

ORDINANCE NO. 2337

INTRODUCED BY: \_\_\_\_\_

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

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

**SECTION 1. Findings.** This ordinance is declared to be an emergency ordinance and is found to be immediately necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2. Amendment.** Section 1-3003 of the Commerce City Revised Municipal Code is amended as set forth in Exhibit A to this ordinance.

**SECTION 3. Repealer.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or

**SECTION 4. Effective Date.** This ordinance shall be effective immediately upon passage.

INTRODUCED, PASSED ON FIRST AND FINAL READING AS AN EMERGENCY ORDINANCE AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF JUNE 2021.

CITY OF COMMERCE CITY, COLORADO

\_\_\_\_\_  
Benjamin A. Huseman, Mayor

ATTEST

\_\_\_\_\_  
Dylan A. Gibson, City Clerk

## EXHIBIT A TO ORDINANCE 2337

Red strikethrough text shows deletions; blue underlined text shows additions.

\*\*\*BEGIN\*\*\*

### Sec. 1-3003. - Penalties in general.

- (a) *Misdemeanors.* Except as specified below, any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of any provision of this Code, the Charter, or any provision of any code or other regulation adopted by reference shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalty specifically provided for such violation or, if none, then by a fine not to exceed the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, or imprisonment for a term not to exceed three hundred and sixty-four (364) days, or by both such fine and imprisonment, in addition to any costs which may be assessed. Notwithstanding the foregoing, no person under the age of eighteen (18) years as of the date of the offense shall be subject to imprisonment.
- (b) *Traffic violations.* The violation of any of the following sections of the Commerce City Traffic Code shall constitute a misdemeanor and shall be punishable in accordance with paragraph (a) of this section: 238 (Blue and red lights - illegal use or possession); 606 (Display of unauthorized signs or devices); 607(2)(a) (Interference with official devices), but only if the use proximately causes bodily injury to another person; 611(2) (Paraplegic persons or persons with disabilities - distress flag); 705(2), (2.5), and (2.6) (Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle); 1008.5 (Crowding or threatening bicyclist); 1105(1), (2), (3), and (8) (offenses related to speed contests and exhibitions), 1208(11) (fraudulently obtaining, using or making disability placards); 1401 (Reckless driving); 1402 (Careless driving), but only if the violation proximately causes the death or bodily injury to another person); 1409 (Compulsory Insurance); 1413 (Eluding or attempting to elude a police officer); and 1415 (Radar jamming devices prohibited). The violation of any other provision of the Commerce City Traffic Code shall constitute a traffic infraction. Any person convicted of a traffic infraction shall be subject to the penalty of a fine and any surcharge, the total of which shall not exceed the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, but shall not be subject to imprisonment.
- (c) *Civil infractions.* Any person convicted of violating any provision of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, and may be required to pay all costs, direct and indirect, which the city incurred in connection with the civil infraction, including the cost of abating a nuisance, but shall not be subject to imprisonment except as provided in paragraph (d) of this section.
- (d) *Multiple civil infractions.* If a person who is alleged to have committed a violation of any provision of this Code that is classified as a civil infraction has been convicted of two (2) or more such violations within the twelve-month period immediately preceding the new alleged violation, then, whether or not the previous violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as a misdemeanor criminal offense that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Code.
- (e) *Penalties for fireworks violations.* Any person convicted, including without limitation a plea of guilty or no contest, of a violation of any provision of this Code, including without limitation any edition of the International Fire Code adopted by reference, relating to the unlawful possession, manufacture, storage, sale, handling, discharge or use of fireworks shall be subject to a fine of five hundred dollars (\$500.00) for a first offense and one thousand dollars (\$1,000.00) for each subsequent offense in addition to any other applicable penalty, fee, or cost imposed pursuant to this Code, provided the minimum monetary fine under this subsection shall not be suspended or waived except for persons under the age of eighteen (18) for whom the municipal judge imposes an alternative sentence.

\*\*\*END\*\*\*