

ORDINANCE NO. 11

Series 2023

November 7, 2023: Introduced as Council Bill 11, Series 2023 by Councilor Robert Eber, seconded by Councilor Al Blum, and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

December 6, 2023: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 2-4-80 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE TO AUTHORIZE RESTITUTION IN MUNICIPAL COURT AND UPDATE A STATUTORY REFERENCE

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, pursuant to Article XX, § 6(c) of the Colorado Constitution and Section 7.1 of the Cherry Hills Village Home Rule Charter, the City shall provide for the powers and duties relating to the municipal court; and

WHEREAS, Section 2-4-80 of the Cherry Hills Village Municipal Code sets forth the powers of the Municipal Court of Cherry Hills Village (the "Municipal Court"); and

WHEREAS, Section 18-1.3-603, C.R.S. authorizes and facilitates procedures for setting restitution in courts in Colorado; and

WHEREAS, Section 2-4-80(8) references Section 18-1-110, C.R.S. regarding the manner in which the Municipal Court can compel the collection of fines imposed, and the matter addressed by that statute has been relocated to Section 18-1.3-506, C.R.S.; and

WHEREAS, the City desires to amend Section 2-4-80 of the Cherry Hills Village Municipal Code specifically to enumerate the power of the Municipal Court to order restitution in accordance with state law and to amend sub-section (8) of that section to reference current state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Section 2-4-80 of the Cherry Hills Village Municipal Code is hereby amended by revising sub-section (8) regarding collection of fine imposed, and adding a new sub-section (9) regarding restitution, to read as follows, with additions in underline and deletions in ~~strikethrough~~:

Sec. 2-4-80. Powers of the Court

The Municipal Court shall have power to compel attendance of witnesses and to punish for contempt of such Court as set forth in Section 1-4-20 of this Code, and shall have all powers incident to a court of record and as permitted by state law in relation to same. The Municipal Court shall have the additional power and authority as listed below:

* * *

(8) Collection of fine imposed. The Municipal ~~Court~~Judge may, in order to guarantee payment of any fine imposed for the commission of a nonviolent or Code offense, where the person who committed the offense is unable to pay the fine at the time of hearing or fails to pay such fine, compel collection of the fine in the manner provided in Section ~~18-1-110~~18-1.3-506, C.R.S.

(9) Restitution. The Municipal ~~Judge~~Judge is empowered to order a defendant to make restitution to the victim of a defendant's conduct for the damage or injury that was sustained consistent with Title 18, Article 1.3, Part 6 of the Colorado Revised Statutes, as amended.

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each

section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 4. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 11 Series 2023, by the City Council of the City of Cherry Hills Village, Colorado this 6th day of December, 2023.

(SEAL)

Kathleen Brown
Kathleen Brown, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

Approved as to form:

Kathie Guckenberger
Kathie Guckenberger, City Attorney

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CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 11, SERIES 2023

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE AMENDING SECTION
2-4-80 OF THE CHERRY HILLS
VILLAGE MUNICIPAL CODE
TO AUTHORIZE RESTITUTION
IN MUNICIPAL COURT AND
UPDATE A STATUTORY
REFERENCE

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

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