



**KROB LAW OFFICE, LLC**  
Attorneys at Law

**MEMORANDUM**

**To: Lake City Mayor and Board of Trustees**

**From: Dan Krob, Town Attorney**

**Date: January 5, 2025**

**Re: Code revisions to reflect recent Colorado Supreme Court decision limiting municipal fines to amounts provided under parallel state statutes**

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The Colorado Supreme Court issued its opinion in *People v. Camp* on December 22, 2025. The decision, arising out of the cities of Westminster and Aurora’s municipal courts, considered whether home rule municipalities can impose penalties greater than the maximum penalties allowed under state statute for certain non-felony violations (sometimes referred to as low level criminal violations or less serious criminal conduct) where the misconduct defined under the municipal ordinance and the state statute is identical.

After finding that sentencing for low-level criminal offenses is a matter of mixed local and state interest, the Court applied an “operational pre-emption” analysis. Under that analysis, if a local ordinance authorizes what state law forbids or forbids what state law authorizes the local ordinance is “operationally pre-empted” by the state statute. The Court concluded that where a municipal ordinance provided for a higher penalty than the maximum allowed under state statute, the municipal ordinance sought to authorize what the state law forbids. Therefore, the Court held that when a municipal ordinance and a state statute prohibit identical, less serious criminal conduct, the municipal penalties for such conduct may not exceed the corresponding state penalties for that conduct.

Although the case before the Court involved home rule cities, under the Court’s analysis, the same limitation will apply to statutory municipalities, such as the Town of Lake City. The Court’s decision appears to limit its analysis only to criminal violations (under Title 18 of the Colorado statutes) and not to traffic matters (under Title 42 of the Colorado statutes).

To comply with the Court's ruling, which takes effect immediately, I recommend the BOT adopt an ordinance amending the Town Code's penalty provisions. This amendment should provide that the maximum penalty that may be imposed against any person who is sentenced for violating a Town Code provision for conduct that is identical to conduct prohibited by a Colorado criminal statute in Title 18, C.R.S., is limited to the maximum penalty authorized by the Colorado statute.

Section 1-14 sets forth the general penalty provisions for the Town. I suggest we amend this provisions to include the following language in order to comply with the *Camp* decision:

The maximum fine for violations of this municipal code shall not exceed \$2,650.00, except as set forth in subsection (e), below.

(e) Notwithstanding any other provision of this Code to the contrary, including but not limited to the other provisions of this Section 1-14 or any other specific provisions throughout the Code, for non-felony crimes where the misconduct defined under any Lake City Municipal Ordinance is identical to misconduct defined under a statute contained in Title 18 of the Colorado Revised Statutes, the maximum penalty that may be imposed by the Lake City Municipal Court for the municipal ordinance violation shall not exceed the maximum penalty provided for under the state statute.

The *Camp* decision will likely have similar impacts on other maximum fines that can be imposed for less serious, non-felony criminal convictions in Lake City Municipal Court. In a proactive and, in my opinion, well-reasoned move, your Municipal Judge has already entered a standing order to address this at the Municipal Court level.

I look forward to discussing this matter with you.