

**TOWN OF SILT
ORDINANCE NO. 7
SERIES OF 2023**

AN ORDINANCE OF THE TOWN OF SILT, COLORADO AMENDING CHAPTERS 2.08 AND 2.44 OF THE SILT MUNICIPAL CODE, TO ESTABLISH PROCEDURES FOR COLLECTIONS OF MONEY OWED TO THE TOWN AND THE SILT MUNICIPAL COURT, TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

WHEREAS, pursuant to C.R.S. Section 31-15-103 and Section 1 of the Town's Home Rule Charter, the Board of Trustees ("Board") of the Town ("Town") has the authority to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order comfort and convenience of such municipality and the inhabitants thereof; and

WHEREAS, on January 1, 2022, State of Colorado House Bill 21-1314 went into effect, revoking the Department of Revenue's ability to cancel, deny, or deny renewal of a person's driver's license as a result of unpaid fines and fees; and

WHEREAS, the Board, not wanting to lose the power and authority of the Municipal Court to impose penalties for defendants not appearing or failing to pay fines and fees; and

WHEREAS, the Board, not wanting to allow uncollected debt owed to the Town to go unpaid and establish a means of collecting money owed to the Town; and

WHEREAS, the Board desires to amend the Municipal Code to establish collection procedures for the Town of Silt and the Municipal Court; and

WHEREAS, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Board considered this ordinance; and

WHEREAS, the Board finds and determines that the adoption of this ordinance is necessary and proper to provide for the safety, health, prosperity and order of the Town.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, ORDAINS AS FOLLOWS:

Section 1

Chapter 2.08 of the Silt Municipal Code is hereby amended with the addition of the following:

Section 2.08.290 Collections

The Town Administrator or his designee is authorized to use any lawful method of collecting fines, fees, default judgments, personal recognizance bond forfeitures, civil penalties or any other unpaid amounts due from any person assessed such sums by the municipal court, including the reasonable cost of collection and interest at the statutory rate for unpaid civil judgments. Reasonable costs of collection shall include, without limitation, the fees and costs of the town attorney, private counsel, or of a collection agency, but such fees and costs shall not exceed eighteen percent (18%) of the amount collected unless otherwise ordered by a Court of Law.

A. Collections from the municipal court shall be approved and ordered by the judge at such time that all other attempts to collect have failed.

Section 2

Chapter 2.44 of the Silt Municipal Code is hereby amended with the addition of the following:

Section 2.44.130 - Collections

The Town Administrator or his designee is authorized to use any lawful method of collecting on unpaid accounts with the town including the reasonable cost of collection and interest at the statutory rate for unpaid civil judgments. Reasonable costs of collection shall include, without limitation, the fees and costs of the town attorney, private counsel, or of a collection agency, but such fees and costs shall not exceed eighteen percent (18%) of the amount collected unless otherwise ordered by a Court of Law.

Section 3

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

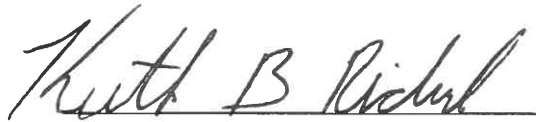
Section 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing, this 13 day of November, 2023, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED, this 27 day of November, 2023.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:



Town Clerk Sheila M. McIntyre, CMC

