

ORDINANCE NO. 355

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SIMLA COLORADO ADDING A NEW SECTION 1-9-11 TO THE TOWN CODE OF SIMLA CONCERNING THE COLLECTION OF UNPAID MUNICIPAL COURT FINES AND COSTS

WHEREAS, in accordance with Section 1-9-1 and 1-9-2 of the Town Code of Simla, the Town operates a qualified municipal court of record with original jurisdiction of all cases arising under the Town Code of Simla and other ordinances of the Town and has appointed a Municipal Judge to preside over the Municipal Court;

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, the "Fines");

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

WHEREAS, pursuant to C.R.S. §§ 13-10-113(6) and 18-1.3-506, 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;

WHEREAS, when a defendant defaults on their obligation to pay the Fines, the Town lacks the internal resources and expertise to collect the money;

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 of Trustees desires to authorize the Town to employ the services of a private collection agency to collect the Fines.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Simla as follows:

Section 1. A new Section 1-9-11 is hereby added to the Town Code of Simla to be read as follows:

Section 1-9-11: 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:

- A. Any remedies available under C.R.S. § 18-1.3-506; or
- B. 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

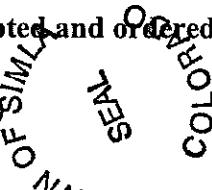
court cost as authorized by C.R.S. § 13-10-113, the private collection agency or any third-party assignee tasked with collection of the past due receivables may add to the amounts due and owing to the Town from the defendant the costs of collection, but such collection costs shall not exceed twenty-five percent (25%) of the total amount assigned for collection.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after publication.

Adopted and ordered published this 13th day of January, 2026.

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CITY OF SIMLA
COLORADO



Ryan Fulmer
Mayor

Attest:


Megan Taunton
Town Clerk