

ORDINANCE NO. 16-38

AN ORDINANCE AMENDING SECTION 103 (PRESIDING JUDGE; POWERS AND DUTIES) OF ARTICLE 2 (JUDGES) AND SECTION 106 (FAILURE TO PAY FINE; STAY OF EXECUTION) OF ARTICLE 3 (PROCEDURES) OF CHAPTER 11 (MUNICIPAL COURT) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MUNICIPAL COURT FINES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 103 (Presiding Judge; Powers and Duties) of Article 2 (Judges) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

11.2.103: PRESIDING JUDGE; POWERS AND DUTIES:

\* \* \*

~~I. Designate the rate at which a fine may be satisfied by detention for any defendant who refuses or neglects to pay a fine pursuant to section 11.3.106 of this chapter.~~

Section 2. Section 106 (Failure to Pay Fine; Stay of Execution) of Article 3 (Procedures) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

11.3.106: FAILURE TO PAY FINE; STAY OF EXECUTION:

~~A. Any person against whom any fine has been assessed under the ordinances of the City who refuses or neglects to pay the fine as ordered may be committed to a lawful place of detention. Satisfaction for the payment of the fine shall be at a rate designated by the Presiding Judge pursuant to subsection 11.2.103 of this chapter. No single term of imprisonment imposed in~~

~~satisfaction of any single unpaid fine shall exceed the maximum jail time the Municipal Court is authorized to impose.~~

~~B. Defendants who are found to be indigent and unable to pay the fine, may be given the opportunity to pay their fine at a later date or in installments under a stay of execution granted by the Municipal Judge or the Judge's designee. If the defendant is unable to meet the terms of the stay of execution because the defendant refuses or neglects to do so, the defendant may be imprisoned for failure to pay.~~

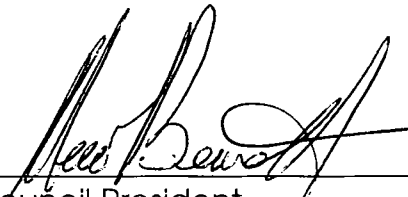
~~C. Whenever a fine is imposed for a nonviolent municipal ordinance or Code offense, if the defendant is unable to pay the fine imposed or if the defendant fails to pay the fine, the Municipal Judge may compel collection of the fine **proceed** in the manner provided in **accord with** Colorado Revised Statutes section 18-1.3-110702. For purposes of this subsection, "nonviolent municipal ordinance or Code offense" means a municipal ordinance or Code offense which does not involve the use or threat of physical force on or to a person in the commission of the offense.~~

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 22<sup>nd</sup> day of March, 2016.

**Finally passed:** April 12, 2016

  
\_\_\_\_\_  
Council President

**Mayor's Action:**

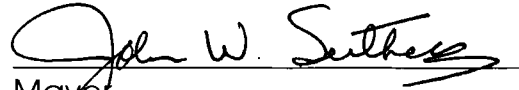
- Approved on April 14, 2016.
- Disapproved on \_\_\_\_\_, based on the following objections:

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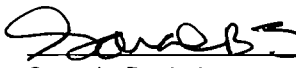
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\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

ATTEST:

  
Sarah B. Johnson, City Clerk



\_\_\_\_\_  
Council President

I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE AMENDING SECTION 103 (PRESIDING JUDGE; POWERS AND DUTIES) OF ARTICLE 2 (JUDGES) AND SECTION 106 (FAILURE TO PAY FINE; STAY OF EXECUTION) OF ARTICLE 3 (PROCEDURES) OF CHAPTER 11 (MUNICIPAL COURT) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MUNICIPAL COURT FINES”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on March 22, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 12<sup>th</sup> day of April, 2016, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 14<sup>th</sup> day of April, 2016.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: March 25, 2016

2<sup>nd</sup> Publication Date: April 20, 2016

Effective Date: April 25, 2016

Initial: SBJ  
City Clerk