

# MUNICIPAL COURT, TOWN OF SEVERANCE, STATE OF COLORADO

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## ORDER ESTABLISHING AND CONTINUING VIOLATIONS BUREAU AND SCHEDULE OF FINES, COSTS, SURCHARGES, FEES, AND BONDS

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This Schedule of Fines, Costs, Surcharges, Fees and Bonds is authorized and published by this Court Order pursuant to Colorado Municipal Court Rule 210(b)(1)-(5) and shall be prominently posted in the Severance Town Hall as required by said Rule. Pursuant to C.R.S. §13-10-113(1), the Severance Municipal Court is a court of record and for general offenses the maximum penalty that could be imposed by the Court upon conviction is a fine of \$2,650 on each charge.

Unless prohibited by this order, the Severance Police Department is authorized to issue penalty assessment tickets for violations of the Model Traffic Code and ordinances contained in the Severance Municipal Code adopted and as amended time to time by the Town Board and the Court Clerk, or other such persons designated by the court, are authorized to accept payment for such assessments according to this schedule of fines in lieu of court appearance. Except when a mandatory court appearance is required, any person charged with a violation listed in this schedule may pay the designated fine and surcharge for the charged violation prior to the date set for the first appearance.

**A. Penalty assessments:** A person may pay the fine and surcharge for specific violations as shown below in Section D and E prior to the date of their scheduled first court appearance. Notwithstanding the foregoing, the following violations may NOT be paid early without court appearance:

- a. A violation that results in personal injury, death or appreciable property damage;
- b. The violator is charged with a criminal offense AND is under 18 years of age;
- c. The provisions of the Model Traffic code prohibit the issuance of a penalty assessment notice; or
- d. In the officer's discretion, if the violation is aggravated or habitual.

**B. Costs, surcharges, and fees:** In addition to fines set forth in this schedule for any violation, the Court may assess the following costs, surcharges and fees:

Court costs upon guilty verdict or plea of guilty or no contest (other than timely early pay of penalty assessment prior to court)	\$30
Surcharge as established by Town	\$20
Deferred Judgment and Sentence and Deferred Prosecution fee	\$25
Stay of Execution Fee	\$25
Active Condition fee for cases with classes, UPS, and other conditions of any sentence that has not been deferred.	\$25
Penalty Assessment Default fee	\$30
Bench/Arrest Warrant fee	\$50
Fail to Appear/Comply fee	\$25
Jury Request fee	\$25
Sealing Records of Conviction fee	\$65

Certified Copy of any Municipal Court Criminal Justice Records (police reports and criminal history/DL information excluded)	\$15
Municipal Court Criminal Justice Records request under CRS § 24-72-301 et seq. (police reports and criminal history/DL information excluded).	\$10 includes search, retrieval and copy or download of up to 10 pages of records, .10 per page thereafter.
Municipal Court Criminal Justice Records requests- Special Searches or redacted records	Any search and retrieval requiring more than 15 minutes-\$45 dollars an hour with deposit for estimated amount to be paid prior to search

**C. Bonding instructions:** If an arresting officer, pursuant to CRS § 42-4-1701 (5) and (6), has reasonable grounds to believe that a Defendant will disregard a written promise to pay or appear, the officer may require the posting of a personal recognizance bond in the amount of the fine listed on this schedule.

**D. Schedule of Fines - Ordinance violations:** *The fine schedule below is presumptive and has no impact on the sentencing discretion of the Court within the limits of the Severance Municipal Code to consider mitigating and aggravating circumstances in individual cases when offenders appear in court on their case.*

SMC §	Description	Fine amount
7-6-20	Control of Animals 1 <sup>st</sup> offense	\$50 + \$20 surcharge
	2 <sup>nd</sup> offense	\$100 + \$20 surcharge
7-6-30	Dog License Required 1 <sup>st</sup> offense	\$40 + \$20 surcharge
7-6-70	License Tag Required	\$25 + \$20 surcharge
7-6-90	Animal Defecation	\$50 + \$20 surcharge
7-6-110	Noisy Animals 1 <sup>st</sup> offense	\$50 + \$20 surcharge
	2 <sup>nd</sup> offense	\$100 + \$20 surcharge
7-6-160	Limit on Number of Animals 1 <sup>st</sup> offense	\$75 + \$20 surcharge
	2 <sup>nd</sup> offense	\$150 + \$20 surcharge
8-2-30	Parking Restrictions trailers, semi-trailers etc.	\$30 + \$20 surcharge
7-1-230	Littering	\$150 + \$20 surcharge
10-9-20(a)	Open Container 1 <sup>st</sup> offense	\$50 + \$20 surcharge
10-5-60	Throwing Missiles	\$100 + \$20 surcharge
10-5-10(a)(2)	Unreasonable Noise	\$100 + \$20 surcharge
10-4-110	Fireworks 1 <sup>st</sup> offense	\$100 + \$20 surcharge
	2 <sup>nd</sup> offense	\$500 + \$20 surcharge

**E. Schedule of Fines - Model Traffic Code violations:** *The fine schedule below is presumptive and has no impact on the sentencing discretion of the Court within the limits of the Severance Municipal Code to consider mitigating and aggravating circumstances of individual cases.*

a. Except as otherwise indicated in section b. below, the fines for point violations issued as a penalty assessment shall be as follows:

0 point - \$50 + \$20 surcharge	4 point - \$150 + \$20 surcharge
1 point - \$80 + \$20 surcharge	5 point - \$250 + \$20 surcharge
2 point - \$100 + \$20 surcharge	6 point - \$300 + \$20 surcharge (20-24 mph over )
3 point - \$120 + \$20 surcharge	

b. Fine Schedule for exceptions to above:

<b>MTC §</b>	<b>Description</b>	<b>Fine</b>
107	Obedience to police officer	\$150 + \$20 surcharge
236	Child restraints	\$100 + \$20 surcharge
225(1)	Inadequate muffler (non-CMV)	\$100 + \$20 surcharge
225(1.5)	Inadequate brake muffler	\$500 + \$20 surcharge
235	Minimum safety standards	\$100 + \$20 surcharge
239	Misuse of wireless devices-1 <sup>st</sup> offense only	\$100 + \$20 surcharge
507 and 508	Overweight vehicles 1-2500 pounds overweight 2501-5000 pounds overweight 5001 – 7500 pounds overweight 7501-10,000 pounds overweight Over 10,000 pounds overweight	\$100 + \$20 surcharge \$200 + \$20 surcharge \$400 + \$20 surcharge \$800 + \$20 surcharge \$800 plus \$300 for each 1000 pounds overweight up to a maximum of \$2650 + \$20 surcharge
509(3)	Failure to stop and weigh	\$300 + \$20 surcharge
607(1)	Interference with official devices	\$100 + \$20 surcharge
607(2)	Sell/possess electronic device to change traffic control device	\$500 + \$20 surcharge
1101	Speed Limits (25-39 m.p.h.) over posted limit [6 point]	Mandatory Court
1101	Speeding in school, safety, or construction zone	Fine 2x + \$20 surcharge
1204 and 1205	Parking violations	\$30 + \$20 surcharge
1208	Handicap parking -1 <sup>st</sup> offense	\$350 + \$20 surcharge
1404	Crossing fire hose	\$300 + \$20 surcharge
1406	Throwing matter on highway	\$300 + \$20 surcharge
1407(2)	Uncovered loads	100 + \$20 surcharge
1407(3)	Spilling loads	\$300 + \$20 surcharge
1409	Compulsory insurance	Mandatory Court
1903	Passing school bus	Mandatory Court

**AMENDED and ORDERED effective this 25th day of May, 2023.**




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Teresa Ablao, Municipal Court Judge