

DATE: 1/14/25BY: KRP**TOWN OF PIERCE, COLORADO****ORDINANCE NO. 2026-02****AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, COLORADO, AMENDING THE PIERCE MUNICIPAL CODE TO HARMONIZE MUNICIPAL PENALTIES WITH STATE LAW AND CLARIFY SENTENCING AUTHORITY OF THE MUNICIPAL COURT**

WHEREAS, the Town of Pierce (the “**Town**”) is a statutory town organized and existing under the laws of the State of Colorado and governed by its Board of Trustees (the “**Board**”); and

WHEREAS, the Town has adopted a comprehensive Municipal Code that includes criminal, quasi-criminal, and regulatory offenses enforceable in the Town’s Municipal Court; and

WHEREAS, the Colorado Supreme Court has clarified that when a municipal ordinance prohibits conduct that is identical or substantially similar to a state criminal offense, a municipality may not impose penalties exceeding the sentencing limits established by state law; and

WHEREAS, the Board desires to ensure that the Town’s Municipal Code, penalty provisions, and Municipal Court procedures comply with applicable state law and recent judicial guidance; and

WHEREAS, the Board further desires to clarify the scope of municipal sentencing authority while preserving the enforceability of Town ordinances and the effective administration of justice; and

WHEREAS, the Board finds that adoption of this Ordinance is necessary to protect the Town from legal challenge and to promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Pierce, Colorado, as follows:

Section 1. Amendment to General Penalty Provision.

Section 1-4-20(a) of the Pierce Municipal Code is hereby amended to add the following sentence at the end thereof:

“Notwithstanding the foregoing, where a provision of this Code or any ordinance of the Town prohibits conduct that is identical to or substantially similar to an offense defined under Colorado law, the maximum penalty that may be imposed shall not exceed the applicable sentencing limits established by state law.”

Section 2. Amendment to Municipal Court Jurisdiction and Sentencing Authority.

Section 2-4-80 of the Pierce Municipal Code is hereby amended to read, in relevant part, as follows (new language emphasized):

“The Municipal Court shall have original jurisdiction of all cases arising under the ordinances of the Town, with full power to carry the same into effect and to punish violations thereof by the imposition of such fines and penalties as provided in Section 1-4-20 of this Code, **subject to all limitations imposed by state law, including applicable sentencing caps for offenses that duplicate or are substantially similar to state criminal offenses.**”

Section 3. Code Construction and Conflict Avoidance.

A new Section 1-3-130 is hereby added to Chapter 1 of the Pierce Municipal Code to read as follows:

Sec. 1-3-130. Construction to Avoid Conflict with State Law.

This Code shall be construed and applied in a manner consistent with Colorado law. Where a provision of this Code conflicts with state law, including state sentencing limitations, such provision shall be deemed modified to the minimum extent necessary to comply with state law while preserving the intent of the Board of Trustees.

Section 4. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

Section 5. Safety Clause.

The Board of Trustees finds and declares that this Ordinance is enacted pursuant to the Town’s general police powers and is necessary for the immediate preservation of the public health, safety, and welfare.

Section 6. Effective Date.

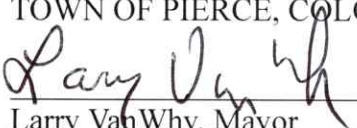
This Ordinance shall become effective thirty (30) days after publication as required by law.

PASSED, ADOPTED, SIGNED AND APPROVED this 12th day of January, 2026.

ATTESTED:


Tina Duran, Town Clerk

TOWN OF PIERCE, COLORADO


Larry VahWhy, Mayor