



# Municipal Violation Ordinance Updates

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City Council Study Session

# Potential Municipal Violation Ordinance Revisions

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1. Reduction in potential jail sentence
2. Decriminalization of traffic offenses
3. Violation for driving under restraint
4. Revision of court fees



# Municipal Violation Background

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- Municipal vs. State
  - Courts
  - Laws and violations
- Criminal penalty vs. civil penalty
  - Code violations are criminal unless civil
  - Code criminal violations are misdemeanors
  - Criminal penalties\*
    - Up to 1 year in jail; and/or
    - Up to \$2,650 fine
    - \*Unless specifically limited, this is max per state law



# 1. Reduction in Jail Sentence

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- Current: 1 year potential penalty
  - [CCRMC 1-3003\(a\)](#); [C.R.S. 13-10-113\(1\)\(a\)](#)
- Options:
  - Maintain current potential maximum
  - Reduce to less than one year
  - Establish different maximums for certain offenses
  - Eliminate jail sentences for municipal violations
- PD recommendation:
  - Reduce to 364 days to match state proposal



## 2. Decriminalize Traffic Offenses

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- Current:
  - Violations of [Traffic Code](#)
    - 16 [offenses](#) criminal with potential jail sentence and fine
    - Remainder are infractions punishable by fine
    - Felony violations of all code provisions are possible
  - [CCRMC 1-3003\(b\)](#); [2010 Model Traffic Code](#)
- Options:
  - Maintain current structure
  - Decriminalize some or all
- PD recommendation:
  - Maintain current structure to preserve enforcement options



# Criminal Traffic Offenses

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- Blue and red lights – illegal use or possession
- Display of unauthorized signs or devices
- Interference with official devices (bodily injury)
- Paraplegic persons/persons with disabilities – distress flag
- Operation of vehicle – emergency vehicles
- Crowding/threatening bicyclists
- Speed contests/exhibitions
- Fraudulent disability placards
- Reckless driving
- Careless driving (bodily injury)
- Compulsory insurance
- Eluding police
- Radar jamming devices



### 3. Violation for driving under restraint

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- [HB 17-1162](#) (C.R.S. 42-2-138):
  - Driving under restraint (knowledge of restricted driving privileges) is a traffic infraction
  - Authorized municipalities to enforce in municipal court
- Options:
  - Establish violation or not
- PD Recommendation:
  - Establish municipal violation to match state and permit municipal court enforcement



# 4. Revision of Court Fees

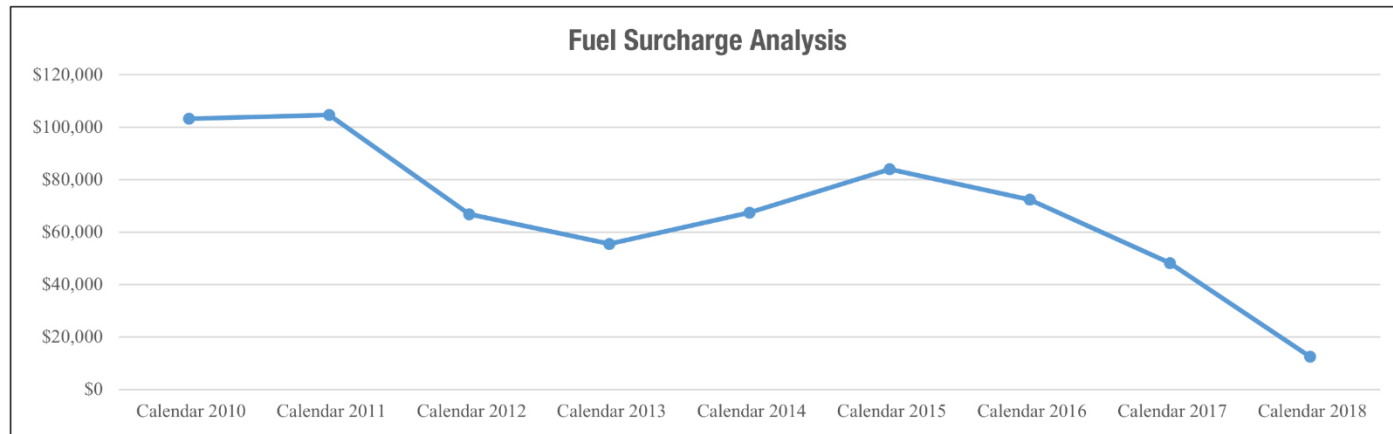
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- Potential revisions:
  - Gasoline Surcharge ([CCRMC 3-1202](#))
    - Budget impact: approx. \$45-75,000 annually
    - Fee schedule: \$9 per conviction
    - Maintain, modify, or eliminate?
    - Staff recommendation: Remove surcharge
  - Jury Fees ([CCRMC 3-1200\(4\)](#))
    - [Code](#) requires conviction after trial by jury
    - [Fee Directory](#) (Sec. 20) establishes “jury assembly” additional fee with different requirement
    - Staff recommendation:
      - Amend ordinance to permit jury assembly fee



# Gasoline Surcharge Revenue

Calendar 2010	Calendar 2011	Calendar 2012	Calendar 2013	Calendar 2014	Calendar 2015	Calendar 2016	Calendar 2017	Calendar 2018	Total
\$ 103,197	\$ 104,660	\$ 66,797	\$ 55,464	\$ 67,409	\$ 83,980	\$ 72,340	\$ 48,156	\$ 12,492	\$ 614,495



**Summary:**

This report provides an analysis and evaluation of the fuel surcharge financial and historical trend. Fuel Surcharge has collected over 614K in additional revenue for the City over the last 8 years. All calculations can be found in the City financial software. Results of data analysis shows that year over year revenues have fallen. With an upward trend every three years followed by a decline.

\* 2018 financials are as of 3/12/2018





# Questions?

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