

ORDINANCE NO. 8

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:

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.

This ordinance was published in full on the Town of Breckenridge website on March 16, March 17, March 18, March 19 and March 20, 2017.

A public hearing on this ordinance was held on March 28, 2017.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 28th day of March, 2017. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on March 30, March 31, April 1, April 2 and April 3, 2017. This ordinance shall become effective on May 3, 2017.