

**ORDINANCE NO. 23
SERIES 2017**

**AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 1 OF THE VAIL
TOWN CODE BY THE ADDITION OF A NEW SECTION 1-9-8(E)
REGARDING THE USE OF COLLECTION AGENCIES TO COLLECT
UNPAID FINES AND COSTS**

WHEREAS, House Bill 16-1311 was signed into law on June 10, 2016, amending C.R.S. § 18-1.3-702 and prohibiting municipal courts from issuing a warrant for a defendant's failure to pay money, failure to appear to pay money, or failure to appear at any post-sentencing court appearance wherein the defendant was required to appear if he or she failed to pay a monetary amount;

WHEREAS, HB 16-1311 severely limits the ability of the Municipal Court to collect past due fines and costs owned to the Town due to ordinance violations; and

WHEREAS, because the Town lacks the resources and expertise to collect past due receivables internally, the Town Council has decided to permit the Town to employ the services of private collection agencies to collect past due fines, penalties, costs, fees, surcharges and restitution arising out of municipal court matters.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Section 1-9-8 of the Vail Town Code is hereby amended by the addition of a new Subsection E, reading as follows:

1-9-8: COURT COSTS:

* * *

E. Use of Collection Agencies: To collect past due fines, penalties, costs, fees, surcharges and restitution, the Town may assign such accounts to any private collection agency, which agency shall be entitled to recover costs of collection in addition to the amount due. All fees or costs of a collection agency shall be added to the amount due, but such fees and costs shall not exceed twenty-five percent (25%) of the amount due to be collected.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Vail Town Code, as provided in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 19th day of December, 2017 and a public hearing for second reading of this Ordinance is set for the 2nd day of January, 2017, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this ____ day of _____, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk