

ORDINANCE NO. 177

AN ORDINANCE MODIFYING PENALTIES FOR VIOLATIONS BY JUVENILES AND PROVIDING FOR ORDERS OF RESTITUTION BY THE MUNICIPAL COURT.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, WELD COUNTY, COLORADO:

Section 1. Chapter 16 of the Mead Municipal Code is hereby amended by the addition of the following Sections:

Section 16-1-5(5.3). Any defendant that is less than eighteen (18) years of age at the time of the commission of the offense, shall be punished for both misdemeanors and petty offenses by a monetary fine only not to exceed three hundred (\$300.00) dollars.

Section 16-1-5(5.4). In addition to any other fine, penalty, jail sentence or sentence imposed by the court and if the court finds that a defendant has damaged the personal or real property of a victim, that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the defendant's act, the court shall enter a sentencing order requiring the defendant to make restitution for actual damages done to persons or property; except that the court shall not order restitution if it finds that monetary payment or payment in kind would cause serious hardship or injustice to the defendant. Such order shall require payment of insurers and other persons or entities succeeding to the rights of the victim through subrogation or otherwise, if appropriate. Restitution shall be ordered in a reasonable amount to be paid in a reasonable manner, as determined by the court. The court may order the parent, guardian, or legal custodian of any juvenile defendant to make restitution pursuant to the terms and conditions set forth in this Subsection (5.4); except that the liability of the parent, guardian, or legal custodian of the juvenile under this Subsection shall not exceed the damages as set forth in Section 13-21-107, C.R.S., for any one delinquent act. If the court finds, after a hearing, that the parent, guardian, or legal custodian of the juvenile has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court may absolve the parent of liability for restitution under this Subsection (5.4).

Section 2. All Code provisions or parts thereof and all previous ordinances and resolutions in conflict with this Ordinance are hereby repealed.

Section 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct, and independent and the holding shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase contained herein irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

Section 4. The Board of Trustees finds and determines that because this Ordinance concerns the immediate and ongoing administration and operation of the Town, its adoption as an emergency measure is necessary for the immediate preservation of the public health, safety, and welfare and this Ordinance shall therefore take effect immediately upon adoption as provided by law.

INTRODUCED, READ, PASSED, AND ADOPTED AS AN EMERGENCY MEASURE AND ORDERED PUBLISHED THIS 16th DAY OF MAY, 1989.

Harvey O. Potts

MAYOR, TOWN OF MEAD

ATTEST:

Bertine B. Willden

CLERK TOWN OF MEAD