

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING THE BRIGHTON MUNICIPAL CODE SECTION 1-24-10 TO INCREASE THE FINES WHICH MAY BE IMPOSED BY THE MUNICIPAL COURT TO TWO THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650); PROVIDING THAT HEREAFTER ANNUAL INCREASES OF THE MAXIMUM FINE TO BE DETERMINED BY THE INCREASE IN THE COST OF LIVING; GRANTING AUTHORITY TO SUSPEND ALL OR A PORTION OF THE SENTENCE AND GRANT PROBATION, ALL AS AUTHORIZED BY C.R.S. §13-10-113; AND SETTING FORTH DETAILS IN RELATION THERETO.**

**ORDINANCE NO. 2182**

**INTRODUCED BY: Edwards**

**WHEREAS**, in 2013 the Colorado General Assembly adopted C.R.S. §13-10-113 which increased the maximum fine which may be imposed by Municipal Court to two thousand six hundred fifty dollars (\$2,650) from the prior one thousand dollars (\$1,000), authorized annual increases in the maximum fine determined by the increase in the cost of living, and authorizing the suspension of sentence and granting probation; and

**WHEREAS**, Section 1-24-10. Designated of Article 1-24. General Penalty of the Brighton Municipal Code limits the amount of fine which may be imposed by the Municipal Court to one thousand dollars (\$1,000); and

**WHEREAS**, the City Council finds that increasing the permissible fine limit for the Municipal Court as specified by State statute, the provisions for annual increases in the fine limit, and authority for the Municipal Court to suspended sentences and grant probation are in the interest of the public health, safety and welfare.

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

**Section 1.** Section 1-24-10. Designated of the Brighton Municipal Code, Article 1-24. General Penalty is hereby repealed and reenacted to read as follows:

***Sec. 1-24-10. Designated.***

(A) *Any person convicted of violating any ordinance section or Code section may be incarcerated for a period not to exceed one (1) year or fined an amount not to exceed ~~one thousand dollars (\$1,000.00)~~ two thousand six hundred fifty dollars (\$2,650), or both (notwithstanding any lower maximums or limitations upon sentences that may be contained in any existing ordinance or Code section of the City and any such previous limitations are hereby rescinded and nullified), including convictions for violation of traffic offenses under the Model Traffic Code adopted by ordinance; except, in nontraffic cases any person who has not become eighteen (18) years of age as of the date of the violation shall not be subject to incarceration unless such incarceration is for failure to comply with a lawful order of the Court or for contempt of Court. The Court may also order convicted defendants to pay restitution to any victim or to the City for any amount of damages or expenses related to the violation.*

- (B) *The limitation on municipal court fines set forth in paragraph (A) of this Section 1-24-10 shall be adjusted for inflation on January 1 of each year hereafter. As used in this paragraph (B), “inflation” means the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, All Items, All Urban Consumers, or its successor index.*
- (C) *In sentencing or fining a violator, the municipal judge shall not exceed the sentence or fine limitations established in this section. Any other provision of the law to the contrary notwithstanding, the municipal judge may suspend the sentence or fine of any violator and place the violator on probation for a period not to exceed one year.*

**Section 2.**     **Purpose.** The purpose of this Ordinance is to provide for the health, safety and welfare of the people.

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

**Section 4.**     **Validity.** If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

**Section 5.**     **Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

**INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 18<sup>th</sup> DAY OF November, 2014.**

**CITY OF BRIGHTON, COLORADO**

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**Richard N. McLean, Mayor**

**ATTEST:**

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**Natalie Hoel, City Clerk**

**APPROVED AS TO FORM:**

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**Margaret R. Brubaker, City Attorney**

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**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 2<sup>nd</sup> DAY OF December, 2014.**

**CITY OF BRIGHTON, COLORADO**

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**Richard N. McLean, Mayor**

**ATTEST:**

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**Natalie Hoel, City Clerk**

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