



Commerce City

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Council Communication

File Number: Ord 2337

Agenda Date: 6/21/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Ordinance

AN EMERGENCY ORDINANCE AMENDING SECTION 1-3003 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTHORIZE THE MUNICIPAL COURT TO IMPOSE ALTERNATIVE SENTENCING FOR FIREWORKS VIOLATIONS BY MINORS

Summary & Background: Section 1-3003(e) imposes minimum monetary penalties for violations of the City Code relating to fireworks and prohibits the municipal court from suspending or modifying those penalties. Generally, the municipal court is authorized to use its discretion to impose alternative sentences instead of imprisonment or monetary penalties, such as community service, probation, restitution, etc. The restriction of alternative sentencing for fireworks was enacted in 2018 (Ordinance 2172), but imposing minimum financial penalties for juveniles is not adequate given limits on collection of financial penalties from juveniles.

The proposed ordinance provides a limited exception to the minimum penalty by allowing the municipal court to impose alternative sentencing for fireworks violations by persons under the age of 18. The proposed ordinance declares an emergency to implement the change before the July 4 holiday.

Financial Impact: Not applicable, although fines would be reduced (if they would have been paid).

Staff Member Presenting: Robert Sheesley, City Attorney

Staff Recommendation: Approval.

Recommended Motion: I move to introduce and approve Ordinance 2337 as an emergency ordinance by council as seated.