



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR

DATE: FEBRUARY 22, 2022

AGENDA TEXT: DISCUSSION OF GENERAL PENALTIES FOR VIOLATIONS OF THE FRUITA MUNICIPAL CODE

BACKGROUND

Pursuant to the attached memo from City Attorney, Mary-Elizabeth Geiger, staff will be bringing an Ordinance to the City Council to amend our General Penalty section (Chapter 1.28) of the Fruita Municipal Code (FMC) to reduce the maximum imprisonment time from one year to 364 days for Class A offenses pursuant to HB19-1148.

This bill also allows the City to increase our maximum monetary penalties from the current \$1,000 for Non-criminal, Class A and Class B offenses up to a potential maximum of \$2,650 for one or all of the classes of offense. I have attached a dated (2015) listing of offenses included in the FMC which includes the Class of offense for your information and review.

Staff would like the City Council's input on the maximum fine amount and will bring an Ordinance reflecting this input to the City Council for consideration at a future meeting.

The following input that has been received from various individuals in the City for your consideration:

Fruita Municipal Prosecutor Tim Graves:

"Thanks for reaching out with this issue. Very rarely do I recommend fines that exceed \$500 but should the need arise, I would like the ability to have the maximum (\$2650) fine on the table. I would support this change."

Fruita Police Chief Dave Krouse

"I would also support the change. The statutory limits for theft/criminal mischief have been steadily rising. What was once a felony at \$500 or higher is now \$2000 or higher. This keeps in check with overall economic inflation, but also serves to devalue the loss of victims. Even if we usually don't request/impose larger fines, the statutory ability to do so helps send a message to offenders and victims alike regarding the seriousness with which the City views offenses."

Fruita Municipal Court Judge Dan Robinson:

"Thank you, Margaret, for the opportunity to comment. I agree it is time to increase the maximum fine amount. The Court rarely imposes the current maximum fine amount now,

but as Chief Krouse points out, the higher amount sends a message to victims, offenders and the community at large that we take municipal offenses seriously. The Court currently accommodates defendants who are unable to pay the full amount of their fines and costs. We set up payment plans, which are carefully monitored and strictly enforced.”

Fruita City Attorney Mary Elizabeth Geiger:

“I will defer to Tim and Dan. Thanks.”