. In recent years, legislators have attempted to pass legislation challenging home rule authority, arguing that a subject matter is of state or mixed state–local authority, such as local tax policy, regulation of weapons, employee residency requirements, collective bargaining requirements, breed-specific animal controls, and planning and zoning regulations.

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<sup>14</sup> J. Glenn Donaldson, *Victory!*, 26 COLO. MUNICIPALITIES, Dec. 1950, at 230, 235; Colo. Mun. League, *Make Home Rule Work*, 26 COLO. MUNICIPALITIES, Aug. 1950, at 153; William A. Grelle, *Legislative Round-Up*, 25 COLO. MUNICIPALITIES, May 1949, at 72. See also COLO. CONST. art. XX §§ 2, 5 (1950) (amended 2000) (originally published in Colo. Sess. L. 775-776 (1949)).

<sup>15</sup> COLO. CONST. art. XIV, §16.

<sup>16</sup> COLO. CONST. art. XX, § 9 (1970) (amended 1985) (originally printed in Colo. Sess. Laws 1247-1251 (1969)).

<sup>17</sup> C.R.S. §§ 31-2-201 to -225. All statutory references refer to the current version of the Colorado Revised Statutes as of the date of publication.

<sup>18</sup> COLO. CONST. art. X, §20.

<sup>19</sup> COLO. CONST. art. XVIII, §18.

<sup>20</sup> COLO. CONST. art. XX, §§10-13.

The first line of defense for home rule municipalities has been to defeat the legislation or delete the pre-emption language where it affected important local interests. This often has been effective.

When legislation pre-empting home rule authority has been enacted, the second line of defense has been the courts. Affected home rule municipalities often have challenged such legislation in the courts and, when necessary, have asserted their home rule powers in other litigation in which their authority to regulate or enforce their laws against private parties has been challenged. CML often has filed *amicus* briefs in support of the home rule position. Only by continuing to defend home rule prerogatives before the General Assembly and the courts on important local control matters can the important principles of home rule be protected.

It should be noted, however, that there may be times when state jurisdiction is viewed as being in the better public interest and there may be other situations in which it may be wise for home rule municipalities to act in concert to preemptively address issues that are or may be of concern to state legislators. For example, CML has coordinated voluntary actions among home rule municipalities on tax administration and simplification, rather than simply relying on home rule prerogatives. Municipal officials need to exercise good judgment and restraint in some circumstances, not always choosing to play the home rule “card.”

## CONCLUSION

Municipal home rule in Colorado has truly stood the test of time. From its modest birth more than a century ago, it has grown to be utilized in 2022 by 105 cities and towns serving more than 93 percent of the municipal population of the state. Colorado voters statewide have consistently supported municipal home rule by authorizing it in 1902, clarifying and expanding it in 1912, and extending its availability in 1970 to municipalities of all sizes. Moreover, there is no known instance in which local citizens have voted to repeal the home rule status of their municipality.

Home rule does not translate to local control under all circumstances, and it should be expected that the scope of home rule authority will continue to be challenged by the General Assembly and in the courts. Because the very definitions of local and statewide concerns continue to evolve in an ever-growing body of home rule case law, what falls within municipal or state jurisdiction is sometimes in doubt and may always remain in some degree of flux. In addition, constitutional amendments affecting home rule, such as TABOR and term limits, have been and probably will continue to be a significant factor. The continued viability of home rule will depend, as in the past, on the vigilance, assertiveness, and loyalty of municipal officials and others who understand and value local control.

In the final analysis, municipal home rule has immeasurably strengthened local control and facilitated flexibility and diversity in addressing local needs and desires. Home rule also has benefited statutory municipalities and other local governments by paving the way to greater local control and reinforcing a longstanding Colorado ethic favoring local authority to address local problems.