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MUNICIPAL ORDINANCE - COLORADO

Town of Dillon v. Yacht Club Condominiums Home Owners Association

Supreme Court of Colorado - May 27, 2014 - P.3d - 2014 CO 37

In 2009, the Town of Dillon enacted two municipal ordinances, one authorizing a local road improvement project, and the other concerning parking enforcement on the public right-of-way. Owners of the Yacht Club Condominiums (“YCC”) challenged the ordinances. They alleged, among other things, that the ordinances were an unreasonable exercise of the Town’s police power because they eliminated the ability of YCC owners and guests to use the Town’s rights-of-way near the YCC for overflow parking.

The Supreme Court of Colorado held that, in enacting the two ordinances at issue here, the Town did not abuse its police power or deprive the YCC owners of due process.

An ordinance comports with due process where it bears a reasonable relationship to a legitimate government interest. The ordinances here were within the Town’s police power to regulate matters of public health, safety, and welfare. The measures were a reasonable exercise of that power because they were reasonably related to the Town’s objectives of improving traffic safety, improving water drainage, and remedying a missing portion of a recreational bike path.