

ORDINANCE NO.

14-10

**TITLE: AN ORDINANCE AMENDING ARTICLE 11 OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE TOWN OF HUDSON REGARDING COURT COSTS AND THE IMPOSITION OF DEFAULT JUDGMENTS IN NONCRIMINAL MUNICIPAL COURT CASES**

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 2-114 of the Municipal Code of the Town of Hudson is hereby amended to read as follows:

**Sec. 2-114. Court costs.**

(a) Whenever the municipal judge imposes any fine for any violation of a municipal ordinance, in addition to such fine or any other sentence, the municipal judge may also assess costs for the following, which costs shall be adopted by the town by resolution of the board of trustees;

(1) Upon the entry of a plea of guilty or no contest at the time of the arraignment or prior to the date of trial.

(2) Upon the entry of a plea of guilty or no contest on the date of trial to the court or upon a finding of guilty after a trial to the court.

(3) Upon a finding of guilty after a trial to a jury or the entry of a plea of guilty or no contest prior to the commencement of a trial to a jury but after a jury has been summoned, unless the court has been notified of the prospective plea at least forty-eight (48) hours prior to the date of trial.

(4) Upon the issuance of a bench warrant for failing to appear in court, failing to pay fines and costs or failing to comply with any order of the court.

(5) Upon a finding of guilty by the court or no contest on a deferred judgment and sentence at the time of the arraignment or prior to trial.

(6) Upon the entry of a default judgment.

(7) Upon the failure of a defendant to appear for an arraignment or any hearing, including a final hearing or trial.

(8) Upon a request by a defendant to continue an appearance date, for any reason, if made on the date of the scheduled appearance.

Section 2. Article 11 of Chapter 2 of the Municipal Code of the Town of Hudson is hereby amended by the addition of a new Section 2-120 to read as follows:

**Sec. 2-120. Default judgments for noncriminal violations.**

(a) Application. This Section applies to all noncriminal violations of this Code. Criminal violations of this Code, including traffic violations punishable by imprisonment, shall be subject to the Colorado Municipal Court Rules of Procedure, and when a noncriminal violation is consolidated for trial with a violation that is punishable by imprisonment, the Colorado Municipal Court Rules of Procedure shall apply to all proceedings.

(b) Purposes and construction. This Section is intended to provide for the just determination of all noncriminal municipal ordinance violations. It shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

(c) Commencement. In order for a noncriminal violation to be subject to the default judgment procedures in this Section, other than a parking violation, the action for the violation must have been commenced by the personal service of a complaint, summons and complaint, citation, penalty assessment, notice or other document charging the person with the commission of a noncriminal violation.

(d) Default Judgment. If the defendant fails to appear for a first appearance on a noncriminal violation on the date set forth in the charging document, or at any subsequent hearing, including a final hearing or trial, the Court shall enter judgment against the defendant.

(1) The amount of the judgment shall be the penalty assessment or other appropriate penalty that would be assessed upon an acknowledgement or finding of guilt or liability and such additional costs, fees, and surcharges as otherwise generally imposed under this Code.

(2) The defendant may satisfy monetary judgments entered under this rule by paying the Clerk of the Municipal Court.

(3) No warrant shall be issued for the arrest of any defendant charged with a noncriminal violation who fails to satisfy a default judgment.

(e) Post-Default Judgment Motions. A defendant may file a motion to set aside a default judgment. For good cause shown, the Municipal Court may set aside a default judgment entered in accordance with this Section. "Good cause" shall mean:

- (1) Mistake, inadvertence, surprise or excusable neglect;
- (2) The penalty assessment was paid prior to the entry of default judgment;
- (3) The judgment has been satisfied, released or discharged; or
- (4) Any other reason justifying relief from the operation of the default judgment.

(f) A motion to set aside a default judgment shall be made within ten (10) days after the judgment is entered.

Section 3. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 5<sup>th</sup> day of November, 2014.



Linnette Barker  
Linnette Barker, CMC, Town Clerk


TOWN OF HUDSON, COLORADO

Raymond Patch  
Raymond Patch, Mayor

PASSED ON SECOND AND FINAL READING this 19<sup>th</sup> day of November,  
2014, AND ORDERED PUBLISHED ONCE IN FULL.



TOWN OF HUDSON, COLORADO

  
Raymond Patch, Mayor

  
Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:

  
Corey Y. Hoffmann, Town Attorney