DATE FILED Colorado Supreme Court December 5, 2024 8:38 PM 2 East 14th Avenue, Denver, CO 80203 FILING ID: 6D1497C17131D CASE NUMBER: 2024SA276 **Original Proceeding** Westminster Municipal Court The Honorable Rebekah B. Watada Case No. 2022-002574-MO In Re: **Plaintiff:** PEOPLE OF THE STATE COLORADO BY AND THROUGH THE PEOPLE OF THE CITY OF WESTMINSTER v. ▲ COURT USE ONLY ▲ **Defendant:** ALEAH MICHELLE CAMP Attorneys for Amicus Curiae Case No. 2024SA276 Colorado Municipal League: 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

BRIEF OF AMICUS CURIAE COLORADO MUNICIPAL LEAGUE IN SUPPORT OF THE CITY OF WESTMINSTER

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 4,456 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 Westminster ("Westminster").

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 107 home rule municipalities, 163 of the 165 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 the municipal ordinance violations. Colo. Const. Art. XX, § 6 ("Article XX, Section 6").

To protect their residents, businesses, and public places against crime, many municipalities have established ordinances with maximum penalties for crimes committed in the municipality that vary from the maximum penalties for similar statutory offenses that can be committed elsewhere in the state. Westminster'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 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 and the Petition presents no basis for doing so.

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:

- 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;

- 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 over municipal courts and penalties, CML concedes that 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.

Municipal sentencing authority is based on "the sentence or fine limitations established by ordinance," but municipal penalties are not tied 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). 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. For the Court's benefit, CML has compiled a list of municipal theft offenses and potential penalties for all home rule municipalities reflecting a variation in local choice, attached hereto as Exhibit A. Many rely on a general penalty provision based on the maximum penalties allowed under state law, but others impose a lower maximum, schedules based on the dollar amount, or allow only fines. Some municipal courts have fine schedules that impose less than the authorized penalty.

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 located 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).

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. Moreover, 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.

"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). If anything, notwithstanding Petitioner's claim that "times have changed," the state 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 theft statute. 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 Westminster.

Uniformity

As detailed above, 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 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. Petitioner's comparison to red-light cameras is inapposite. Theft is not a new technology and a person committing an intentional criminal act of theft in a particular jurisdiction is in no way like the drivers who run red-light cameras on a state highway that passes through numerous jurisdictions, having no notice that a violation occurred. See Commerce City, 40 P.3d at 1280-81. A person does not "fall in one municipality or another," as Petitioner describes it, when committing the intentional crime of theft and should not expect that a home rule municipality has not chosen to punish the crime more severely.

Extraterritoriality

The only extraterritorial effects of ordinances like Westminster'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*, Westminster's ordinances disproportionately affect non-residents or that individuals will be subject to a patchwork of penalties when committing thefts 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 Westminster's arguments 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), like most states.

Despite Petitioner's claim that *stare decisis* demands a particular result, 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 the other cases cited by Petitioner 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 Westminster. Home rule municipalities have substantial and compelling grounds for linking stricter penalties to crime that occurs in their jurisdictions. As shown in Exhibit A, these municipalities have adopted different penalties for theft, with significant degrees of proportionality to state penalties. 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. As their authority to do so is grounded in 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 pleabargaining 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. below the statutory penalty for a corresponding offense.

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, a state theft offense is subject to an eighteen-month statute of limitations for a misdemeanor or six months for a petty offense, running from discovery of the theft, but prosecutions for municipal violations are limited to a one-year statute of limitations running from the commission of the offense. Compare C.R.S. § 16-5-401(1)(a), with C.R.S. § 31-16-111; but see Westminster City Code 6-1-3(A) (providing 18-month limitations period running from commission of the offense). Similarly, state law permits two or more thefts in a six-month period or against the same person to be aggregated and charged as a single

count with a penalty based on the higher aggregate value, but Westminster's code contains no similar provision. C.R.S. § 18-4-401(4).

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.

Ultimately, if home rule municipalities cannot effectively address crimes because the General Assembly has dictated a lower penalty, 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. 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 December 5, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on this December 5, 2024, I filed the foregoing **BRIEF OF** *AMICUS CURIAE* **COLORADO MUNICIPAL LEAGUE IN SUPPORT OF THE CITY OF WESTMINSTER** via Colorado Courts E-Filing, which will send a true and correct copy to the following:

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/s/ Robert Sheesley

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EXHIBIT A TO BRIEF OF AMICUS CURIAE COLORADO MUNICIPAL LEAGUE

Home Rule Theft & Penalty Ordinances

Compiled December 4, 2024 DATE FILED

TT D I	3.7	134 .		December 5, 2024	
Home Rule	Maximum	Maximum		III heftid: 6D14	
Municipality	value of	fine		AOF din amber:	•
	stolen		imprisonment		Ordinance*
	property				
Alamosa ¹	N/A [†]	\$2,650**	364 days	<u>11-100</u>	<u>1-17</u>
Arvada ²	<\$2,000	\$2,650**	364 days	<u>62-34</u>	<u>1-5</u>
Aspen ³	<\$400	\$2,650**	1 year	15.04.600	1.04.080
Aurora ⁴	<\$1,000	\$2,650	Minimum 72 hours for theft over \$100 (up to 364 days)	94-74; 94-85 (retail theft)	See theft ordinance; 1-13
Avon ⁵	N/A	\$2,650**	1 year	N/A	1.08.010
Basalt ⁶	<\$2,000	\$2,650**	364 days	10-24	1-82
Black Hawk ⁷	<\$2,000	\$2,650**	1 year	10-61	<u>1-71</u>
Boulder ⁸	N/A	\$2,650**	90 days	N/A	<u>5-2-4</u>
Breckenridge ⁹	<\$2,000	\$2,650**	364 days	<u>6-3B-1</u>	1-4-1
Brighton ¹⁰	<\$2,000	\$2,650	364 days	9-12-30;	1-24-10
				9-12-80 (shoplifting);	
				9-12-100 (value limit)	
Broomfield ¹¹	<\$500	\$2,650	364 days	9-44-010; 9-42-010 (shoplifting)	1-12-020
Burlington ¹²	N/A	\$50-\$300	90 days (\$500 or more)	9.02.030	1.16.020
Cañon City ¹³	<\$300	\$2,650**	N/A	9.24.010	1.28.010

^{*} Similar authorization and limits may be found in home rule charters. This table does not reflect local fine schedules, elements of crimes and exceptions, penalties applicable to juveniles, statutes of limitations, repeat offenses, alternative sentencing, or aggregation of item values.

[†] "N/A" means the relevant information could not located at this time. The municipality may or may not maintain a theft ordinance or a particular penalty.

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

Carbondale ¹⁴	<\$1,000	\$2,650	364 days	10-4-60	<u>1-4-20</u>
Castle Pines ¹⁵	N/A	\$2,650	364 days	N/A	1-4-20
Castle Rock ¹⁶	<\$1,000	\$1,000	1 year	9.04.180	1.08.010
Cedaredge ¹⁷	<\$300	\$2,650**	1 year	9.04.310	1.16.010; 1.16.020
Centennial ¹⁸	N/A	\$2,650	364 days	N/A	1-4-10
Central City ¹⁹	<\$500	\$2,650	364 days	10-5-50(a)	1-4-20(c)
Cherry Hills Village ²⁰	<\$1,000	\$2,650**	364 days	10-40-50	1-4-20
Colorado Springs ²¹	<\$2,000	\$2,500	189 days	9.6.404; 9.6.401 (shoplifting)	1.1.201
Commerce City ²²	<\$2,000	\$2,650**	364 days	12-3005	1-3003(a)
Cortez ²³	<\$1,000	\$499	180 days	9.24.010	<u>17-16A</u>
Craig ²⁴	\$600- <\$1,000	\$150-\$1,000	15-180 days	9.51.010	9.04.010
	\$300-<\$600	\$100-\$750	10-60 days		
	\$50-<\$300	\$75-\$300	5-45 days		
	<\$50	\$50-\$200	1-10 days		
Crested Butte ²⁵	<\$500	\$2,650	364 days	10-4-70	1-4-20
Dacono ²⁶	<\$2,000	\$1,000	364 days	10-63	<u>1-70</u>
Delta ²⁷	<\$300 <\$1,000 (shoplifting)	\$2,650	364 days	9.04.160; 9.04.170 (shoplifting)	1.08.010
Denver ²⁸	<\$2,000	\$999	300 days	38-51.8	<u>1-13-1-14</u>
Dillon ²⁹	<\$1,000	\$2,650	364 days	10-4-140	<u>1-4-20(b)</u>
Durango ³⁰	N/A	\$2,650	364 days	N/A	<u>1-16</u>
Eagle ³¹	<\$500	\$2,650	364 days	9.14.010	1.12.010
Edgewater ³²	<\$2,000	\$999	180 days	10-5-50	1-4-20
Englewood ³³	<\$1,000	\$2,650	360 days	<u>7-6F-4</u>	1-4-1
Erie ³⁴	<\$2,000	\$2,650	364 days	6-6-1	1-4-4

Evans ³⁵	<\$2,000	\$2,650	N/A	9.24.010	<u>1.16.010</u>
Federal Heights ³⁶	<\$2,000	\$2,650**	1 year	38-36	1-15(a)(2)
Fort Collins ³⁷	<\$1,000	\$3,000	180 days	<u>17-36</u>	<u>1-15(a)</u>
Fort Morgan ³⁸	<\$2,000	\$2,650**	N/A	10-3-40	1-4-10(b); see theft ordinance
Fountain ³⁹	<\$300	\$2,650	364 days	12-3005	1.12.010
Frisco ⁴⁰	N/A	1,000	1 year	N/A	1-14(A)(1)
Fruita ⁴¹	<\$1,000	\$2,650	364 days	9.01.024	1.28.020(A)
Glendale ⁴²	<\$500	\$1,000	N/A	9.20.030	1.16.010
Glenwood Springs ⁴³	<\$2,000	\$2,650	364 days	120.020.030	010.020.080
Golden ⁴⁴	<\$2,000	\$2,650**	6 months	8.04.400; 8.04.410 (shoplifting)	1.01.110
Grand Junction ⁴⁵	<\$2,000	\$1,000	1 year	9.04.070	1.040.080(b)
Greeley ⁴⁶	<\$1,000	\$1,000	364 days	14-297	1-229(b)(2)
Greenwood Village ⁴⁷	<\$2,000	\$2,650	180 days	9-16-120; 9-6-130 (shoplifting)	1-4-20(a)
Gunnison ⁴⁸	<\$100	\$1,000	90 days	5.10.200	4.20.010
Gypsum ⁴⁹	<\$100	N/A	N/A	9.08.010; 9.08.020 (shoplifting)	N/A
Hayden ⁵⁰	N/A	\$2,650	N/A	N/A	1.12.010
Holyoke ⁵¹	<\$100 (shoplifting)	\$300	N/A	9.28.010; 9.28.020	1.16.010
Hudson ⁵²	<\$2,000	\$2,650**	364 days	$\frac{10-20;}{10-27}$ (shoplifting)	1-51
Johnstown ⁵³	<\$750	\$2,650**	N/A	10-71	<u>1-62</u>
Keystone	N/A	N/A	N/A	N/A	N/A
Kiowa ⁵⁴	<\$400	\$2,650**	N/A	<u>10-76</u>	<u>1-72</u>
La Junta ⁵⁵	N/A	\$2,000	180 days	9.08.220	1.08.010

Lafayette ⁵⁶	<\$2,000	\$2,650**	364 days	75-160; 75-161 (shoplifting)	1-10
Lakewood ⁵⁷	<\$2,000	\$2,650**	365 days	9.65.010; 9.64.010 (shoplifting)	1.16.120
Lamar ⁵⁸	<\$1,000	\$300	N/A	14-12	<u>1-21</u>
Larkspur ⁵⁹	N/A	\$2,650**	N/A	7-6F-4	1-4-20
Littleton ⁶⁰	<\$2,000	\$2,650**	364 days	6-4-45	1-4-1
Lone Tree ⁶¹	<\$2,000	\$2,650	1 year	10-3-30	1-4-20
Longmont ⁶²	<\$100	\$500	90 days	10.24.080	See theft
	<\$100	\$100-\$999	180 days		ordinance
Louisville ⁶³	<\$1,000	\$2,650**	364 days	9.46.030	1.28.010
Loveland ⁶⁴	<\$1,000	\$2,650**			
Manitou Springs ⁶⁵	\$500	\$2,650	90 days	9.36.60	1.01.100
Minturn ⁶⁶	<\$2,000	\$2,650**	N/A	10-6-70	1-4-20
Monte Vista ⁶⁷	<\$1,000	\$2,650	364 days	$\frac{8-4-50}{8-4-30};$ (shoplifting)	1-4-20
Montrose ⁶⁸	<\$1,000	\$2,650	364 days	<u>6-1-7</u>	1-2-3
Monument ⁶⁹	<\$500	\$2,650	90 days	9.16.030	1.20.010
Morrison ⁷⁰	N/A	\$2,650	364 days	N/A	<u>1-4-1(A)</u>
Mountain View ⁷¹	<\$1,000	\$2,650**	1 year	10.03.010	1.06.020
Mountain	<\$100	\$50-\$300	N/A	9.01.010	See theft
Village ⁷²	\$100-<400	\$250-300			ordinance
Mt. Crested Butte ⁷³	<\$1,000	\$2,650	365 days	<u>15-5</u>	1-14
New Castle ⁷⁴	<\$1,000	\$1,000	364 days	9.44.010	1.20.010
Northglenn ⁷⁵	<\$2,000	\$2,650**	1 year	9-2-9; 9-2-8 (shoplifting)	1-1-10
Ophir	N/A	N/A	N/A	N/A	N/A
Ouray ⁷⁶	N/A	\$2,650	N/A	9.20.020	<u>1-4</u>

Pagosa Springs ⁷⁷	N/A	\$1,000	1 year	12.8.1; 12.8.2 (shoplifting)	1.3.3
Parachute ⁷⁸	<\$500	\$500	6 months	11.07.010	12.01.050(B)
Parker ⁷⁹	<\$1,000	\$999	1 year	8.04.010; 8.04.050 (shoplifting)	1.02.060
Pueblo ⁸⁰	<\$2,000	\$1,000	If value is >\$300, 3 days to 364 days	11-1-407; 11-1-401 (theft from a merchant)	11-1-103
Rico	N/A	N/A	N/A	N/A	N/A
Ridgway ⁸¹	<\$300	\$300	N/A	10-3-19	<u>1-1-6</u>
Rifle ⁸²	<\$300	\$300	10 days	10-4-10	1-4-20; see
	\$300-<\$750	\$750	120 days		theft ordinance
	\$750- <\$1,000	\$1,000	364 days		
Sanford	N/A	N/A	N/A	N/A	N/A
Severance ⁸³	<\$2,000	\$2,650**	N/A	10-4-10; 10-4-20 (shoplifting)	1-4-20
Sheridan ⁸⁴	<\$2,000	\$2,650**	364 days	50-19; 50-20 (shoplifting)	1-14
Silt ⁸⁵	<\$1,000	\$2,650**	364 days	9.40.010	1.12.20
Silver Plume	N/A	N/A	N/A	N/A	N/A
Silverthorne ⁸⁶	<\$2,000	\$2,650**	364 days	2-4-13; 2-4-11 (shoplifting/retail theft)	1-1-19
Snowmass Village ⁸⁷	<\$2,000	\$1,000	1 year	10-45	1-72
Steamboat Springs ⁸⁸	\$300	\$999	180 days	10-98	<u>1-15(c)</u>
Sterling ⁸⁹	\$1,000	\$999	3 months	12-14	<u>1-15(a)</u>

Telluride ⁹⁰	<\$200	\$1,000	90 days	10-4-120; 10-4-140 (shoplifting)	1-4-10(a)(1)
Thornton ⁹¹	<\$2,000	\$2,650**	364 days	38-177; 38-176 (shoplifting)	1-8(b)
Timnath ⁹²	<\$2,000	\$2,650**	364 days	10-4-50	1-4-20(a)
Trinidad ⁹³	<\$750	\$50-\$750	90 days	<u>16-17.1</u>	See theft statute
Vail ⁹⁴	N/A	\$2,650	180 days	N/A	1-4-1(A)(1)
Ward	N/A	N/A	N/A	N/A	N/A
Westminster ⁹⁵	<\$1,000	\$2,650	364 days	6-3-1	1-8-1(A)
Wheat Ridge ⁹⁶	<\$1,000	\$1,000	364 days	<u>16-41</u>	1-5
Windsor ⁹⁷	N/A	\$2,650**	N/A	N/A	1-4-20(a)
Winter Park ⁹⁸	<\$2,000	\$1,000	364 days	<u>4-9B-7</u>	<u>1-4-1(C)</u>
Woodland Park ⁹⁹	<\$2,000	\$1,000	1 year	9.58.010	1.12.010
Wray ¹⁰⁰	<\$200	\$5-\$300	N/A	9.28.120; 9.32.020	See theft ordinance
		\$300 (shoplifting)	90 days (shoplifting)	(shoplifting)	
Yuma ¹⁰¹	<\$1,000	\$2,650	90 days	9.20.080	1.10.020(A)

Links accessed December 4, 2024

¹ Alamosa:

https://library.municode.com/co/alamosa/codes/code_of_ordinances?nodeId=PTIICOOR_CH11MIOF_ARTVIOFREPR_S11-100TH

https://library.municode.com/co/alamosa/codes/code of ordinances?nodeId=PTIICOOR CH1GEPR S1-17GEPECOVI

² Arvada:

 $https://library.municode.com/co/arvada/codes/code_of_ordinances?nodeId=PTIICOOR_CH62OF_ARTIIMIOF_S62-34TH \\ https://library.municode.com/co/arvada/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECOVI$

³ Aspen:

https://library.municode.com/co/aspen/codes/municipal_code?nodeId=TIT15OF_CH15.04MIOFPE2_S15.04.600THPR https://library.municode.com/co/aspen/codes/municipal_code?nodeId=PTIICOOR_TIT1GEPR_CH1.04GEPR_S1.04.080GEPEVI COCOVIDE

⁴ Aurora:

https://aurora.municipal.codes/Code/94-74

https://aurora.municipal.codes/Code/94-85

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

⁵ Avon:

https://library.municode.com/co/avon/codes/home rule charter and code?nodeId=CD TIT1GEPR CH1.08GEPE 1.08.010DE

⁶ Basalt:

https://library.municode.com/co/basalt/codes/municipal_code?nodeId=CH10GEOF_ARTIIOFAGPUPEORSA_S10-24PETH https://library.municode.com/co/basalt/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-83APPEJUCOLEOF

⁷ Black Hawk:

https://library.municode.com/co/black_hawk/codes/municipal_code?nodeId=CO_CH10GEOF_ARTIVTHREOF_S10-61THGE https://library.municode.com/co/black_hawk/codes/municipal_code?nodeId=CO_CH1GEPR_ARTIVGEPE_S1-73CRPE

⁸ Boulder:

https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT5GEOF_CH2GEPR_5-2-4GEPE

⁹ Breckenridge:

https://breckenridge.town.codes/Code/6-3B-1

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

¹⁰ Brighton:

https://library.municode.com/co/brighton/codes/municipal code?nodeId=CH9PUPEMOWE ART9-12PUPRPEPR S9-12-30TH

https://library.municode.com/co/brighton/codes/municipal_code?nodeId=CH9PUPEMOWE_ART9-12PUPRPEPR_S9-12-80THSH

 $https://library.municode.com/co/brighton/codes/municipal_code?nodeId=CH9PUPEMOWE_ART9-12PUPRPEPR_S9-12-100VALI$

https://library.municode.com/co/brighton/codes/municipal_code?nodeId=CH1GEPR_ART1-24GEPE_S1-24-10DE

11 Broomfield:

https://library.municode.com/co/broomfield/codes/municipal_code?nodeId=TIT9PUPEMOWE_V.OFAGPR_CH9-44TH_9-44-010TH

 $https://library.municode.com/co/broomfield/codes/municipal_code?nodeId=TIT9PUPEMOWE_V.OFAGPR_CH9-42SHPRSW_9-42-010SHUN500.00VA$

https://library.municode.com/co/broomfield/codes/municipal code?nodeId=TIT1GEPR CH1-12GEPE 1-12-020PEDE

12 **Burlington:**

 $https://library.municode.com/co/burlington/codes/code_of_ordinances?nodeId=TIT9CRPUPEMOWE_CH9.02OFAGPR_9.02.030\ TH$

https://library.municode.com/co/burlington/codes/code of ordinances?nodeId=TIT1GEPR CH1.16GEPE 1.16.020FIPE

¹³ Cañon City:

https://library.municode.com/co/canon_city/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_DIVIVOFAGPE_CH9.24TH_S9.24.010ACCOTHDE

 $https://library.municode.com/co/canon_city/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.28GEPE_S1.28.010PECOVI$

¹⁴ Carbondale:

 $https://library.municode.com/co/carbondale/codes/municipal_code?nodeId=CD_ORD_CH10GEOF_ART4PUPRPEPR_S10-4-60TH$

https://library.municode.com/co/carbondale/codes/municipal_code?nodeId=CD_ORD_CH1GEPR_ART4GEPE_S1-4-20GEPEVI

15 Castle Pines:

https://library.municode.com/co/castle_pines/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI

¹⁶ Castle Rock:

 $https://library.municode.com/co/castle_rock/codes/municipal_code?nodeId=TIT9PUPEMOWE_CH9.04OFAGPUPE_ARTIIMID\\ E_9.04.180GETH$

https://library.municode.com/co/castle_rock/codes/municipal_code?nodeId=TIT1GEPR_CH1.08GEPE_1.08.010VIPE

¹⁷ Cedaredge:

https://www.cedaredgecolorado.com/DocumentCenter/View/52/T01---Title-1--GENERAL-PROVISIONS-PDF?bidId=

https://www.cedaredgecolorado.com/DocumentCenter/View/58/T09---Title-9--PUBLIC-PEACE-MORALS-AND-WELFARE-PDF?bidId=

¹⁸ Centennial:

https://library.municode.com/co/centennial/codes/municipal_code?nodeId=CEMUCO_CH1GEPR_ART4GEPE_S1-4-10GEPEVI

¹⁹ Central City:

 $https://library.municode.com/co/central_city/codes/municipal_code?nodeId=CH10GEOF_ARTVOFAGPR_S10-5-50THDEPUESTHREPR$

https://library.municode.com/co/central city/codes/municipal code?nodeId=CH1GEPR ARTIVGEPE S1-4-20GEPEVI

²⁰ Cherry Hills Village:

https://library.municode.com/co/cherry_hills_village/codes/municipal_code?nodeId=CH10GEOF_ARTIVPUPRPEPR_S10-4-50TH

https://library.municode.com/co/cherry_hills_village/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI

²¹ Colorado Springs:

https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings co/0-0-118

²² Commerce City:

 $https://library.municode.com/co/commerce_city/codes/municipal_code?nodeId=COOR_CH12PUPESA_ARTIIIOFINPR_S12-3005TH$

https://library.municode.com/co/commerce_city/codes/municipal_code?nodeId=COOR_CH1GE_ARTIIICOEN_S1-3003PEGE

²³ Cortez:

https://library.municode.com/co/cortez/codes/code_of_ordinances?nodeId=PTIITHCO_CH18OFIS_S18-46TH https://library.municode.com/co/cortez/codes/code_of_ordinances?nodeId=PTIITHCO_CH17MUCO_S17-16ASEMUCO

²⁴ Craig:

https://library.municode.com/co/craig/codes/municipal_code?nodeId=TIT9PUPEMOWE_VIOFAGPR_CH9.51TH_9.51.010TH https://library.municode.com/co/craig/codes/municipal_code?nodeId=TIT9PUPEMOWE_IGEPR_CH9.04ENPE_9.04.010PECL

²⁵ Crested Butte:

https://library.municode.com/co/crested_butte/codes/municipal_code?nodeId=CH10GEOF_ART4PUPRPEPR_S10-4-70TH https://library.municode.com/co/crested_butte/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI

²⁶ Dacono:

https://library.municode.com/co/dacono/codes/municipal code?nodeId=CH10GEOF ART40FAGPR S10-63TH

https://library.municode.com/co/dacono/codes/municipal code?nodeId=CH1GEPR ART5GEPE S1-70DE

²⁷ Delta:

https://www.cityofdelta.net/media/13251

https://www.cityofdelta.net/media/13056

²⁸ Denver:

https://library.municode.com/co/denver/codes/code_of_ordinances?nodeId=TITIIREMUCO_CH38OFMIPR_ARTIIIOFAGPR_DI V1GE S38-51.8PETHUN

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

²⁹ Dillon:

https://library.municode.com/co/dillon/codes/municipal_code?nodeId=DIMUCO_CH10GEOF_ARTIVPUPEORDE_S10-4-140PETH

https://library.municode.com/co/dillon/codes/municipal_code?nodeId=DIMUCO_CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI

30 Durango:

https://library.municode.com/co/durango/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-16GEPECOVI

31 Eagle:

https://library.municode.com/co/eagle/codes/code_of_ordinances?nodeId=COOR_TIT9PUPESAMO_CH9.14OFAGPEREPR_S9. 14.010PETH

 $https://library.municode.com/co/eagle/codes/code_of_ordinances?nodeId=COOR_TIT1GEPR_CH1.12PEMUORVI_S1.12.010GEPEDE$

32 Edgewater:

 $https://library.municode.com/co/edgewater/codes/municipal_code?nodeId=EDMUCO_CH10GEOF_ART5PUPRPEPR_S10-5-50TH$

https://library.municode.com/co/edgewater/codes/municipal code?nodeId=EDMUCO CH1GEPR ART4GEPE S1-4-20GEPE

33 **Englewood:**

 $https://library.municode.com/co/englewood/codes/code_of_ordinances?nodeId=TIT7PUSA_CH6OFCO_ARTFOFREPR_7-6F-4TH$

https://library.municode.com/co/englewood/codes/code of ordinances?nodeId=TIT1AD CH4GEPE 1-4-1GEPE

³⁴ Erie:

https://library.municode.com/co/erie/codes/code_of_ordinances?nodeId=TIT6POTRRE_CH6OFINPR_6-6-1TH https://library.municode.com/co/erie/codes/code of ordinances?nodeId=TIT1ADPE CH4MUCOGEPE 1-4-4PEPRGE

35 Evans:

https://library.municode.com/co/evans/codes/municipal_code?nodeId=MUCO_TIT9PUPEMOWE_CH9.24OFAGPR_9.24.010TH ALLETWTHDO

https://library.municode.com/co/evans/codes/municipal_code?nodeId=MUCO_TIT1GEPR_CH1.16GEPE_1.16.010VICOPREND DRE

³⁶ Federal Heights:

https://library.municode.com/co/federal_heights/codes/code_of_ordinances?nodeId=PTIIMUCO_CH38MIOF_ARTIVOFAGPR_S38-36TH

https://library.municode.com/co/federal heights/codes/code of ordinances?nodeId=PTIIMUCO CH1GEPR S1-15PE

³⁷ Fort Collins:

https://library.municode.com/co/fort_collins/codes/municipal_code?nodeId=CH17MIOF_ARTIIIOFAGPR_S17-36TH https://library.municode.com/co/fort_collins/codes/municipal_code?nodeId=CH1GEPR_S1-15GEPESUMIOFPEOFTROFTRCIIN

38 Fort Morgan:

https://library.municode.com/co/fort_morgan/codes/municipal_code?nodeId=CH10GEOF_ART3OFAGPR_S10-3-40TH https://library.municode.com/co/fort_morgan/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-10GEPECOVI

³⁹ Fountain:

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

⁴⁰ Frisco:

https://library.municode.com/co/frisco/codes/code_of_ordinances?nodeId=CH1GEPR_ARTIADCO_S1-14GEPEVI

41 Fruita:

https://library.municode.com/co/fruita/codes/municipal_code?nodeId=TIT9PUPEMOWE_CH9.01PUPEMOWE_9.01.024TH https://library.municode.com/co/fruita/codes/municipal_code?nodeId=TIT1GEPR_CH1.28GEPE_1.28.020PEMUVIDE

42 Glendale:

https://www.codepublishing.com/CO/Glendale/#!/Glendale09/Glendale0920.html#9.20.020 https://www.codepublishing.com/CO/Glendale/#!/Glendale01/Glendale0116.html#1.16

⁴³ Glenwood Springs:

https://library.municode.com/co/glenwood_springs/codes/municipal_code?nodeId=TIT120CRPR_ART120.020OFAGPEPR_120.0 20.030TH

https://library.municode.com/co/glenwood_springs/codes/municipal_code?nodeId=TIT010GEPR_ART010.020INGE_010.020.08 0GEPEVICOCOVI

44 Golden:

https://library.municode.com/co/golden/codes/municipal_code?nodeId=TIT8PUPESA_CH8.04CRCO_ARTIVOFAGPR_8.04.400 TH

https://library.municode.com/co/golden/codes/municipal code?nodeId=TIT1GEPR CH1.01COPR 1.01.110VIEN

⁴⁵ Grand Junction:

https://ecode 360.com/44688080

https://ecode360.com/44646032

⁴⁶ Greeley:

https://library.municode.com/co/greeley/codes/municipal_code?nodeId=PTIICOOR_TIT14CRCOOF_CH9OFAGPR_S14-297TH https://library.municode.com/co/greeley/codes/municipal_code?nodeId=PTIICOOR_TIT1GEPR_CH9GEPE_S1-229PEDE

⁴⁷ Greenwood Village:

https://library.municode.com/co/greenwood_village/codes/municipal_code?nodeId=CH9GEOF_ART16PR_S9-16-120TH https://library.municode.com/co/greenwood_village/codes/municipal_code?nodeId=CH9GEOF_ART16PR_S9-16-130SH https://library.municode.com/co/greenwood_village/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI

48 Gunnison:

https://www.codepublishing.com/CO/Gunnison/#!/Gunnison05/Gunnison0510.html#5.10.200 https://www.codepublishing.com/CO/Gunnison/#!/Gunnison04/Gunnison0420.html#4.20.010

⁴⁹ Gypsum:

 $https://library.municode.com/co/gypsum/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.08TH_9.08.010PETH$

⁵⁰ Hayden:

https://library.municode.com/co/hayden/codes/municipal code?nodeId=TIT1GEPR CH1.12GEPE S1.12.010VIORGEPE

51 Holyoke:

https://library.municode.com/co/holyoke/codes/code_of_ordinances?nodeId=PTIICOOR_TIT9PUPEMOWE_CH9.28THSH_S9.2 8.010TH

https://library.municode.com/co/holyoke/codes/code_of_ordinances?nodeId=PTIICOOR_TIT1GEPR_CH1.16GEPE_S1.16.010GEPEDE

52 Hudson:

https://library.municode.com/co/hudson/codes/municipal_code?nodeId=CD_CH10GEOF_ART2OFINPR_S10-20TH https://library.municode.com/co/hudson/codes/municipal_code?nodeId=CD_CH1GEPR_ART5GEPE_S1-51FIPE

53 Johnston:

https://library.municode.com/co/johnstown/codes/municipal_code?nodeId=CH10GEOF_ARTIVOFAGPR_S10-71PETHUN https://library.municode.com/co/johnstown/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-62GEPEVICOCOVI

54 Kiowa:

https://library.municode.com/co/kiowa/codes/municipal_code?nodeId=KIOWA_MUNICIPAL_CODE_CH10GEOF_ARTIVPR_S 10-76TH

https://library.municode.com/co/kiowa/codes/municipal_code?nodeId=KIOWA_MUNICIPAL_CODE_CH1GEPR_ARTIVGEPE_S1-72GEPEVI

⁵⁵ La Junta:

https://library.municode.com/co/la_junta/codes/municipal_code?nodeId=TIT9PUPEMOWE_CH9.08OFGE_VOFAGPR_9.08.220 SHPETH

https://library.municode.com/co/la junta/codes/municipal code?nodeId=TIT1GEPR CH1.08GEPE 1.08.010PEVI

⁵⁶ Lafayette:

https://library.municode.com/co/lafayette/codes/code_of_ordinances?nodeId=COOR_CH75OFIS_ARTIVOFAGPR_S75-160TH https://library.municode.com/co/lafayette/codes/code_of_ordinances?nodeId=COOR_CH75OFIS_ARTIVOFAGPR_S75-161SH https://library.municode.com/co/lafayette/codes/code_of_ordinances?nodeId=COOR_CH1GEPR_S1-10GEPECOVIIN

57 Lakewood:

https://library.municode.com/co/lakewood/codes/municipal_code?nodeId=TIT9PUPESA_VIOFAGPR_CH9.65PETH_9.65.010PE THNL

https://library.municode.com/co/lakewood/codes/municipal_code?nodeId=TIT9PUPESA_VIOFAGPR_CH9.64SH_9.64.010SHN_L

https://library.municode.com/co/lakewood/codes/municipal_code?nodeId=TIT1GEPR_CH1.16PEVI_1.16.020PEDE

58 Lamar:

https://library.municode.com/co/lamar/codes/municipal_code?nodeId=PTIICOOR_CH14OF_ARTIINGE_S14-12TH https://library.municode.com/co/lamar/codes/municipal_code?nodeId=PTIICOOR_CH1GEPR_S1-21GEPE

⁵⁹ Larkspur:

https://library.municode.com/co/larkspur/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI

⁶⁰ Littleton:

https://online.encodeplus.com/regs/littleton-co-cc/doc-

viewer.aspx?secid=236&keywords=penalties%2Cpenalties%27%2Cpenalty%27s%2Cpenalty#secid-1137

https://online.encodeplus.com/regs/littleton-co-cc/doc-

viewer.aspx?secid=236&keywords=penalties%2Cpenalties%27%2Cpenalty%27s%2Cpenalty#secid-236

⁶¹ Lone Tree:

https://library.municode.com/co/lone_tree/codes/municipal_code?nodeId=CH10GEOF_ARTIIIOFAGPR_S10-3-30TH https://library.municode.com/co/lone_tree/codes/municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI

62 Longmont:

https://library.municode.com/co/longmont/codes/code_of_ordinances?nodeId=PTIICOOR_TIT10PUPEMOWE_CH10.24OFAGP R S10.24.080TH

63 Louisville:

https://library.municode.com/co/louisville/codes/code_of_ordinances?nodeId=V.OFAGPR_CH9.46PRDA_S9.46.030TH https://library.municode.com/co/louisville/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.28GEPE_S1.28.010GEPE

64 Loveland:

https://library.municode.com/co/loveland/codes/code_of_ordinances?nodeId=PTIILOCOMUCO_TIT9PUPEORMO_IVOFAGPU PE CH9.34THTHRETHREPR 9.34.010THHERETHREPR

 $https://library.municode.com/co/loveland/codes/code_of_ordinances?nodeId=PTIILOCOMUCO_TIT1GEPR_CH1.12FIPE_1.12.\\010GEPEPETRIN$

⁶⁵ Manitou Springs:

https://library.municode.com/co/manitou_springs/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_VOFAGPR_CH9.36TR HE 9.36.060THRO

https://library.municode.com/co/manitou_springs/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.01COAD_1.01.100VIPU

66 Minturn:

https://library.municode.com/co/minturn/codes/charter_and_municipal_code?nodeId=MUNICIPAL_CODE_CH10GEOF_ART6P UPRPEPR S10-6-70TH

https://library.municode.com/co/minturn/codes/charter_and_municipal_code?nodeId=MUNICIPAL_CODE_CH1GEPR_ART4GE PE_S1-4-20GEPEVI

67 Monte Vista:

https://library.municode.com/co/monte_vista/codes/municipal_code?nodeId=CH8GEOF_ART4OFAGPR_DIV1GE_S8-4-50TH https://library.municode.com/co/monte_vista/codes/municipal_code?nodeId=CH8GEOF_ART4OFAGPR_DIV1GE_S8-4-30SH

8

https://library.municode.com/co/monte_vista/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI

⁶⁸ Montrose:

https://library.municode.com/co/montrose/codes/code_of_ordinances?nodeId=PTIICOOR_TITVIPORE_CH6-1MIOF_S6-1-7PETH

https://library.municode.com/co/montrose/codes/code of ordinances?nodeId=PTIICOOR TITIAD CH1-2GEPR S1-2-3GEPE

⁶⁹ Monument:

https://library.municode.com/co/monument/codes/code_of_ordinances?nodeId=TIT9PUPEWE_CH9.16OFREPR_9.16.030TH https://library.municode.com/co/monument/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.20GEPE_1.20.010GEPEONVI

70 Morrison:

https://codelibrary.amlegal.com/codes/morrisonco/latest/morrison_co/0-0-0-699

71 Mountain View:

https://mountain view.municipal.codes/Code/10.03.010

https://mountainview.municipal.codes/Code/1.06.020

72 Mountain Village:

It is not clear if Mountain Village penalizes theft of items valued at \$400 or more.

https://mountainvillage.municipal.codes/MVMC/9.01.010

⁷³ Mt. Crested Butte:

https://ecode360.com/44307232#44307232

https://ecode360.com/44306041#44306110

⁷⁴ New Castle:

https://library.municode.com/co/new_castle/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.44THREOF_9.44.010PETH

https://library.municode.com/co/new_castle/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.20GEPE_1.20.010GEPE

75 Northglenn:

https://municode.northglenn.org/ch9/content 9-2.html#9-2-9

https://municode.northglenn.org/ch1/content 1-1.html#1-1-10

⁷⁶ Ouray:

https://ouray.municipal.codes/Code/1-4

77 Pagosa Springs:

https://library.municode.com/co/pagosa_springs/codes/code_of_ordinances?nodeId=CH12OF_ART8REPR_S12.8.1TH https://library.municode.com/co/pagosa_springs/codes/code_of_ordinances?nodeId=CH12OF_ART8REPR_S12.8.2SH

https://library.municode.com/co/pagosa_springs/codes/code_of_ordinances?nodeId=CH1GEPR_ART3VIEN_S1.3.3FIIN

78 Parachute:

https://parachute.municipal.codes/PMC/11.07.010 https://parachute.municipal.codes/PMC/12.01.050

⁷⁹ Parker:

https://library.municode.com/co/parker/codes/municipal_code?nodeId=TIT8CRCO_CH8.04THREOF_8.04.010THGE https://library.municode.com/co/parker/codes/municipal_code?nodeId=TIT8CRCO_CH8.04THREOF_8.04.050SH https://library.municode.com/co/parker/codes/municipal_code?nodeId=TIT1GEPR_CH1.02GEPR_1.02.060GEPECOVI

80 Pueblo:

https://library.municode.com/co/pueblo/codes/code_of_ordinances?nodeId=TITXIPORE_CH1GEOFCO_ARTIVOFAGPR_S11-1-407TH

https://library.municode.com/co/pueblo/codes/code_of_ordinances?nodeId=TITXIPORE_CH1GEOFCO_ARTIVOFAGPR_S11-1-401THME

https://library.municode.com/co/pueblo/codes/code_of_ordinances?nodeId=TITXIPORE_CH1GEOFCO_ARTIGEPR_S11-1-103PEVI

81 Ridgway:

https://library.municode.com/co/ridgway/codes/code_of_ordinances?nodeId=CH10GEOF_S3MIOF_10-3-19PETH https://library.municode.com/co/pueblo/codes/code_of_ordinances?nodeId=TITXIPORE_CH1GEOFCO_ARTIVOFAGPR_S11-1-401THME

82 **Rifle:**

https://library.municode.com/co/rifle/codes/charter_and_municipal_code?nodeId=CH10GEOF_ARTIVPUPRPEPR_S10-4-10TH https://library.municode.com/co/rifle/codes/charter_and_municipal_code?nodeId=CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI

83 Severance:

https://library.municode.com/co/severance/codes/municipal_code?nodeId=CH10OF_ART1GEPR_S10-1-10DE https://library.municode.com/co/severance/codes/municipal_code?nodeId=CH10OF_ART4OFAGPR_S10-4-20SH https://library.municode.com/co/severance/codes/municipal_code?nodeId=CH1GEPR_ART4GEPE_S1-4-20GEPEVI

84 Sheridan:

https://library.municode.com/co/sheridan/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-14GEPECOVI

85 Silt:

https://library.municode.com/co/silt/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.40PETH_9.40.010PETH https://library.municode.com/co/silt/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.12GEPE_1.12.020PE

⁸⁶ Silverthorne:

https://library.municode.com/co/silverthorne/codes/charter_and_municipal_code?nodeId=CO_CH2PUSA_ARTIVOFAGTO_S2-4-13PETH

 $https://library.municode.com/co/silverthorne/codes/charter_and_municipal_code?nodeId=CO_CH2PUSA_ARTIVOFAGTO_S2-4-11SHRETH$

https://library.municode.com/co/silverthorne/codes/charter_and_municipal_code?nodeId=CO_CH1GEGO_ARTIGEPR_S1-1-19VIPE

87 Snowmass Village:

https://library.municode.com/co/snowmass_village/codes/municipal_code?nodeId=CH10GEOF_ARTIIIOFAGPUPEORSA_S10-45THPR

https://library.municode.com/co/snowmass village/codes/municipal code?nodeId=CH1GEPR ARTIVGEPE S1-72GEPEVI

88 Steamboat Springs:

https://library.municode.com/co/steamboat_springs/codes/code_of_ordinances?nodeId=PTIISTSPREMUCO_CH10GEOF_ARTIII OFAGPR S10-98TH

https://library.municode.com/co/steamboat_springs/codes/code_of_ordinances?nodeId=PTIISTSPREMUCO_CH1GEPR_ARTIIN GE S1-15GEPECOVI

89 Sterling:

https://library.municode.com/co/sterling/codes/code_of_ordinances?nodeId=PTIICICO_CH12OF_S12-14TH https://library.municode.com/co/sterling/codes/code_of_ordinances?nodeId=PTIICICO_CH1GEPR_S1-15GEPECOVI

⁹⁰ Telluride:

https://telluride.municipal.codes/TMC/10-4-120

https://telluride.municipal.codes/TMC/10-4-140

https://telluride.municipal.codes/TMC/1-4-10

91 Thornton:

https://library.municode.com/co/thornton/codes/code_of_ordinances?nodeId=CO_CH38LAENOFTR_ARTVIOFINPRRI_S38-177TH

 $https://library.municode.com/co/thornton/codes/code_of_ordinances?nodeId=CO_CH38LAENOFTR_ARTVIOFINPRRI_S38-176SH$

 $https://library.municode.com/co/thornton/codes/code_of_ordinances?nodeId=CO_CH1GEPR_ARTIINGE_S1-8GEPECOVI$

92 Timnath:

https://library.municode.com/co/timnath/codes/municipal code?nodeId=CD CH10GEOF ART4PUPRPEPR S10-4-50TH

https://library.municode.com/co/timnath/codes/municipal code?nodeId=CD CH1GEPR ART4GEPE S1-4-20GEPEVI

93 Trinidad:

https://www.trinidad.co.gov/government/chapter_16_-_public_peace,_morals_and_welfare.php

⁹⁴ Vail:

https://codelibrary.amlegal.com/codes/vailco/latest/vail co/0-0-0-572

95 Westminster:

https://library.municode.com/co/westminster/codes/code_of_ordinances?nodeId=CD_ORD_TITVIPORE_CH3THFRTRLO_6-3-1TH

https://library.municode.com/co/westminster/codes/code of ordinances?nodeId=CD ORD TITIAD CH8PEIN 1-8-1PE

⁹⁶ Wheat Ridge:

https://library.municode.com/co/wheat_ridge/codes/code_of_ordinances?nodeId=PTIICOLA_CH16OFIS_ARTIIIOFAGPRRI_S16-41THEN

https://library.municode.com/co/wheat_ridge/codes/code_of_ordinances?nodeId=PTIICOLA_CH1GEPR_S1-5GEPE

97 Windsor:

https://library.municode.com/co/windsor/codes/charter_and_municipal_code?nodeId=WI_CH1GEPR_ARTIVGEPE_S1-4-20GEPEVI

98 Winter Park:

https://codelibrary.amlegal.com/codes/winterparkco/latest/winterpark_co/0-0-0-1826 https://codelibrary.amlegal.com/codes/winterparkco/latest/winterpark_co/0-0-0-99

99 Woodland Park:

https://library.municode.com/co/woodland_park/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.58ST_9.58.010TH https://library.municode.com/co/woodland_park/codes/code_of_ordinances?nodeId=TIT1GEPR_CH1.12GEPE_1.12.010DE

¹⁰⁰ **Wray:**

 $https://library.municode.com/co/wray/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.28OFAGPR_9.28.120PETH \\ https://library.municode.com/co/wray/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_CH9.32SH_9.32.020ACCO$

¹⁰¹ Yuma:

https://library.municode.com/co/yuma/codes/municipal_code?nodeId=TIT9GEOF_CH9.20OFAGPR_9.20.080TH https://library.municode.com/co/yuma/codes/municipal_code?nodeId=TIT1GEPR_CH1.10GEPE_1.10.020FIPE