

ORDINANCE NO. 2501  
INTRODUCED BY: Fiedler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 1-24-10 AND ARTICLE 9 OF THE BRIGHTON MUNICIPAL CODE RELATING TO CRIMINAL OFFENSES AND PENALTIES

WHEREAS, the City of Brighton (the "City") is a home-rule municipality, and regulating criminal conduct is a matter of local concern governed by the Brighton Municipal Code (the "BMC"); and

WHEREAS, as a home-rule municipality, the Colorado Constitution Article XX, Section 6 vests the City with the authority to enact ordinances and enforce penalties for violations thereof through municipal court; and

WHEREAS, in the exercise of the City's home rule authority, the City adopted a general penalty provision for violations of any municipal ordinance and code authorizing penalties of up to 364 days imprisonment, a fine not to exceed \$2,650, or both; and

WHEREAS, the General Assembly enacted Senate Bill 271 (the "Misdemeanor Reform Act") in 2021 to reform sentencing laws applicable to non-felony offenses and to reduce the penalties for numerous state crimes; and

WHEREAS, on December 22, 2025, in *In re People v. Camp*, 2025 CO 64 (Colo. 2025), the Colorado Supreme Court held that while offenders may be prosecuted in municipal court for offenses that have comparable state offenses, municipalities may not impose penalties that exceed the maximum penalties authorized under state law for the comparable state offenses; and

WHEREAS, the Court's decision establishes a limitation on the exercise of municipal penalty authority with respect to offenses that are comparable to state crimes; and

WHEREAS, the City desires to exercise its home rule authority in a manner that is consistent with applicable constitutional requirements and controlling judicial precedent; and

WHEREAS, in response to the holding in *In re People v. Camp*, the City Council finds it necessary to amend the City's general penalty section and criminal code to align municipal penalties with those set forth in state law for comparable offenses although the City continues to object to the erosion of home rule authority and finds that crime within the City is a matter of local concern; and

WHEREAS, the City Council has reviewed the proposed amendments to the BMC and has found that the amendments, as provided herein, are in the best interest of the public health, safety, and welfare of the residents of the City.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brighton, Colorado, as follows:

Section 1. Section 1-24-10 of the Brighton Municipal Code is hereby amended as follows:

Sec. 1-24-10. – Designated.

- (a) Misdemeanors. Misdemeanors are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:
  - 1) Class 1 Misdemeanor: 364 days imprisonment, not more than a one thousand dollar fine, or both;
  - 2) Class 2 Misdemeanor: 120 days imprisonment, not more than a seven hundred fifty dollar fine, or both.
- (b) Petty offense. A violation of a section of this Code is a petty offense if specifically classified as a petty offense. The penalty for commission of a petty offense, upon conviction, is a fine of not more than three hundred dollars, imprisonment for not more than ten days in jail, or both.
- (c) Civil infraction. A violation of a section of this Code is a civil infraction if specifically classified as a civil infraction. All violations of the Land Use and Development Code are classified as a civil infraction. The penalty for commission of a civil infraction, upon conviction, is a fine of not less than one hundred dollars, unless indigency is proven, and not more than one thousand dollars per violation. A civil infraction constitutes a civil matter.
- (d) Any person convicted of violating any ordinance Section or Code Section that is not defined as a misdemeanor, petty offense, or for which a specific penalty is not prescribed therein, may be incarcerated for a period not to exceed three hundred sixty-four (364) days or fined an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), or both (notwithstanding any lower maximums or limitations upon sentences that may be contained in any existing ordinance or Code Section of the City), 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.

- (e) The limitation on municipal court fines set forth in this Section 1-24-10 may 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.
- (f) 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 (1) year.

Section 2. Section 9-4-20 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-4-20. – Threatening City employee or public official.

It is unlawful for any person to communicate threats of violence, reprisal or any other injurious act to any police officer, fireman, City employee or other public official who is engaged in the performance of his or her official duties. Any person found in violation of Section 9-4-20 shall be found guilty of a class 2 misdemeanor.

Section 3. Section 9-4-30(c) of the Brighton Municipal Code is hereby enacted as follows:

- (c) Any person found in violation of Section 9-4-30 shall be found guilty of a class 2 misdemeanor.

Section 4. Section 9-4-40(c) of the Brighton Municipal Code is hereby enacted as follows:

- (c) Any person found in violation of Section 9-4-40 shall be found guilty of a class 2 misdemeanor.

Section 5. Section 9-4-50 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-4-50. – Escaping or aiding in escape from custody.

It is unlawful for any person to escape or attempt to escape from, in any manner aid another who is in the custody of a police officer to escape, or attempt

to rescue or rescue a person from the custody of a police officer or from the custody of any person aiding such police officer after being commanded by such police officer not to do so. However, the provisions of this Section and Section 9-4-40 shall not apply whenever the escapee is being held on account of a felony or charged with any felony. Any person found in violation of Section 9-4-50 shall be found guilty of a class 2 misdemeanor.

Section 6. Section 9-4-60 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-4-60. – Assisting in escape.

It is unlawful to assist or aid any person in the custody of or confined under the authority of the City to escape from place of confinement or custody. Any person found in violation of Section 9-4-60 shall be found guilty of a class 2 misdemeanor.

Section 7. Section 9-4-70 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-4-70. – False fire alarm unlawful.

It is unlawful for any person to intentionally make or give a false alarm of fire in this City. Any person found in violation of Section 9-4-70 shall be found guilty of a class 2 misdemeanor.

Section 8. Section 9-4-80 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-4-80. – Obeying police officer or fireman.

It is unlawful for any person to knowingly disobey the lawful order of any police officer or fireman given incident to the discharge of the official duties of such police officer or fireman. Any person found in violation of Section 9-4-80 shall be found guilty of a class 2 misdemeanor.

Section 9. Section 9-4-90 of the Brighton Municipal Code is hereby deleted in its entirety.

Section 10. Section 9-4-120 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-4-120. – Aiding and abetting acts.

Every person who attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be in violation of this Chapter, whether individually or in connection with one (1) or more other persons, or as a principal agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Chapter is likewise guilty of such offense. Any person found in violation of Section 9-4-120 shall be subject to the same penalty as the principal actor of the crime.

Section 11. Section 9-4-130(d) of the Brighton Municipal Code is hereby enacted as follows:

(d) Any person found in violation of Section 9-4-130 shall be found guilty of a class 2 misdemeanor.

Section 12. Section 9-4-140(c) of the Brighton Municipal Code is hereby enacted as follows:

(c) Any person found in violation of Section 9-4-140 shall be found guilty of a class 2 misdemeanor.

Section 13. Section 9-4-150(c) of the Brighton Municipal Code is hereby enacted as follows:

(c) Any person found in violation of Section 9-4-150 shall be subject to the same penalty as the principal actor of the crime.

Section 14. Section 9-8-20(c) of the Brighton Municipal Code is hereby enacted as follows:

(c) Any person found in violation of Section 9-8-20(a) shall be found guilty of a petty offense. Any person found in violation of Section 9-8-20(b) shall be found guilty of a class 2 misdemeanor.

Section 15. Section 9-8-30 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-8-30. – Refusing or failing to leave educational institution.

It is unlawful for any person to willfully refuse or fail to leave the property of or any building or other facility used by any educational institution upon being requested to do by the chief administrative officer, his or her designees charged with maintaining order on the school premises and its facilities or a dean of such educational institution, if such person is committing, threatens to commit or

instructs others to commit any act which would disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of the institution. Any person found in violation of Section 9-8-30 shall be found guilty of a class 2 misdemeanor.

Section 16. Section 9-8-50(c) of the Brighton Municipal Code is hereby enacted as follows:

(c) Any person found in violation of Section 9-8-50(a) shall be found guilty of a petty offense. Any person found in violation of Section 9-8-50(b) shall be found guilty of a class 2 misdemeanor.

Section 17. Section 9-8-60 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-8-60. – Refusing or failing to leave public building.

It is unlawful for any person to willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer charged with maintaining order in such public building if such person has committed, is committing, threatens to commit or incites to commit any act which did or would, if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in such public building. Any person found in violation of Section 9-8-60 shall be found guilty of a petty offense.

Section 18. Section 9-8-70 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-8-70. – Impeding or disrupting certain meetings in public buildings.

(a) It is unlawful for any person at any meeting or session conducted by any judicial, legislative or administrative body or official at or in any public building to willfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act or intrusion into the chambers or other areas designated for the use of the body or official conducting such meeting or session or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties of such meeting or mission.

(b) No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building, willfully impede, disrupt, or hinder the normal proceedings of such body or official.

(c) Any person found in violation of Section 9-8-70(a) shall be found guilty of a class 2 misdemeanor. Any person found in violation of Section 9-8-70(b) shall be found guilty of a petty offense.

Section 19. Section 9-8-80 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-8-80. – Interfering with use of public way or place.

It is unlawful for any person to be upon any public way or any other place of public nature in such a manner as to willfully interfere with the free and unobstructed use of such public way or place of public nature by any other person. Any person found in violation of Section 9-8-80 shall be found guilty of a petty offense; except that knowingly obstructing the entrance into, or exit from, a funeral or funeral site, or knowingly obstructing a highway or other passageway where a funeral procession is taking place is a class 2 misdemeanor.

Section 20. Section 9-8-100 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-8-100. – Destroying public property.

- (a) It is unlawful for any person to willfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or movable or personal property, belonging to the City.
- (b) Any person found in violation of Section 9-8-100 shall be found guilty of a petty offense when the aggregate damage to the real or personal property is less than three hundred dollars. Any person found in violation of Section 9-8-100 shall be found guilty of a class 2 misdemeanor when the aggregate damage to the real or personal property is three hundred dollars or more but less than one thousand dollars. Any person found in violation of Section 9-8-100 shall be found guilty of a class 1 misdemeanor when the aggregate damage to the real or personal property is one thousand dollars or more.

Section 21. Section 9-8-110 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-8-110. – Destroying private property.

- (a) It is unlawful for any person to willfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or movable or personal property, belonging to any person.

(b) Any person found in violation of Section 9-8-110 shall be found guilty of a petty offense when the aggregate damage to the real or personal property is less than three hundred dollars. Any person found in violation of Section 9-8-110 shall be found guilty of a class 2 misdemeanor when the aggregate damage to the real or personal property is three hundred dollars or more but less than one thousand dollars. Any person found in violation of Section 9-8-110 shall be found guilty of a class 1 misdemeanor when the aggregate damage to the real or personal property is one thousand dollars or more.

Section 22. Section 9-8-130 of the Brighton Municipal Code is hereby deleted in its entirety.

Section 23. Section 9-8-150 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-8-150. – Damaging property.

(a) It is unlawful for any person to throw any stone or other missile at or upon any animal, building, electric light fixture, tree or shrub or to willfully injure, deface, mark, mar or destroy any building, structure, fence, enclosure or other improvements, or any trees, shrubs, plants or flowers planted for ornament or shade upon the public or private grounds if such person is not the owner thereof; or to cut, fill, obstruct, or otherwise injure or damage any ditch, drain, sewer, water main or pipe or any sidewalk, bridge or culvert, or to obstruct or in any manner encumber any public street, public alley or public sidewalk.

(b) Any person found in violation of Section 9-8-150 shall be found guilty of a petty offense when the aggregate damage to the real or personal property is less than three hundred dollars. Any person found in violation of Section 9-8-150 shall be found guilty of a class 2 misdemeanor when the aggregate damage to the real or personal property is three hundred dollars or more but less than one thousand dollars. Any person found in violation of Section 9-8-150 shall be found guilty of a class 1 misdemeanor when the aggregate damage to the real or personal property is one thousand dollars or more.

Section 24. Section 9-12-10 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-12-10. – Acts constituting trespass.

(a) First Degree Trespass

(1) A person commits the crime of first degree criminal trespass if such person:

(A) Knowingly and unlawfully enters or remains in a dwelling of another; or

(B) Enters any motor vehicle with intent to commit a crime therein.

(2) First degree criminal trespass committed pursuant to subsection (a)(1) of this section is a class 1 misdemeanor.

(b) Second Degree Trespass

(1) A person commits the crime of second degree criminal trespass if such person:

(A) Unlawfully enters or remains in or upon the premises of another which are enclosed in a manner designed to exclude intruders or are fenced or is posted with legible, plainly visible signs containing the words "No Trespassing" or other express statements forbidding entry; or

(B) Knowingly and unlawfully enters or remains in or upon the common areas of a hotel, motel, condominium, or apartment building; or

(C) Knowingly and unlawfully enters or remains in a motor vehicle of another.

(2) (A) Second degree criminal trespass in violation of subsection (b)(1)(A) or (b)(1)(B) of this section is a petty offense.

(B) Second degree criminal trespass in violation of subsection (b)(1)(C) of this section is a class 2 misdemeanor.

(c) Third Degree Trespass

(1) A person commits the crime of third degree criminal trespass if such person unlawfully enters or remains in or upon premises of another.

(A) A person unlawfully enters or remains in or upon the premises of another as to commercial or industrial premises or a City-owned structure, if the person is in or upon the premises, including off-street parking areas serving the premises, not in the process of conducting business or seeking to conduct business with the owner, lessee or person with right to possession of the premises, or not present by invitation of a person in the process of conducting business or seeking to conduct business on the premises

(2) Third degree criminal trespass is a petty offense.

(d) As used in section 9-12-10, "premises" means real property, buildings, and other improvements thereon, and the stream banks and beds of any nonnavigable fresh water streams flowing through such real property.

Section 25. Section 9-12-30 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-12-30. – Theft.

It is unlawful to commit theft. A person commits theft when that person knowingly obtains or exercises control over a thing of value of another without authorization, or by threat or deception, and:

- (1) Intends to deprive the other person permanently of the use or benefit of the thing of value;
- (2) Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person of its use or benefit;
- (3) Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person of its use and benefit; or
- (4) Demands any consideration to which that person is not legally entitled as a condition of restoring the thing of value to the other person.
- (5) Knowingly retains the thing of value more than seventy-two hours after the agreed-upon time of return in any lease or hire agreement; or
- (6) Intentionally misrepresents or withholds a material fact for determining eligibility for a public benefit and does so for the purpose of obtaining or retaining public benefits for which the person is not eligible.
- (7) Any person found in violation of this Section 9-12-30 shall be found guilty of a petty offense if the value of the thing involved is less than three hundred dollars. Any person found in violation of Section 9-12-30 shall be found guilty of a class 2 misdemeanor if the value of the thing involved is three hundred dollars or more but less than one thousand dollars. Any person found in violation of Section 9-12-30 shall be found guilty of a class 1 misdemeanor if the value of the thing involved is one thousand dollars or more.

Section 26. Section 9-12-40 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-12-40. – Theft by receiving.

- (a) It is unlawful to commit theft by receiving. A person commits theft by receiving if that person obtains control over property, knowing the property to have been stolen from another person, or obtains control over such property under such circumstances as would reasonably induce such person to believe that the property was stolen.
- (b) Any person found in violation of this Section 9-12-40 shall be found guilty of a petty offense if the value of the thing involved is less than three hundred dollars. Any person found in violation of Section 9-12-40 shall be found guilty of a class 2 misdemeanor if the value of the thing involved

is three hundred dollars or more but less than one thousand dollars. Any person found in violation of Section 9-12-40 shall be found guilty of a class 1 misdemeanor if the value of the thing involved is one thousand dollars or more.

Section 27. Section 9-12-60 of the Brighton Municipal Code is hereby deleted in its entirety.

Section 28. Section 9-12-70 of the Brighton Municipal Code is hereby deleted in its entirety.

Section 29. Section 9-12-80 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-12-80. – Theft by shoplifting.

(a) It is unlawful to commit theft by shoplifting. A person commits theft by shoplifting as more fully set forth in this Section.

(b) It is unlawful for any person to conceal, or to aid, abet or assist another person in concealing unpurchased goods, products or merchandise that are owned, held or displayed for sale by any retail outlet, store or other mercantile establishment, with the intent to avoid payment therefor. Concealment (whether such concealment is on a person or otherwise, and whether such concealment is on or off the premises of such store or mercantile establishment) shall constitute prima facie evidence that such person intended to avoid payment therefor.

(c) It is unlawful for any person to carry away, or to aid, abet or assist another person in carrying away, unpurchased goods, products or merchandise that are owned, held or displayed for sale by any retail outlet, store or other mercantile establishment. The carrying away of unpurchased gasoline or similar fuel products is included within the acts prohibited herein.

(d) The definition of the phrase *carry away* shall include, but shall not be limited to, the exiting towards the outside of any retail outlet, store or other mercantile establishment with any such unpurchased goods. The price marked on any goods, by writing or printing thereon or by a tag or a sticker attached thereto, is prima facie evidence of the value of that item.

(e) It is unlawful for any person to switch, change or alter in any way the price markings on any goods, wares or merchandise offered or displayed for sale by any store or other mercantile establishment with the intent to avoid full payment therefor, or thereby making less than full payment.

(f) Any person found in violation of this Section 9-12-80 shall be found guilty of a petty offense if the value of the thing involved is less than three hundred dollars. Any person found in violation of Section 9-12-80 shall be found guilty of a class 2 misdemeanor if the value of the thing involved is three hundred

dollars or more but less than one thousand dollars. Any person found in violation of Section 9-12-80 shall be found guilty of a class 1 misdemeanor if the value of the thing involved is one thousand dollars or more.

Section 30. Section 9-16-20 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-16-20. – Disorderly conduct.

A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:

- (1) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace;
  - a. Any person found in violation of Section 9-16-20(1) shall be found guilty of a petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor.
- (2) Makes an unreasonable noise in a public place near a private residence that he or she has no right to occupy, which, under all of the circumstances presented, would cause a person of ordinary sensitivities significant annoyance and irritation;
  - a. Any person found in violation of Section 9-16-20(2) shall be found guilty of a petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor.
- (3) Fights with another in a public place except in an amateur or professional contest of athletic skill;
  - a. Any person found in violation of Section 9-16-20(3) shall be found guilty of a petty offense.
- (4) Not being a peace officer, discharges a firearm in a public place except when engaged [in] the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United States;
  - a. Any person found in violation of Section 9-16-20(4) shall be found guilty of a class 1 misdemeanor; or
- (5) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.

- a. Any person found in violation of Section 9-16-20(5) shall be found guilty of a class 2 misdemeanor.

Section 31. Section 9-16-30 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9.16-30. – Keeping bawdy house or house of prostitution.

It is unlawful for any person to keep a bawdy house or house of prostitution within the City. Any person found in violation of Section 9-16-30 shall be found guilty of a class 2 misdemeanor.

Section 32. Section 9-16-40(9) of the Brighton Municipal Code is hereby enacted as follows:

- (9) Any person found in violation of Section 9-16-40 shall be found guilty of a petty offense.

Section 33. Section 9-16-51(c) of the Brighton Municipal Code is hereby enacted as follows:

- (c) Any person found in violation of Section 9-16-51 shall be found guilty of a petty offense.

Section 34. Section 9-16-52(c) of the Brighton Municipal Code is hereby enacted as follows:

- (c) Any person found in violation of Section 9-16-52 shall be found guilty of a class 1 misdemeanor.

Section 35. Section 9-16-60 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-16-60. – Assault.

A person commits the crime of assault if:

- (a) The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon, as defined in Section 9-32-10; or
- (b) The person, with intent to harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, causes the other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic,

caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material.

(c) Any person found in violation of Section 9-16-60 shall be found guilty of a class 1 misdemeanor.

Section 36. Section 9-16-70 of the Brighton Municipal Code is hereby deleted in its entirety.

Section 37. Section 9-16-80 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-16-80. – Intimidation.

It is unlawful for any person without legal authority to threaten, confine, restrain or cause bodily harm to the threatened person of another or damage the property or reputation of the threatened person of another with intent thereby to induce the threatened person of another against his or her will to do an act or refrain from doing a lawful act. Any person found in violation of Section 9-16-80 shall be found guilty of a class 1 misdemeanor.

Section 38. Section 9-16-90 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-16-90. – Harassment.

(a) It is unlawful for any person, with the intent to harass, annoy or alarm another person, to:

(1) Strike, shove, kick or otherwise harm a person or subject him or her to physical contact;

(A) Any person found in violation of Section 9-16-90(a)(1) shall be found guilty of a class 1 misdemeanor.

(2) In a public place, direct obscene language or make an obscene gesture to or at another person;

(A) Any person found in violation of Section 9-16-90(a)(2) shall be found guilty of a petty offense.

(3) Follow a person in or about in a public place;

(A) Any person found in violation of Section 9-16-90(a)(3) shall be found guilty of a class 1 misdemeanor.

(4) Initiate communication with a person, anonymously or otherwise by telephone, telephone network, text message, instant message, computer, computer network, or computer system in a manner intended to threaten bodily injury or property damage, or make any comment, request, suggestion or proposal by telephone, telephone

network, text message, instant message, computer, computer network or computer system that is obscene.

(A) Any person found in violation of Section 9-16-90(a)(4) shall be found guilty of a class 2 misdemeanor.

(5) Make a telephone call or cause a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;

(A) Any person found in violation of Section 9-16-90(a)(5) shall be found guilty of a class 2 misdemeanor.

(6) Make repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property;

(A) Any person found in violation of Section 9-16-90(a)(6) shall be found guilty of a class 2 misdemeanor; or

(7) Repeatedly insult, taunt, challenge or make communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response.

(A) Any person found in violation of Section 9-16-90(a)(7) shall be found guilty of a class 2 misdemeanor

(b) As used in this Section, unless the context otherwise requires, obscene means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

(c) Any act prohibited by Subsection (a)(4) above may be deemed to have occurred or to have been committed at the place at which the telephone call, text message, instant message, electronic mail, other electronic communication or other computer-created communication was either made or received.

Section 39. Section 9-16-100 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-16-100. – Threatening physical injury.

It is unlawful for any person to intentionally place or attempt to place another person in fear of imminent serious bodily injury by any threat or physical action; provided, however, that if such be with the use of a deadly weapon, then this Section shall not apply. Any person found in violation of Section 9-16-100 shall be found guilty of a class 1 misdemeanor.

Section 40. Section 9-16-140 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-16-140. – Fraud by check.

- (a) It is unlawful to commit fraud by check. Any person, knowing he or she has insufficient funds with the drawee, who with intent to defraud, issues a check for less than three hundred dollars (\$300.00) for the payment of services, wages, salaries, commissions, labor, money, property or other thing of value commits fraud by check.
- (b) Any person found in violation of Section 9-16-140 shall be found guilty of a petty offense if the fraudulent check was for less than three hundred dollars or if the offender is convicted of fraud by check involving the issuance of two or more checks within a sixty-day period in the state of Colorado totaling less than three hundred dollars in the aggregate.
- (c) Any person found in violation of Section 9-16-140 shall be found guilty of a class 2 misdemeanor if the fraudulent check was for the sum of three hundred dollars or more but less than one thousand dollars or if the offender is convicted of fraud by check involving the issuance of two or more checks within a sixty-day period in the state of Colorado totaling three hundred dollars or more but less than one thousand dollars in the aggregate.
- (d) Any person found in violation of Section 9-16-140 shall be found guilty of a class 1 misdemeanor if the fraudulent check was for the sum of one thousand dollars or more but less than two thousand dollars or if the offender is convicted of fraud by check involving the issuance of two or more checks within a sixty-day period in the state of Colorado totaling one thousand dollars or more.

Section 41. Section 9-24-20(b) of the Brighton Municipal Code is hereby deleted in its entirety.

Section 42. Section 9-24-30 of the Brighton Municipal Code is hereby amended as follows:

It is unlawful for any person to have in his or her possession any open container containing any malt, vinous or spirituous liquor or fermented malt beverage while operating or riding as a passenger in any motor vehicle, or in or upon any quasi-public place, street, alley, highway, sidewalk, place or building owned or maintained by any governmental entity supported by general property taxes, except in public parks in the City. In public parks the possession of such open non-glass containers shall be permitted only during the hours of 8:00 a.m. to 10:00 p.m.

Section 43. The title of Article 9-31, Retail Marijuana Establishments Prohibited, of the Brighton Municipal Code is hereby amended as follows:

## Article 9-31 – Retail Marijuana Establishments

Section 44. Section 9-32-20(d) of the Brighton Municipal Code is hereby enacted as follows:

- (d) Any person found in violation of Section 9-32-20 shall be found guilty of a class 1 misdemeanor.

Section 45. Section 9-32-30 of the Brighton Municipal Code is hereby amended as follows:

Sec. 9-32-30. – Display.

It shall be unlawful for any person to knowingly, recklessly or negligently display, flourish or brandish any illegal or deadly weapon, as defined in Section 9-32-10, in such manner as to reasonably cause fear of bodily injury to another person. Any person found in violation of Section 9-32-30 shall be found guilty of a class 1 misdemeanor.

Section 46. Section 9-32-70(a) of the Brighton Municipal Code is hereby amended as follows:

- (a) The concealed carrying of a handgun in or upon a public facility, room, chamber, including City Council chambers, or designated portion thereof is unlawful when said facility, room, chamber or portion thereof is posted with notification that the carrying of handguns is prohibited and security personnel and electronic screening devices at the entrance to the facility, room, chamber or portion thereof are in attendance and being used to screen all persons entering the facility, room, chamber or portion thereof. Possession of a concealed handgun permit issued pursuant to Section 18-12-105.1, C.R.S., as it existed prior to repeal or possession of a permit or temporary emergency permit issued pursuant to Section 18-12-201, et seq., C.R.S., shall be no defense to a violation of this Section. Security personnel shall require each person carrying any type of handgun, firearm or deadly weapon to leave the same in possession of the security personnel while the person is in the secured facility, room, chamber or portion thereof.

Section 47. Section 9-32-70(f) of the Brighton Municipal Code is hereby enacted as follows:

- (f) Any person found in violation of Section 9-32-70 shall be found guilty of a class 1 misdemeanor.

Section 48. All sections, subsections, and definitions not expressly amended or modified herein remain in full force and effect.

Section 49. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 3<sup>rd</sup> DAY OF March 2026.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY ON THIS 17<sup>th</sup> DAY OF March 2026.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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JAMES GALLAGHER, Assistant City Attorney