



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
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Council Communication File Number: Ord 2355

Agenda Date: 10/18/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING SECTIONS 1-3003 AND 3-2103 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ESTABLISH A MINIMUM \$500 PENALTY FOR LITTERING AND IMPROPER DUMPING

Summary and Background Information: Fines for littering and improper dumping are currently within the discretion of the municipal judge pursuant to Section 1-3003 of the Commerce City Revised Municipal Code ("Code") or, if a civil infraction, at a minimum amount of \$100 for a first violation pursuant to Section 3-2103 of the Code. On October 4, 2021, the City Council directed staff to prepare an ordinance to establish a minimum \$500 penalty for illegal dumping. **Note: The Municipal Judge has indicated an intent to modify the fine schedule to account for the requested minimum penalty, although this would not apply to any civil infraction.**

Ordinance Terms: The ordinance establishes a minimum penalty of \$500 for criminal and civil violations of two Code sections related to "illegal dumping" - littering (Section 12-3001) and improper dumping (Section 6-2003(c)). Violations of other provisions related to littering are not included due to the apparent focus of the Council's request and the availability of redress through other means (e.g., park littering). The criminal penalty is subject to suspension or waiver as part of an alternative sentence.

The violation of littering can be found at:
https://library.municode.com/co/commerce_city/codes/municipal_code?nodetd=COOR_CH12PUPESA_ARTIIIIFINPR_S12-3001LI.

The violation of improper dumping can be found at:
https://library.municode.com/co/commerce_city/codes/municipal_code?nodetd=COOR_CH6NU_ARTIISPNU_S6-2003GATR.

Effective Date: The ordinance will be effective as provided in the City Charter, 5 days after publication following approval on second and final reading.

Staff Responsible (Department Head): Robert Sheesley, City Attorney
Staff Member Presenting: Robert Sheesley, City Attorney

Financial Impact: There could be an increase in penalties recovered by the City.
Funding Source: N/A

Suggested Motion:

- To introduce and approve on first reading: I move to introduce by Council as seated and approve on first reading Ordinance 2355. (Majority present required to approve).
- To approve on second and final reading: I move to approve Ordinance 2355 on second and final reading. (Majority of council in office required to approve (5 affirmative votes; must be approved at a regular meeting).