

**Town of Erie
Ordinance No. ___-2026**

**An Ordinance of the Town Council of the Town of Erie
Consolidating all Provisions of the Erie Municipal Code Related to
Penalties and Enforcement for Code Violations**

Whereas, the Town Council finds it is in the best interest of the public health, safety and welfare to consolidate all provisions related to penalties and enforcement throughout the Erie Municipal Code and to comply with the recent Colorado Supreme Court decision *In re People v. Camp* and *In re People v. Simons*, 2025 CO 64 (Colo. Dec. 25, 2025).

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. Section 1-4-4 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

1-4-4 – General penalty.

A. *Violations:* It is unlawful for any person to violate any provision of this Code.

B. *Penalty:*

1. A violation of any provision of this Code shall be punished by a fine not to exceed two thousand six hundred and fifty dollars (\$2,650), imprisonment not to exceed three hundred and sixty-four (364) days, revocation, withholding, or suspension of a license, permit, or franchise, abatement, restitution for actual damage or loss caused, administrative sanctions, or any combination thereof. The Municipal Court shall establish a schedule of fines, more particularly stating the maximum penalties for each criminal and noncriminal violation of the ordinances of the Town, which shall be posted in accordance with C.M.C.R. 210(b)(5).

2. Any violation for which a Town penalty exceeds a maximum penalty amount for an identical state law offense shall be instead subject to the maximum penalty amount established in C.R.S. §§ 18-1.3-501(1)(a.5) and 18-1.3-503(1.5).

3. A person charged with a noncriminal violation shall not be entitled to a trial by jury. A person eighteen (18) years of age or older charged with a criminal violation may be entitled to a trial by jury upon meeting the requirements of C.M.C.R. 223.

4. A violation of the Model Traffic Code shall be subject to Section 6-11-12.

C. *Continuing violation:* A person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by any such person.

D. *Voluntary pleas:* Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person to pleading to all of the fines and penalties applicable to the original charge.

Section 2. Section 1-4-5 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

1-4-5 – Juveniles.

Any person who at the time of the commission of a violation was at least ten (10) years of age, but not eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code shall be punished by a fine of not more than one thousand dollars (\$1,000).

Section 3. Section 6-4-7 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

6-4-7 - Throwing missiles.

A. It is unlawful for any person to knowingly project any missile at or against any vehicle or equipment designed for transportation of persons or property.

B. It is unlawful for any person to knowingly project any missile at or against any public or private building without the consent of the owner.

C. It is unlawful for any person to knowingly project any missile at any person, unless done with the knowledge and consent of such person during a recognized athletic game and with a ball, puck, or other object used in such game for such purpose.

D. It is unlawful for any person to knowingly project any missile at or against a bicyclist.

E. As used herein, "missile" means any object or substance.

Section 4. Sections 6-6-12, 6-6-13 and 6-6-14 of the Erie Municipal Code are hereby repealed in their entirety and reenacted as follows:

6-6-12 - Theft by receiving.

It is unlawful to receive, retain, loan money by pawn, or pledge on, or dispose of anything of value of another, knowing or believing that the thing

of value has been stolen, and when he intends to deprive the lawful owner permanently of the use or benefit of the thing of value.

6-6-13 - Criminal tampering.

It is unlawful to tamper with property of another with intent to cause injury, inconvenience, or annoyance to that person or another person.

6-6-14 – Unlawful trash disposal.

It is unlawful to deposit, throw, or leave any litter, trash, or debris in the trash receptacle or container of a business intended only for use by the business, unless the owner or operator of the business has granted express permission to deposit, throw, or leave the litter in the trash receptacle or container.

Section 5. Section 6-8-10 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

6-8-10 – Disrupting lawful assembly.

It is unlawful for any person, intending to prevent or disrupt any lawful meeting, procession, or gathering, to significantly obstruct or interfere with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

Section 6. Section 6-8-12 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

6-8-12 – Threatening public official.

It is unlawful for any person to communicate threats of violence, reprisal, or any other injurious act to any public official, Town employee, or agent, who is engaged in the performance of his or her official duties.

Section 7. Section 6-10-10 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

6-10-10 - Public urination.

It is unlawful for any person to urinate in any public place where such conduct is likely to be viewed by any other person, unless such voiding is made into a receptacle that has been provided for that purpose that stores or disposes of the waste in a sanitary manner and that is enclosed from view of the general public.

Section 8. Section 6-11-12 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

6-11-12 – Violation and penalties.

A. *Violations:* It is unlawful to violate any provision of this Chapter or the Model Traffic Code adopted by this Chapter.

B. *Civil traffic infractions:* The penalty for a civil traffic infraction shall be a fine not to exceed one thousand dollars (\$1,000).

C. *Noncivil traffic offenses:* An individual eighteen (18) years of age or older convicted of a traffic offense may be incarcerated for a period not to exceed three hundred and sixty-four (364) days, or fined by an amount not to exceed two thousand six hundred and fifty dollars (\$2,650), or both, and a juvenile under the age of eighteen (18) years at the time of the offense may be fined by an amount not to exceed one thousand dollars (\$1,000).

D. *Zone increases.* Penalties for traffic infractions and offenses in a designated maintenance, repair, or construction zone pursuant to Section 614, in a designated school zone pursuant to Section 615, or in a designated wildlife crossing zone pursuant to Section 616, shall be double the penalty for such violation as set forth above.

E. *Overweight vehicles:* Upon conviction, entry of a guilty plea or a plea of *nolo contendere* to a violation related to the size, weight, or load of a vehicle or truck, the court may impose a fine not to exceed two thousand six hundred and fifty dollars (\$2,650) per count.

Section 9. Section 6-11-15 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

6-11-15 – False evidence of insurance.

It is unlawful to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle insurance required by state and local law to a law enforcement officer, judge, prosecutor, or other Town employee with the intent to mislead that individual regarding the status of any motor vehicle liability insurance policy, where such means, manner, type, or kind of proof of insurance is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.

Section 10. Section 6-11-19 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

6-11-19 – Engine compression or dynamic braking devices.

It is unlawful to operate a motor vehicle in the Town with an engine compression or dynamic braking device engaged, including without

limitation what are commonly referred to as "Jacob brakes" or "Jake brakes."

Section 11. Section 7-3-16 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

7-3-16 – Damage to trees.

A. *Repair.* Any person who injures, damages (including by excessive pruning or topping), or destroys any tree located on Town property or within a public right-of-way shall repair said damage to the satisfaction of the Town arborist.

B. *Damages.* If the Town arborist deems a tree or other woody plant to be damaged beyond repair, the responsible person shall compensate the Town either the lost monetary value of the tree or other woody plant, as determined by the current edition of "The Guide For Establishing Values of Trees and Other Plants" by the Council of Tree and Landscape Appraisers, or the cost of replacing the tree, as determined by the Town arborist.

C. *Cost recovery.* Any person causing removal of any tree or other woody plant from Town property or public right-of-way without a permit shall reimburse the Town for three (3) times the appraised value of said tree or other woody plant.

Section 12. Section 9-2-2 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

9-2-2 – Sewer tap required.

It is unlawful to construct, alter, or repair a building in the Town unless the sewer tap fee has been fully paid and satisfactory proof of such payment has been furnished to the Town.

Section 13. Chapter 10 of Title 10 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

Chapter 10 - Enforcement

10-10-1 – Violation and penalty.

A. It is unlawful to erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any land, building, structure, or sign in violation of any provision of this UDC or any permit or other approval issued under this UDC.

B. Each day that a violation of this UDC occurs or remains uncorrected shall constitute a separate and distinct violation.

C. A violation of this UDC shall be subject to the penalties set forth in Section 1-4-4. In addition to the penalties set forth in Section 1-4-4, a violation of this UDC shall be subject to the following:

1. The Director may deny, revoke or withhold all entitlements, including permits and certificates of occupancy, until the alleged violation is corrected. This provision shall apply whether or not the current owner or applicant is responsible for the violation.

2. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this UDC or of an entitlement or other authorization issued under this UDC. The stop work order shall be in writing and posted at the site of the work and shall specify the alleged violations. After the stop work order has been posted, no work shall proceed on the building, structure, or land covered by such order, except to correct the violation or comply with the order.

Section 14. Section 10-12-7 of the Erie Municipal Code is hereby repealed in its entirety and reenacted as follows:

10-12-7 – Permit transfer and inspection.

A. *Transfer of permits:* A permit may be transferred only with the prior consent of the Town Council. In approving any transfer, the Town Council must ensure: that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the permit and these regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

B. *Inspection and notifications to local government designee ("LGD"):*

1. *Inspection:*

a. The Town may enter and inspect any property subject to these regulations at reasonable hours for the purpose of determining whether the development is in violation of these regulations. The Town will attempt to provide reasonable notice of inspections, but reserves the right to conduct unannounced inspections.

b. Upon request, the operator shall make available to the Town all records required to be maintained by the following agencies: the Colorado Department of Public Health and Environment (CDPHE), including permits, Air Pollutant Emission Notices (APENs), and other documents; the Colorado Energy and Carbon Management Commission (ECMC); the Colorado Public Utilities Commission (PUC); the Occupational Safety and Health Administration (OSHA); and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

2. *Notification to LGD:* In addition to any notice required by state law, operators shall provide notice of the following to the Town's LGD:

- a. Ten (10) days prior to removal of any tank or other equipment;
- b. Thirty (30) days prior to activities associated with plugging and abandonment of any well;
- c. Thirty (30) days following plugging and abandonment of a well, accompanied by a photograph of welded cap on well with API number of well, plaque, and GPS coordinates of the well;
- d. Thirty (30) days prior to planned maintenance activities and workover activities; and
- e. Thirty (30) days following maintenance activities taken in response to emergencies.

Section 15. Sections 1-4-6, 1-4-7, 1-4-16, 1-8-10, 1-9-15, 2-2-6, 2-11-5, 4-1-9, 4-5-8, 4-7-2, 4-12-3, 4-14-3, 4-15-9, 6-8-11(C), 6-11-4(C), 6-12-9, 6-12-10, 6-12-11, 6-12-12, 6-13-7, 7-3-14, 7-5-3, 7-6-16, 8-1-19, 8-2-13, 8-4-16, 8-5-11, 9-1-12, 10-10-2, 10-14-11, and 10-15-5 of the Erie Municipal Code are hereby repealed in their entirety.

Section 16. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 17. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 18. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this ____ day of _____, 2026.

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk