

CITY OF CRAIG

ORDINANCE NO. 1165 (2025)

AN ORDINANCE OF THE CITY OF CRAIG, COLORADO, AMENDING SECTION 2.12.320 TO THE CRAIG MUNICIPAL CODE CONCERNING THE COLLECTION OF UNPAID MUNICIPAL COURT FINES AND COSTS

WHEREAS, in accordance with Chapter 12.2 of the Craig Municipal Code, the City operates a qualified municipal court of record with original jurisdiction of all cases arising under the Municipal Code and other ordinances of the City 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 Section 2.12.320 the remedies available to the municipal court when a defendant fails to pay any fine imposed do not currently address utilizing a collection agency to recover fines and costs;

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

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

WHEREAS, the City desires to authorize the Municipal Court to employ the services of a private collection agency to collect the Fines; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CRAIG, COLORADO, AS FOLLOWS:

Amending Section 2.12.320 which shall read as follows:

2.12.320 – Court Costs.

- A. In any prosecution for violation of the Charter, this code or any municipal ordinance based upon the complaint of any person other than a police officer or other employee of the city, if the complaining witness who signed a complaint fails or refuses to testify at time of trial or if it appears to the judge in a hearing that there is no reasonable ground for such complaint or that it was maliciously or imprudently entered, the judge, in the judge's discretion, may assess costs and penalties against such complaining witness in an amount not exceeding three hundred dollars (\$300.00).

- B. The judge shall assess court costs in the amount of twenty dollars (\$20.00), which shall be assessed against all defendants upon entry of a conviction at or subsequent to arraignment, but the judge may suspend the costs in the interest of justice. No costs shall be assessed when conviction is by a plea of guilty by mail pursuant to the penalty assessment procedure prescribed by Section 2.12.110 or at the violations bureau before arraignment pursuant to the procedure prescribed by Section 2.12.050.
- C. Costs for persons convicted after trial to the court are fifteen dollars (\$15.00), and after trial to a jury are forty-five dollars (\$45.00), instead of fifteen dollars (\$15.00) prescribed by subsection B of this section.
- D. The judge shall assess against a convicted defendant all witness fees prescribed by Section 2.12.300 and any other costs authorized by state law for proceedings in state courts, but may suspend these costs in the interests of justice.
- E. 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 City 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 by 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 City 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.

(Ord. 1165 §E, 2025; Ord. 1020 §1, 2012; Ord. 812 §3(part), 1995)

Section 2. If any 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 portion of this Ordinance. All other provisions Title 12 of the Craig Municipal Code shall remain in full force and effect.

Section 3. The City Council deems it appropriate to publish the title of this ordinance, together with a summary of the ordinance and with a statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 4. This ordinance is enacted pursuant to the City's authority to act under its police power to protect and preserve the general welfare of the City and its citizens.

Section 5. This Ordinance shall be effective immediately upon passage.

READ, APPROVED AND ORDERED PUBLISHED ON FIRST READING THIS ____ DAY OF
MARCH, 2025 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

Andrea Camp, Interim Mayor

ATTEST:

Katie Carmody, City Clerk

Votes in favor: ____
Votes opposed: ____
Votes abstained: ____

FOLLOWING SECOND READING, PASSED AND BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF CRAIG THIS ____ DAY OF MARCH, 2025.

Chris Nichols, Mayor

ATTEST:

Katie Carmody, City Clerk

Votes in favor: ____

Votes opposed: ____

Votes abstained: ____