

TOWN OF BASALT, COLORADO
ORDINANCE NO. 23
Series of 2013

AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE BASALT TOWN CODE FOR THE IMPOSITION OF FEES AND COURT COSTS WITHIN THE TOWN OF BASALT

WHEREAS, the Town of Basalt, in the Counties of Eagle and Pitkin and the State of Colorado (hereinafter the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (hereinafter the "Charter"); and

WHEREAS, the members of the Town Council of the Town (hereinafter the "Council") have been duly elected and qualified;

WHEREAS, The Town, acting by and through the Council, has the power to amend the Municipal Code of the Town of Basalt ("hereinafter the "Code") pursuant to the Charter and Section 1-58 of the Code, and all such amendments shall become a part of the Code; and

WHEREAS the Council finds that imposition of certain fees and court costs within the Town is of public concern and efficient allocation of such fees is reasonable and necessary to continue police regulation and prosecution within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT;

Section 1. Title 139, Chapter 2, Article VI: Imposition of Court Costs, Basalt Town Code, is hereby established as follows:

The Municipal Judge is empowered, in his or her discretion, to assess the following costs against any defendant who is found guilty of violating any provision of this Code or any of the ordinances of the Town or against any defendant who is granted deferred prosecution or deferred sentence:

(1) Court costs. Court costs in an amount approved by the Town Council pursuant to Section 2-381 et seq. Penalty assessment or traffic infraction citations postmarked or received by the Municipal Court more than twenty (20) days after the date issued shall be assessed court costs;

(2) Bench warrant fee. A bench warrant fee in an amount approved by the Town Council pursuant to Section 2-381 et seq., plus any costs incurred for transporting the defendant from his or her place of arrest to the Town;

(3) Probationary, incarceration or other services. Actual costs incurred either by the Town or the defendant for probationary or treatment services for the defendant, incarceration or

useful public service by the defendant as such may be ordered by the Court;

(4) Letter fee. A letter fee in an amount approved by the Town Council pursuant to Section 2- 381 et seq., 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.

(5) VALE surcharge. Victims and Witnesses Assistance. A surcharge equal to a percentage of the fine imposed for violation of municipal ordinances, including violations under the Model Traffic Code, in the amount of twenty-five percent (25%) shall be charged. All calculated surcharge amounts resulting in dollars and cents shall be rounded to the nearest whole dollar. In the event a portion of the fine is suspended, the surcharge levied shall be computed based upon the original fine, regardless of whether a portion of said fine has been suspended. Said surcharge shall be paid to the Clerk of the Court by the Defendant, and said Clerk shall deposit the money so received in the Victims and Witnesses Assistance Fund. Disbursement of funds shall be in accordance with the guidelines set forth in Subsection 2-362(d).

(6) Police Training Surcharge. A surcharge equal to a percentage of the fine imposed for a violation of municipal ordinances, including violations under the Model Traffic Code, in the amount of twenty-five percent (25%) shall be charged. All calculated surcharge amounts resulting in dollars and cents shall be rounded to the nearest whole dollar. In the event a portion of the fine is suspended, the surcharge levied shall be computed based upon the original fine, regardless of whether a portion of said fine has been suspended. Said surcharge shall be paid to the Clerk of the Court by the Defendant, and said Clerk shall deposit the money so received in a separate fund allocated for Town of Basalt police officer training.


Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases is declared invalid.

Section 3. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any rights which have accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of this provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 4. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.


Section 5. The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ON FIRST READING this 12 DAY OF November, 2013 2013; and a public hearing for second reading of this Ordinance is set for the 10th day of December, 2013 at 6:00 p.m. in the Council Chambers of the Basalt Municipal Building, Basalt, Colorado.



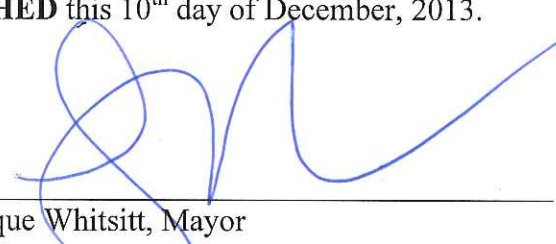
Jacquie Whitsitt, Mayor



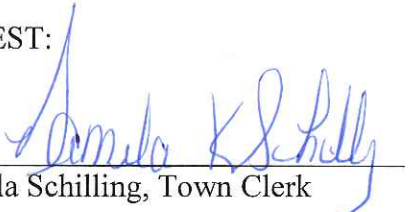
ATTEST: 

Pamela Schilling, Town Clerk

INTRODUCED, READ, ADOPTED AND ENACTED ON SECOND READING AND ORDERED PUBLISHED this 10th day of December, 2013.



Jacquie Whitsitt, Mayor

ATTEST: 

Pamela Schilling, Town Clerk

