



KROB LAW OFFICE, LLC
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MEMORANDUM

To: Palmer Lake Board of Trustees

From: Scotty P. Krob, Interim Town Attorney

Date: January 2, 2025

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

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) 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.

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 consider the attached ordinance amending the Town Code’s penalty provisions. This amendment provides, in essence, 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.

I look forward to discussing this item with you.