

AS APPROVED ON FIRST READING – MARCH 14

Additions To The Current Breckenridge Town Code Are Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

COUNCIL BILL NO. 5

Series 2017

AN ORDINANCE AMENDING SECTION 1-4-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING COMMITMENT TO JAIL FOR FAILURE TO PAY A MUNICIPAL COURT FINE

WHEREAS, the Colorado legislature passed and the Governor signed into law HB16-1311, entitled "An Act Concerning Court Orders Requiring Payment of Monetary Amounts;" and

WHEREAS, HB16-1311 applies to the Town's municipal court; and

WHEREAS, it is necessary to amend Section 1-4-4 of the Breckenridge Town Code to comply with the requirements of HB16-1311.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 1-4-4 of the Breckenridge Town Code is amended to read as follows:

1-4-4: COMMITMENT FOR FAILURE TO PAY FINE; COLLECTION OF MONETARY AMOUNTS DUE FROM A DEFENDANT:

~~Every person against whom any fine or penalty shall be assessed for a misdemeanor violation of the ordinances of the town, who shall refuse or neglect to pay the same when demanded, upon execution ordered by the municipal judge, may be committed in default thereof to the Summit County Jail or such other suitable place as shall be provided by said town under the direction of the proper officer until said fine or penalty is fully paid and satisfied. Such satisfaction shall be made at the rate of six dollars (\$6.00) per twenty four (24) hour day. Any such person may be required to do any reasonable work; provided, however, that in the discretion of the municipal judge, a stay of execution may be granted to enable the defendant to pay the fine or penalty at a later date or in installment payments. In case the defendant shall refuse or neglect to comply with the terms of the stay of execution, then execution may issue and the defendant may be committed to the Summit County Jail, as hereinabove provided, until such fine, penalty or judgment is fully paid or otherwise satisfied. Imprisonment shall not be allowed in connection with the entry of a judgment of liability for an infraction.~~

A. Subject to the requirements and limitations of Section 18-1.3-702, C.R.S., any person who fails to pay a monetary amount owed to the Town as part of a municipal court sentence as and when required to do may be imprisoned in the Summit County Jail.

B. The maximum period of imprisonment under this section shall not exceed fifteen (15) days, or until the total amount of the unpaid monetary amount is paid to the Town, whichever shall first occur.

C. The monetary amount owed to the Town by a person who is imprisoned under this section shall be reduced by the sum of six dollars (\$6.00) for each twenty four (24) hour day that such person is imprisoned.

D. No person shall be committed to jail for failure to pay a monetary amount pursuant to this section unless imprisonment was a possible punishment for the violation of which the defendant was originally convicted.

E. The municipal judge may order that any monetary amount due to the Town from a defendant be collected in the same manner as a judgment in a civil action.

Section 2. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to the powers possessed by home rule municipalities in Colorado.

Section 4. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 14th day of March, 2017. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28th day of March, 2017, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich
Town Clerk