

TOWN OF LYONS, COLORADO

ORDINANCE 1146

AN ORDINANCE OF THE TOWN OF LYONS, COLORADO, AMENDING CHAPTER 1, ARTICLE 4, SECTION 40 OF THE LYONS MUNICIPAL CODE CONCERNING THE FAILURE TO PAY FINES AND THE COLLECTION OF MUNICIPAL COURT MONETARY SENTENCES AND FEES

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the Town of Lyons (the "Town") has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its residents and visitors; and

WHEREAS, pursuant to that authority the Town has created a Municipal Court which is empowered to hear and try all alleged violations of the Lyons Municipal Code ("LMC"); and

WHEREAS, it is necessary to update the LMC to create more effective code enforcement tools to ensure the health, safety, and welfare of the residents, visitors, and businesses of the Town; and

WHEREAS, the LMC does not presently contain effective mechanisms for the collection of monetary sentences imposed by the Municipal Court and related fees; and

WHEREAS, the Town of Lyons Board of Trustees (the "Board") desires to amend Chapter 1, Article 4, Section 40 of the LMC entitled "Failure to Pay Penalties" to make changes concerning the collection of Municipal Court monetary sentences and fees.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. Incorporation of Recitals. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Chapter 1, Article 4, Section 40 is hereby amended as depicted in bold additions and strikethroughs for deletions.

Sec. 1-4-40. - Failure to pay penalties and collection of monetary sentences and fees.

(a) Civil penalties not paid and received by the City within thirty (30) days of issuance of the latter of the notice of civil penalty or **the date provided for payment of penalties in** the decision of the Municipal Court, shall be deemed delinquent and subject to delinquency charges. Civil penalty assessments not paid before the due date may result in the imposition of a late fee of twenty-five dollars (\$25.00) and interest at one and one-half (1½) percent per month shall accrue.

(b)——In the event of failure to pay all penalties assessed, the Town Administrator may refer the matter for collection by whatever means are available to the Town. **In**

the event a defendant fails to pay any fine, cost, surcharge, or restitution ordered by the Municipal Court by the date so provided for in Section 1-4-40(a), the Town may employ any method available to collect the past due funds, including, but not limited to, assignment of all or a portion of the receivables, including late fees, to a collection agency or private counsel. The collection agency or private counsel tasked with the collection of the receivables may add collection costs to the amount due to the Town, but such collection costs shall not exceed twenty-five percent (25%) of the total amount assigned for collection.

(c) In the case of violations associated with specific real property, the Town shall have as security for the collection of such late fees, penalties, interest, and administrative costs, a lien upon such real property. The Town Finance Director shall certify such charges to the office of the treasurer of the county that includes the property, for collection in the same manner as the collection of general property taxes.

(d) Any action or other process provided by law may be maintained by the Town to recover or collect any amounts, including late fees, penalties, interest, and administrative costs, owing under this Code.

Section 4. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor the substantive content is altered.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances, resolutions, codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

Section 7. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 2 of this Ordinance within the Lyons Municipal Code.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS ____ DAY OF ____ 2023.

**INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND
READING THIS _____ DAY OF _____ 2023.**

TOWN OF LYONS, COLORADO

Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC – Town Clerk