

ORDINANCE NO. 01-2026

AN ORDINANCE AMENDING SEC. 1-4-20 OF THE GARDEN CITY MUNICIPAL CODE CONCERNING PENALTIES FOR ORDINANCE VIOLATIONS AND REPEALING SEC. 1-4-30 OF THE TOWN OF GARDEN CITY MUNICIPAL CODE

WHEREAS, the Town of Garden City, Colorado (“Town”) is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Board of Trustees (“Town Board”) is vested with authority to administer the affairs of the Town; and

WHEREAS, Section 1-4-20 of the Town of Garden City Municipal Code sets forth the general penalty for violations of Town ordinances; and

WHEREAS, on December 22, 2025, the Colorado Supreme Court held in *People by and through People of City of Westminster v. Camp*, 2025 WL 3703980 (Colo. 2025) that, when there exists an identical state misdemeanor or petty offense, the fine for the corresponding municipal ordinance violation may not exceed the maximum fine permitted under the state law sentencing caps; and

WHEREAS, Town staff recommends that the Town Board amend Section 1-4-20 of the Town of Garden City Municipal Code to ensure that fines for Town ordinance violations are consistent with the holding in the Camp decision; and

WHEREAS, Section 1-4-30 of the Town of Garden City Municipal Code concerns juvenile offenders, those persons under the age of eighteen (18) at the time of the commission of a Town ordinance violation, and provides that the monetary penalty is the same as for adult offenders; and

WHEREAS, Town staff recommends that the Town Board repeal Section 1-4-30 and, rather, include the juvenile punishment limitation into Section 1-4-20; and

WHEREAS, the Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO, THAT:

Section 1. The Town Board reaffirms and incorporates the foregoing recitals as if fully set forth herein.

Section 2. Section 1-4-20 of the Town of Garden City Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 1-4-20. General penalty for violation.

(a) Any person who violates or fails to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding two thousand six hundred fifty dollars (\$2,650.00), as adjusted for inflation on January 1 of each year in the manner provided by state law. In addition, such person shall pay all costs and expenses in the case.

(b) Notwithstanding the foregoing, when there exists an identical state misdemeanor or petty offense, the fine for the corresponding Town ordinance violation shall not exceed the maximum fine permitted under state law.

Section 3. Section 1-4-30 of the Town of Garden City Municipal Code is hereby repealed in its entirety.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 5. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose.

Section 6. Publication. The Town Clerk shall certify to the passage of this Ordinance and cause notice of its contents and passage to be published.

Section 7. Effective Date. This ordinance shall take effect thirty (30) days after publication as provided by law.

PASSED, ADOPTED AND APPROVED THIS 3RD DAY OF FEBRUARY, 2026.

TOWN OF GARDEN CITY

BY: _____

MAYOR

ATTEST:

TOWN CLERK