

**ORDINANCE NO. 736**

**AN ORDINANCE ESTABLISHING A NEW SECTION 1.12.020 OF THE HAYDEN MUNICIPAL CODE CONCERNING RESTITUTION AND AMENDING SECTION 4.16.010 TO INCLUDE A REFERENCE TO THE TOWN'S GENERAL PENALTY PROVISION**

WHEREAS, the Town of Hayden, Colorado (the "Town"), is a Colorado home rule municipality, duly organized and existing under its home rule charter; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the Town, acting through its Town Council (the "Council"), has the authority to legislate upon, provide and regulate the creation of a municipal court for the Town and to define and regulate the jurisdiction, powers and duties thereof; and

WHEREAS, the Council has previously adopted regulations (i) concerning the general penalty for the violation of municipal ordinances, codified at Chapter 1.12 of the Hayden Municipal Code ("Code"), and (ii) concerning animals, codified at Title 4 of the Code; and

WHEREAS, the Council desires to amend the Code to empower the municipal court judge to issue restitution orders in order to ensure victims of crimes are fairly compensated for their losses; and

WHEREAS, the Council recognizes scrivener's error in the Town's animal code which does not properly reference the Town's general penalty provision as applying to Title 4 violations; and

WHEREAS, the Council determines it is in the best interest of its residents and visitors to amend the Code accordingly.

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

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Council.

**Section 2.** Title 1, Chapter 1.12 of the Code, concerning the Town's general penalty, is amended by the addition of new Section 1.12.020 to read in its entirety as follows:

**Sec. 1.12.020. - Restitution.**

The municipal court shall have the authority to order restitution in all cases within the jurisdiction of the municipal court in those circumstances and upon such terms as the municipal court deems appropriate.

- (a) Any such restitution order shall include:

(1) An order of a specific amount of restitution be paid by the defendant; or

(2) An order that the defendant is obligated to pay restitution but that the specific amount of restitution shall be determined within 91 days immediately following the order of conviction, unless good cause is shown for extending the time period by which the restitution amount shall be determined.

(b) Any order for restitution entered pursuant to this section shall be a final civil judgment in favor of the Town of Hayden and any victim. Notwithstanding any other civil or criminal statute or rule, any such judgment shall remain in force until the restitution is paid in full.

(c) If the defendant cannot pay the restitution amount in full at sentencing or such time as the judge may grant, the court may set a payment schedule.

**Section 3.** Section 4.16.010 of the Code, concerning violations of the Town’s animal code, is amended to read as follows:

**Sec. 4.16.010. - Violation; punishment.**

Any person convicted of violating any provisions of this title shall, upon conviction, be punished according to section 1.1204.010.


**Section 4. 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 Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 5. Repealer.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect immediately on final passing and adoption, and shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk.

**Section 7. Public Hearing on Ordinance No. 736** . A public hearing on this Ordinance will be held on January 17, 2025 at the regular meeting of the Hayden Town Council beginning at 7:00 p.m. at the Hayden Town Hall, 178 West Jefferson Avenue, Hayden, Colorado.


INTRODUCED, READ AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED ON JANUARY 17, 2025, AND SETTING A PUBLIC HEARING FOR JANUARY 17, 2025 AT THE COUNCIL CHAMBERS OF THE HAYDEN TOWN HALL, LOCATED AT 178 WEST JEFFERSON AVENUE, HAYDEN, COLORADO.

BY:   
Ryan Banks, Mayor

ATTEST:   
Barbara Binetti, Town Clerk



FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 6 DAY OF FEBRUARY, 2025.

BY:   
Ryan Banks, Mayor

ATTEST:   
Barbara Binetti, Town Clerk

