

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 24 – 18**

AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE MUNICIPAL COURT, BY REPEALING SECTION 17-8, CONCERNING SUMMONSES AND COMPLAINTS FOR VIOLATIONS OF THE TOWN'S CODE CONCERNING ANIMALS.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, this ordinance is adopted pursuant to the Town's home rule authority under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the Town's Chief of Police has recommended that Town Council repeal section 17-8 of the Town Code because: (i) it provides an unused, unnecessary and undesirable process for the payment of fines and the posting of bail bonds in connection with animal code charges against individuals who reside out-of-county; and (ii) better, alternative means exist in current state and local law for the quarantine of animals after a bite, and for the posting of a bail bond, if necessary, with the Municipal Court directly.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 17-8 of the Code of Ordinances of the Town of Frisco (the "Code"), concerning the issuance of a summons and complaint into the Frisco Municipal Court for violations of the Code concerning animals, is hereby repealed and is of no further force or effect.

~~§ 17-8. Summons and complaint for non-traffic offenses—Release.~~

~~If a defendant is otherwise eligible to be issued a summons and complaint for a violation of any provision of Chapter 79 of the Code of the Town of Frisco and if the defendant is not a resident of Summit County, Colorado, the defendant, in order to secure release may, at the discretion of the peace officer, either (i) be taken to the nearest mailbox to mail the amount of the penalty thereon, as such penalty may be established by the Municipal Court, to the clerk of the Municipal Court of the Town of Frisco or (ii) execute a promise to appear in court and pay and post with the peace officer a bail bond in an amount equal to the penalty for the violation. If the Municipal Court has established no particular penalty applicable to the violation, the peace officer may, in his or her discretion, release the defendant upon the defendant's execution of a promise to appear in court and the defendant's payment and posting with the peace officer of a bail bond in the amount of \$100.00. Nothing herein shall be construed to require any peace officer to allow the defendant to either mail the penalty to the Court Clerk, or to post a bail bond with the peace officer, and the peace officer shall, at all times, have the discretion to arrest the defendant and to take the defendant without unnecessary delay before a municipal judge who has jurisdiction of such offense as provided by law.~~

Section 2. Existing ordinances or parts of ordinances concerning the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the Town of Frisco shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 3. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING
ORDERED THE 22ND DAY OF OCTOBER, 2024.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED
THIS 12TH DAY OF NOVEMBER, 2024.

TOWN OF FRISCO, COLORADO:

Fredrick J. Ihnken, Mayor

ATTEST:

Stacey Nell, Town Clerk