

**TOWN OF LOCHBUIE  
COUNTIES OF WELD AND ADAMS, COLORADO**

**ORDINANCE NO. 2020-651**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
LOCHBUIE, COLORADO, ADDING A NEW SECTION 2-4-260 TO THE  
LOCHBUIE MUNICIPAL CODE CONCERNING THE COLLECTION  
OF UNPAID MUNICIPAL COURT FINES AND COSTS**

**WHEREAS**, the Town of Lochbuie is a statutory municipality, governed by its Board of Trustees (“Board”); and

**WHEREAS**, in accordance with Section 2-4-10 of the Lochbuie Municipal Code, the Town operates a qualified municipal court of record with original jurisdiction of all cases arising under the Municipal Code and other ordinances of the Town and has appointed a Municipal Judge to preside over the Municipal Court; and

**WHEREAS**, among other functions and duties, the Municipal Judge imposes financial penalties upon conviction for violations of municipal ordinances, in the form of fines, fees, surcharges, costs and restitution (collectively, “Fines”); and

**WHEREAS**, subsequent to assessment, a number of defendants fail to pay the Fines; and

**WHEREAS**, pursuant to Sections 13-10-113(6) and 18-1.3-506, C.R.S., the remedies available to the municipal court when a defendant fails to pay any fine imposed for the commission of a nonviolent offense are limited; and

**WHEREAS**, when a defendant defaults in his or her obligation to pay the Fines, the Town lacks the internal resources and expertise to collect the money; and

**WHEREAS**, the loss of revenue to the Town from defendants’ failure to pay the Fines, as well as the administrative time in seeking collection of the Fines, is significant; and

**WHEREAS**, the Board desires to authorize the Town to employ the services of a private collection agency to collect the Fines; and

**WHEREAS**, the Board finds that the passage of this Ordinance is in furtherance of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES  
OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO,  
AS FOLLOWS:**

**Section 1.** Adding a new Section 2-4-260. Article IV of Chapter 2 of the Lochbuie Municipal Code is hereby amended by adding a new Section 2-4-260 which shall read as follows:

**Sec. 2-4-260 – Collection of unpaid municipal court charges and added costs.**

In the event a defendant fails to pay any fine, fee, surcharge, cost, restitution or other charge ordered by the Municipal Court by the date so ordered, the Town may employ any method available to collect the past due amounts, including, but not limited to,

- (1) Remedies available under Section 18-1.3-506, C.R.S.; or
- (2) Assignment of all or a portion of the unpaid fine, fee, surcharge, cost, restitution or other charge to a private collection agency for collection. As an additional court cost as authorized by Section 13-10-113, C.R.S., the private collection agency or any third-party assignee tasked with collection of the past due receivables may add to the amounts due and owing to the Town from the defendant the costs of collection, but such collection costs shall not exceed twenty-five percent (25%) of the total amount assigned for collection.

**Section 2. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

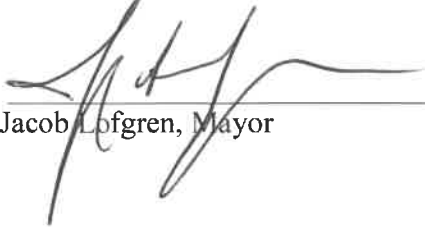
**Section 3. Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Section 1-3-60 of the Lochbuie Municipal Code.


ADOPTED by a vote of 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 21<sup>st</sup> day of January, 2020.

TOWN OF LOCHBUIE, COLORADO

  
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Jacob Lofgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of JANUARY 21, 2020, and ordered published by title only one time by *The Brighton Blade* newspaper on JANUARY 29, 2020.

[SEAL]  
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Linda Blackston, Town Clerk

