

TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2022-7

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
AMENDING THE MUNICIPAL CODE CONCERNING THE IMPOSITION OF
MUNICIPAL COURT COSTS.

WHEREAS, the Town of New Castle (“Town”) Municipal Court is a court of record; and

WHEREAS, the Town is authorized pursuant to § 13-10-113(3) of the Colorado Revised Statutes and through its home rule powers to impose court costs; and

WHEREAS, the court costs that may be assessed by the Town Municipal Court are set forth in Section 2.08.070 of the Town Municipal Code; and

WHEREAS, the Town’s municipal court costs are intended to defray the expenses incurred by the Town related to the operation of the Municipal Court; and

WHEREAS, the court costs have not changed since 2012 and the cost of living and rate of inflation has continued to rise since that year; and

WHEREAS, Town Staff has conferred with the Municipal Judge, reviewed neighboring municipalities’ municipal court costs and considered the increase of property values, cost of living increases and rate of inflation; and

WHEREAS, Town Staff recommends the adoption of a revised court cost schedule as set forth herein; and

WHEREAS, the Town Council now desires to amend to the New Castle Municipal Code to increase certain Municipal Court costs.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby repeals and reenacts the following sections of Town of New Castle Municipal Code as follows:

2.08.070 - Imposition of court costs.

The municipal judge is empowered, in his or her discretion, to assess the following costs against any defendant (or in the case of an unemancipated minor defendant, such minor and his or her parents or legal guardians) who is found guilty of violating any of the ordinances of the town, against a defendant who is granted a deferred prosecution or deferred sentence, or against a defendant cited for operating a motor vehicle without insurance or for failing to present evidence

of insurance:

- A. Court Costs. In addition to the actual cost of witness fees and juror fees for a trial and such other costs as may be required by the Colorado Municipal Court Rules of Procedure, ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00) per action filed in municipal court for violation of the Model Traffic Code; ~~thirty dollars (\$30.00)~~ thirty five dollars (\$35.00) per action filed in municipal court for all other violations;
- B. Witness Fees. Three dollars (\$3.00) per day or part of a day in which the witness is actually in court plus mileage at the current IRS rate per mile for each mile actually and necessarily traveled from the witness' residence to the court;
- C. Jury Fee. Six dollars (\$6.00) per day for actual jury service or three dollars (\$3.00) per day of service on the jury panel alone, plus mileage at the current IRS rate per mile for each mile actually and necessarily traveled from the juror's residence to the court, but in any event not less than the twenty-five dollar (\$25.00) fee to be paid to the court to request a jury trial pursuant to the Municipal Court Rules of Procedure;
- D. Bench Warrant Fee. Fifty dollars (\$50.00) per warrant issued plus any costs incurred for transporting the defendant from his or her place of arrest to the town;
- E. Probationary or Other Services. Actual costs incurred either by the town or the defendant for probationary or treatment services for the defendant or useful public service by the defendant as such may be ordered by the court;
- F. Letter Fee. Five dollars (\$5.00) per letter for any letter sent to a defendant where the defendant has failed to respond to a written notice of court or a summons. Such letter fee shall not limit the court's ability to fine or sentence a defendant for contempt for such failure to respond.
- G. Jail Costs. Actual per day cost charged to the town by any county jail or any county sheriff for each day a defendant is sentenced to jail plus any fees charged to the town for services of any county bond commissioner for such defendant;
- H. Deferred Judgment and Deferred Prosecution Fee. Fifty dollars (\$50.00) per deferred judgment or deferred prosecution issued;
- I. Certified/Restricted Delivery Mailing Fee. Actual costs for certified/restricted delivery mailing of notices to a defendant where the defendant has failed to respond to a written notice of the court or a summons or has failed to make payment as directed by the court;
- J. Surcharge. In addition to any court costs or other costs imposed by this section, there shall be assessed against each defendant, upon conviction, the following surcharges:
1. ~~Ten dollars (\$10.00)~~ Eighteen dollars (\$18.00), which surcharge shall be remitted to the town and used exclusively for the purpose of training police officers in the performance of their duties, and
 2. Two dollars (\$2.00), which surcharge shall be remitted to the town exclusively for the Dennis J. Mahan Memorial Scholarship Fund;

K. Suspended Sentence Fee. Fifty dollars (\$50.00) for each action in which the municipal judge suspends all or part of a sentence, to compensate the municipal court for monitoring such action to ensure compliance with the conditions of the suspension;

L. Motor Vehicle Insurance Fee. Ten dollars (\$10.00) for each action in which a defendant is cited for operating a motor vehicle without insurance or for failing to present evidence of insurance, which defendant later presents proof of having insurance in effect at the time of the alleged violation. The purpose of this fee is to compensate the municipal court for costs associated with processing the citation through the municipal court.

M. **Sealed records fee. Sixty five dollars (\$65.00) for all actions sealed pursuant to C.R.S. Sec. 24-72-702.5.**

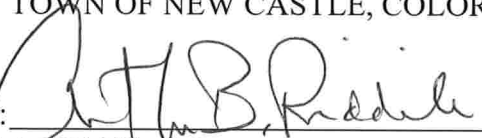
3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on June 7, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on June 21, 2022, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By:


Art Riddile, Mayor

ATTEST:


Melody Harrison, Town Clerk

