

ORDINANCE NO. 2493
INTRODUCED BY: Fiedler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 1-20 OF THE BRIGHTON MUNICIPAL CODE RELATED TO RIGHT OF ENTRY, ARTICLE 1-24 RELATED TO RESTITUTION, AND ARTICLE 2-16 RELATED TO CONTEMPT OF COURT

WHEREAS, the Constitution of the United States of America and the State of Colorado prevent unreasonable searches of private property; and

WHEREAS, a search is generally reasonable if law enforcement has a warrant supported by probable cause to enter said private property or a lawful exception to the warrant requirement exists; and

WHEREAS, Section 1-20-10 of the *Brighton Municipal Code* outlines the right of entry by the City, including its law enforcement, and such right of entry is contradictory to current law, and although this section of the law has not been used by City staff, the City Attorney's Office desires to clean up this language to reflect current law; and

WHEREAS, on April 17, 2025, Governor Jared Polis signed into law Senate Bill 25-062, which prohibited failure to appear at a specific court date from being the basis of a municipal criminal charge against the person; and

WHEREAS, Section 2-16-100 of the *Brighton Municipal Code* currently allows a person to be charged for their failure to appear as contempt of court, in contradiction to SB 25-062; and

WHEREAS, on May 30, 2025, Governor Jared Polis signed into law House Bill 25-1304, which shortened the restitution deadline for a court after an order of conviction enters in a criminal case; and

WHEREAS, the restitution deadline set forth in Section 1-24-30 of the *Brighton Municipal Code* no longer conforms with the requirements of HB 25-1304, and the City Attorney's Office seeks to align the timeframe with the State statutes; and

WHEREAS, the City Council finds and determines the above proposed municipal code amendments shall enhance, protect, and otherwise further the public health, safety, and welfare of the citizens of Brighton.

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

Section 1. Article 1-20-10 of the *Brighton Municipal Code* is hereby amended as follows:

Whenever necessary to make an inspection to enforce any provisions of this Code or the ordinances of the City, or whenever the City Manager, designee of the City Manager, Director of Utilities, Director of Public Works, Chief Building Official, a police officer, community service officer, other code compliance specialist, or any other official of the City, has reasonable cause to believe there exists in any building or upon any premises any condition which constitutes a nuisance, such City employee shall first present proper credentials and request entry. If entry is refused, the City employee shall give the responsible party a written notice of intent to inspect not sooner than twenty-four (24) hours after the time specified in the notice, or if the responsible party cannot be located after a reasonable effort, the City employee shall post the notice upon a conspicuous place upon the premises. The notice shall state that the responsible party has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a municipal judge of the City, or by a judge of any other court having jurisdiction.

Section 2. Section 2-16-100 of the *Brighton Municipal Code* is hereby amended as follows:

It is unlawful for any person to be in contempt of the Brighton Municipal Court, and any person found by the Municipal Court to be in violation of this Section shall be punished by a fine of not more than three hundred dollars (\$300.00), by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 3. Subsections (1) and (2) of Section 1-24-30 of the *Brighton Municipal Code* are hereby amended to read as follows:

(1) Every order of conviction in the Municipal Court shall include consideration of restitution. Each such order shall include one (1) or more of the following:

a. An order of a specific amount of restitution to be paid by the defendant and/or the parent or guardian of a minor defendant pursuant to Section 2-16-80 of this Code, as it may be amended;

b. An order that the defendant and/or the parent or guardian of a minor defendant pursuant to Section 2-16-80 of this Code, as it may be amended, is obligated to pay restitution, but that the specific amount of restitution is determined within sixty-three (63) days following the prosecuting attorney's submission of restitution information presented to the Court as required by

subsection (2)(a) of this section, or within the sixty-three (63) days immediately following the order of conviction, whichever is later, unless good cause is shown for extending the time period by which the restitution amount is determined;

- c. An order, in addition to or in place of a specific amount of restitution, that the defendant and/or the parent or guardian of a minor defendant pursuant to Section 2-16-80 of this Code, as it may be amended, pay restitution covering the actual costs of specific future treatment of any victim of the crime; or
- d. Contain a specific finding that no victim of the crime suffered a pecuniary loss and therefore no order for the payment of restitution is being entered.

(2) The Court shall base its order for restitution upon information presented to the Court by the prosecuting attorney, who shall compile such information through victim impact statements or other means to determine the amount of restitution and the identities of the victims. Further, the prosecuting attorney shall present this information to the Court prior to the order of conviction or within sixty-three (63) days, if it is not available prior to the order of conviction. The Court may extend this date if it finds that there are extenuating circumstances affecting the prosecuting attorney's ability to determine restitution.

Section 4. All sections and subsections not expressly amended or modified herein remain in full force and effect.

Section 5. 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, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS
2ND DAY OF DECEMBER 2025.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 16TH DAY OF DECEMBER 2025.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney