

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
CONCERNING THE ADOPTION OF THE MUNICIPAL
COURT FINE SCHEDULE**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, in accordance with Sections 3.1 and 7.1(c) of the City Charter, the Council shall provide for the enforcement of its ordinances by fine, or imprisonment, or both, within the limits established from time to time by State law; and

WHEREAS, Section 1-4-20 and Section 8-1-30 of the Municipal Code provide that the maximum penalty for all Code violations shall be \$1,000 or 1 year imprisonment or both, which is consistent with the limits established by State law, C.R.S. § 31-16-101; and

WHEREAS, the powers of the Municipal Court, including the power to assess costs and fines, are set forth in Sections 2-4-30 and 2-4-80 of the Municipal Code; and

WHEREAS, the Municipal Court Judge uses a schedule as a guideline when assessing costs and fines to Defendants who are found guilty or plea guilty or nolo contendere (no contest) to violation of the Municipal Code; and

WHEREAS, upon direction from the Mayor, a Municipal Court Fine Task Force was appointed and reviewed the City's current fine schedule, specifically the fines related to traffic infractions and violations, and researched fines in comparable communities; and

WHEREAS, the Task Force proposed a fine schedule that increases the fines imposed for municipal code violations, including violations of traffic regulations from the amounts stated in the current fine schedule but still within the approved limits of the Municipal Code and State law; and

WHEREAS, the City Council wishes to approve the Task Force's proposed fine schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. The attached City of Cherry Hills Village Municipal Court Fine Schedule is hereby adopted by the City Council.

Section 2. This Resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of City Council this 18th day
of September 2012, by a vote of 6 yes and 0 no

(SEAL)

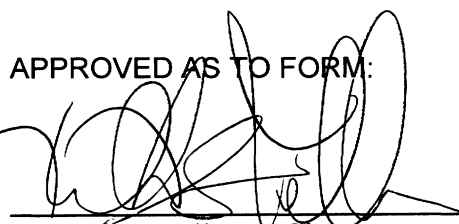

Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:



Laura Smith, City Clerk



Kenneth S. Fellman, City Attorney

CHERRY HILLS VILLAGE MUNICIPAL COURT FINE SCHEDULE
Adopted September 18, 2012

- A. Maximum Fines for Municipal Code Violations. The maximum possible penalty for Code violations, including traffic infractions, is \$1,000 or 1 year imprisonment or both.
- B. Minimum Fines for Traffic Infractions and Violations.
1. The minimum fine for 0 point violations shall be \$40.00
 2. The minimum fine for 2 point violations shall be \$50.00
 3. The minimum fine for 3 point violations shall be \$75.00
 4. The minimum fine for 4 point violations shall be \$100.00
 5. The minimum fine for 6 point violations shall be \$150.00
 6. The minimum fine for 8 point violations shall be \$200.00
 7. The minimum fine for 12 point violations shall be \$300.00
- C. Amended Charges. In the event the original charge is amended to a lesser violation as part of a plea agreement with the City Prosecutor, the fines will be assessed on the original violation.
- D. Fines Doubled. Fines for speeding in a school zone or a construction zone may be doubled when notification of "double fines" has been posted, unless it would exceed the maximum amount authorized by state law.
- E. Accidents. In cases where an accident occurred, the minimum fine shall be \$250.00. In all accident cases which resulted in injuries, the minimum fine shall be \$500.00. The Court reserves the right to assess a higher fine or jail penalty when a serious injury or death resulted from such accident. The maximum penalty for an offense arising from an accident is a \$1,000.00 fine and/or 180 days in jail.
- F. Multiple Traffic Convictions. Notwithstanding the schedule above, in cases where the defendant has been convicted of three or more traffic violations within a 24 month period prior to the case before the Court, the Court may impose a fine up to \$1,000.00 and, for those violations that have not been decriminalized by the Cherry Hills Village Municipal Code, a jail sentence not to exceed 180 days for a violation.
- G. No Proof of Insurance. The minimum fine amount for "no proof of insurance" violations (MTC 1409) shall be \$400.00. Half of this fine may be suspended if the Court can verify that the defendant has obtained valid insurance within a reasonable amount of time after that violation. If the defendant has been convicted of one or more violations for "no proof of insurance" within the preceding four years from the date of violation, the Court will not suspend any portion of the fine, even if the defendant has since obtained insurance.
- H. Court Costs. Court costs, including surcharges, in the amount of \$25.00 shall be assessed in all cases in which the defendant appears before the Court.
- I. Deferred Judgment. The fine for any case involving a deferred judgment is \$75.00, which is due upon entry of the deferred judgment.
- J. Judicial Discretion. Fines are assessed at the Court's discretion, so long as such fines are assessed within the parameters defined above and in accordance with the Municipal Code. With the exception of the minimum fines issued pursuant to Chapter 7, Article 1 (Public Nuisance) and Article 7 (Animals), nothing in this schedule is intended to preclude the Court from suspending any portion of a fine if, in its discretion, the circumstances warrant such action.