

O-2026-11

AN ORDINANCE

AMENDING TITLE 1, SECTION 1.16.020,  
OF THE LAKEWOOD MUNICIPAL CODE  
REGARDING THE GENERAL PENALTY PROVISION  
FOR THE CITY OF LAKEWOOD, COLORADO

WHEREAS, the City of Lakewood (“Lakewood” or “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council, and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof;

WHEREAS, In the case of *In re People v. Camp* (“Camp”), announced by the Colorado Supreme Court on December 22, 2025, the court found that State law preempts municipal law when setting maximum sentences for certain non-felony offenses;

WHEREAS, compliance with the Camp decision requires the City to update its general penalty clause;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

Section 1. Amendment of Title 1, Section 1.16.020 of the Lakewood Municipal Code shall be amended as follows:

- a. 1.16.020 Penalties designated.
- A. Whenever in any section of this Code, or of any other ordinance, rule or regulation of the City of Lakewood, with the exception of Title 10 of the Code entitled "Vehicles and Traffic," or unless otherwise stated by a specific ordinance, the doing of any act is required, prohibited or declared to be unlawful, any person who pleads guilty or nolo contendere, or who is convicted of a violation of any such section shall, for each

offense, be fined in a sum of not more than \$2,650.00 or shall be imprisoned for a term of not more than 364 days, or shall be both so fined and imprisoned, but in no event shall the penalty exceed the maximum sentence allowable under Colorado State law for comparable Colorado State offenses. As part of such sentence, the court may order restitution as set forth herein to any victim for actual damage or loss caused by the offense to which a defendant pled guilty, nolo contendere, or was convicted. The Presiding Judge may suspend all or part of a sentence or fine of any defendant, and/or place such defendant on probation for a period not to exceed 364 days.

1. The limitation on Municipal Court fines set forth in Subsection 1.16.020(A) shall be adjusted for inflation on January 1, 2014, and on January 1 of each year thereafter. Inflation means the annual percentage change in the United States Department of Labor, bureau of labor statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index.
  2. For all penalties not expressly delineated within an individual provision of this Code, the Municipal Court may create a penalty schedule which defines the appropriate minimum, maximum, and/or standard penalty to be imposed within the range defined by Subsection 1.16.020(A). This provision shall sunset on May 1, 2027.
- B. In cases involving an act of domestic violence, as defined in § 18-1.3-800.3, C.R.S., the court shall sentence the offender in accordance with §§ 18-6-801(1), (3), (4), (5), (6), and (8), C.R.S., consistent with the jurisdiction of the municipal court.
1. Any sentence to probation shall include conditions consistent with the requirements of § 18-1.3-204, C.R.S.
- C. Any person who is convicted of any act prohibited or declared to be unlawful by any section of Title 10 of this Code shall be subject to the following penalties, which are based on the classification of each offense as set forth in Title 10.

#### Class Maximum Sentence

1. There are no Class 1 traffic offenses contained in Title 10 of this Code.
  2. 364 days imprisonment or \$1,000.00 fine, or both.
  3. \$400 fine, no imprisonment.
  4. \$200 fine, no imprisonment.
- D. Any child who is convicted of any act prohibited by any ordinance, rule or regulation of the City of Lakewood, with the exception of Title 10 of the Code entitled, "Vehicles and Traffic," or unless otherwise stated by a specific ordinance, shall be subject to

any penalty or sanction described in Subsection 1.16.020(A) except imprisonment. This chapter shall not apply to any child under ten years of age. Any child who fails to comply with a lawful order of the Municipal Court, including an order to pay a fine or restitution, may be confined to a juvenile detention facility operated or contracted by the Department of Human Services. Any confinement of a child for contempt of Municipal Court shall not exceed 48 hours. The court may require in-home detention for a child who fails to comply with a lawful order of the Municipal Court. The in-home detention shall not exceed ten days' time and shall be monitored by a designee of the court. The court may order the costs associated with the in-home detention to be paid by the child.

- E. A defendant who has been sentenced to probation may be required to make restitution to any aggrieved party for actual damage or loss caused by the offense to which the defendant pled guilty, nolo contendere, or was convicted.
- F. Restitution.
  - 1. If the court finds that the adult defendant has damaged the personal or real property of a victim, that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the adult defendant's ordinance violation, the court may enter a sentencing order requiring the defendant to make restitution for actual damages done to persons or property.
  - 2. Such restitution order shall require payment of insurers and other persons or entities succeeding to the rights of the victim through subrogation or otherwise, if appropriate. Restitution shall be ordered in a reasonable amount to be paid in a reasonable manner, as determined by the court.
  - 3. The Municipal Court is additionally granted the same authority to order restitution, as set forth in § 18-1.3-603, C.R.S., for a violation of any ordinance with the exception of Title 10 of the Code entitled "Vehicles and Traffic."
  - 4. The court shall base its order for restitution upon information presented to the court by the prosecuting attorney, who shall compile such information through victim impact statements or other means to determine the amount of restitution and the identities of the victims. Further, the prosecuting attorney shall present this information to the court prior to the order of conviction or within 91 days, if it is not available prior to the order of conviction. The court may extend this date if it finds that there are extenuating circumstances affecting the prosecuting attorney's ability to determine restitution.
  - 5. Any restitution or damages ordered under this Chapter 1.16 shall be independent of any restitution or funds provided to a witness or victim under the provisions of Chapter 1.17.

- G. 1. If facts are presented to the court upon application of the City Attorney, the probation division, or the pretrial supervision division, from which it reasonably appears that the conditions of probation or bond have been violated by any person on probation or bond, the court shall issue a warrant for the arrest of the person and require that person to be brought before the court to show cause why the probation or bond should not be revoked.
2. At or prior to the commencement of the probation revocation hearing, the court shall advise the probationer of their rights pursuant to the Colorado Municipal Court Rules of Procedure as applicable to the probationer, the charges against him, the possible penalties therefor, and shall require the probationer to plead guilty or not guilty. There shall be no right to a trial by jury in proceedings for revocation of probation. If the probationer is in custody, the court may admit such probationer to bail conditioned upon their appearance before the court on a day certain. Such bail may be continued from time to time until final order of the court. If the probationer remains in custody and unable to post bond, the hearing shall be held within 15 days after the filing of the complaint, unless a continuance is granted by the court at the instance or request of the probationer, or for other good cause found by the court justifying the continuance.
3. At or prior to the commencement of a bond revocation hearing, the court shall advise the Defendant of their rights pursuant to the Colorado Municipal Court Rules of Procedure as applicable to the Defendant, the charges against the Defendant, and the possible penalties. There shall be no right to a trial by jury in proceedings for revocation of bond. Any bond revocation hearing shall proceed pursuant to Section 9.95.020 of this Code.
- H. 1. At the probation revocation hearing, the prosecution has the burden of establishing by a preponderance of the evidence the violation of a condition of probation; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the probationer has been convicted thereof in a criminal proceeding. When, in a revocation hearing, the alleged violation of a condition is the probationer's failure to pay probation fees, court costs, or restitution. Evidence of the failure to pay shall constitute prima facie evidence of a violation. The court may, when it appears that the alleged violation of conditions of probation consists of an offense with which the probationer is charged in a criminal proceeding then pending, continue the probation revocation hearing until the termination of the criminal proceeding. Any evidence having probative value shall be received regardless of its admissibility under the exclusionary rules of evidence, if the defendant is accorded a fair opportunity to rebut hearsay evidence.
2. If at the probation revocation hearing the Presiding Judge determines that such probationer is not guilty of a violation of the conditions of probation, the Presiding Judge shall enter an order in accordance therewith and forthwith order the probationer's release, if in custody. If the Presiding Judge determines that a

violation of the conditions of such probation has been committed, the Presiding Judge shall either revoke or continue their probation within five days after the hearing. If probation is revoked, and no sentence has been previously imposed, the court may impose any sentence which might originally have been imposed. If probation is revoked and a sentence has been previously imposed, the court may vacate the suspension of sentence and reinstate the sentence originally imposed. Any person who has been admitted to probation, and against whom proceedings for the revocation of probation have not been commenced within the term of probation, shall be conclusively presumed to have satisfied the sentence or fine imposed. Upon a specific court finding that a defendant has not fully complied with a court order, or that the defendant has failed to appear during the period of probation, or the period of a suspended or stayed sentence, the court may extend such period not to exceed one year.

Section 2. This ordinance shall take effect thirty (30) days after final publication.

Section 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 9th day of March 2026; published by title in the Denver Post and in full on the City of Lakewood's website at [www.lakewood.org](http://www.lakewood.org) on the 12th day of March, 2026; set for public hearing to be held on the 23rd day of March, 2026; read, finally passed and adopted by the City Council on the 23rd day of March, 2026; and signed by the Mayor on the 3rd day of April, 2026.



Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

Approved as to form:

Alison McKenney Brown, City Attorney