



FRUITA COLORADO

COUNCIL WORKSHOP AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DAVE KROUSE, CHIEF OF POLICE

DATE: AUGUST 27, 2024

AGENDA TEXT: DISCUSSION REGARDING POTENTIAL CHANGES TO THE CITY OF FRUITA MUNICIPAL CODE (6:30 P.M. – 7:30 P.M.)

PURPOSE

The purpose of this item is to have a discussion regarding potential policy direction from the City Council related to changes to the Fruita Municipal Code (FMC); specifically, codes related to Class A and B municipal offense penalty ranges as they relate to the Theft and Criminal Mischief sections of Title 9 FMC; and the Dangerous Animal section of Title 6 FMC; as well as potential adoption of the most recent State of Colorado Model Traffic Code. Each point to discuss is broken out below.

BACKGROUND

A. Discussion regarding the possibility of more closely aligning the FMC Theft and Criminal Mischief sections with the current Colorado Revised Statute (CRS) categorization of Theft and Criminal Mischief offenses.

1. Currently, FMC establishes the following penalty schedule for municipal violations:

| Class | Maximum Fine | Maximum Imprisonment |
|--------------|--------------|----------------------|
| A | \$2,650.00 | 364 days |
| B | \$2,650.00 | 6 months |
| Non-criminal | \$2,650.00 | None |

If any offense carries a specific penalty, then that penalty shall apply. Any offense not otherwise classified which does not carry a specific penalty is hereby denominated as a class B municipal offense.

2. Current CRS penalty schedule for petty offenses and misdemeanors:

| Class | Maximum Fine | Maximum Imprisonment |
|---------------|--------------|----------------------|
| Petty Offense | \$300 | 10 days |
| Misdemeanor 2 | \$750 | 120 days |
| Misdemeanor 1 | \$1,000 | 364 days |

3. Under current FMC, any act of Criminal Mischief causing damage valued at under \$1,000, or Theft causing loss of under \$1,000 are class A Municipal Offenses.
4. Current CRS Theft and Criminal Mischief categorizations:
 - A petty offense if the value of the thing involved is less than three hundred dollars;
 - A class 2 misdemeanor if the value of the thing involved is three hundred dollars or more but less than one thousand dollars;
 - A class 1 misdemeanor if the value of the thing involved is one thousand dollars or more but less than two thousand dollars
5. Currently, municipal violations carry a potentially higher penalty than state violations.

B. Discussion regarding potentially changing disposition options of dangerous animals in the Dangerous Animal section of FMC.

1. *Dangerous Animal* means an animal which without provocation:

1. Causes serious bodily injury to a person; or which
2. Causes bodily injury to a person or animal on two (2) or more occasions; or which
3. Is infected with rabies; or which
4. Is of wild extraction that on any occasion causes bodily injury by biting a person or animal, whether or not provoked, or is known to be infected with rabies; or which
5. Causes bodily injury to a person or animal off the animal owner's premises; or which
6. Is at large and exhibits repeated or continuous aggressive behavior; or which
7. Has engaged in an animal fighting contest with the owner's knowledge; or which
8. Has been specifically found to be dangerous by any court or jury.

2. The Municipal Judge may allow the following dispositions of dangerous animals:

- An animal found to be dangerous by any Court, as defined in [Chapter 6.04](#), Section 6.04.010.K.1, 2, 3 or 4 of this title, may be disposed of by humane euthanasia. The owner of the dog shall be assessed and shall be liable for all applicable costs and fees pursuant to the City fee schedule.
- The owner of an animal found to be dangerous as defined in [Chapter 6.04](#), Section 6.04.010.K.5, 6, 7, or 8 of this title shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the animal. These orders and conditions may include, but are not limited to, delayed release of the animal, the posting of bond, construction of secure areas of confinement, restrictions on travel with the animal, neutering the animal, muzzling, compensation of victims, restrictions on sale or transfer of the animal, destruction, removal from the City and any other terms or conditions deemed necessary to protect the public or the abatement of a public nuisance. These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and court costs, if any.

C. Discussion regarding possible adoption of the newest version of the State of Colorado Model Traffic Code (MTC).

1. The City has adopted and is currently operating under the 2010 version of the MTC

2. There is now a 2024 version of the MTC the City may wish to adopt to remain current and relevant.