

ORDINANCE NO. 464

AN ORDINANCE REPLACING AND SUPERSEDING ORDINANCE NO. 407 ESTABLISHING COURT COSTS, SURCHARGES ON ORDINANCE VIOLATIONS, WARRANT FEES, SUBPOENA FEES, CONTEMPT OF COURT FEES, COMMUNITY SERVICE FEES, AND MODEL TRAFFIC CODE FEES AS THEY APPLY TO THE HOLLY MUNICIPAL COURT, HOLLY, COLORADO

WHEREAS, the Municipal Government of Holly, Colorado has established a Municipal Court of Record; and

WHEREAS, the Town of Holly Municipal Court is re-establishing fee schedules which are applicable to the current Municipal Court; now

THEREFORE, be it ordained by the Board of Trustees of the Town of Holly, Colorado:

Section 1. Any person found guilty of violating any section of any Town of Holly ordinance will be subject to pay \$40 (forty dollars) in municipal court costs to the Town of Holly Municipal Court.

Section 2. The fee schedule, "Town of Holly MTC/CRS Traffic Codes and Related Fines" shall be made a part of this Ordinance No. 464 as "Attachment A" and shall be recognized by the Court as the prevailing fee schedule for traffic violations until and unless it is approved for revision by the Board of Trustees of the Town of Holly by resolution.

Section 3. Warrant Fees shall be \$100 (one hundred dollars) per warrant issued by the Municipal Court Judge.

Section 4. Should any person be found in contempt of court, the assessed fine will be no less than \$100 (one hundred dollars) but no more than \$1,000 (one thousand dollars).

Contempt shall be defined as follows:

Direct Contempt. The misconduct of any person in the presence of the Court while there are official duties being performed. Misconduct shall be defined as swearing, physical fighting, threatening another person and/or but not limited to showing disrespect for authority or dignity of the court. C.R.S. Rule 107, (a) (2).

Indirect Contempt. Contempt that occurs out of the direct sight or hearing of the Court. C.R.S. Rule 107, (a) (3).

Contempt of Subpoena. By failing to obey a subpoena, any person who has been subpoenaed may be deemed in contempt of the court from which the subpoena was issued.

Section 5. Should the defendant require witnesses subpoenaed, the defendant will be charged \$15.00 per witness, payable before subpoenas are typed. The defendant will be responsible for mailing or delivery. See Section 4 for contempt charges for failure to appear on subpoena.

Section 6. Any person ordered to complete community service work through the Town's Municipal Court, or through any other court of Prowers County, will pay the Town of Holly \$65 (sixty-five dollars). This amount must be paid to the Town of Holly before any community service hours are logged and approved by Town of Holly personnel.

This ordinance may be modified by resolution.

APPROVED AND ADOPTED THIS 7th DAY OF OCTOBER, 2009.

ATTEST:

/s/ Mary Rushton, Clerk/Treasurer

/s/ W. Bruce Roup, Mayor

TOWN OF HOLLY MTC/CRS TRAFFIC CODES AND RELATED FINES

VIOLATION (MTC) - (CRS)	MTC/CRS NUMBER (MTC use last set of #)	POINTS BOTH	COMMON CODE BOTH	MUNICIPAL Fine/Vale 1st Offense	Fine/Vale 2nd Offense	Fine/Vale 3rd Offense
Exceeded Reasonable and Prudent Speed 5-9 mph Over Limit	42-4-1101 (1)	1	004	\$50/\$30	Same	Same
Exceeded Reasonable and Prudent Speed 10-19 mph Over Limit	42-4-1101 (1)	4	005	\$85/\$43	Same	Same
Exceeded Reasonable and Prudent Speed 20-24 mph Over Limit	42-4-1101 (1)	6	006	\$100/\$49	Same	Same
Exceeded Reasonable and Prudent Speed 25-39 mph Over Limit	42-4-1101 (1)	6	007	\$200/\$86	Same	Same
Exceeded Reasonable and Prudent Speed by 40 mph Over Limit	42-4-1101 (1)	6	016	Summons	Same	Same
Failed to Lower Speed for Hazardous Condition (Indicate Actual Speed/Safe Speed)	42-4-1101 (3)	3	007	\$50/\$18	Same	Same
Engaged in Speed Contest	42-4-1105 (1) (a)	12	001	\$200/\$74	Same	Same
Engaged in Exhibition of Speed	42-4-1105 (2) (a)	5	017	N/A	N/A	N/A
Impeded Normal Flow of Traffic	42-4-1103 (1)	3	008	N/A	N/A	N/A
Failure to Yield R.O.W. at an Intersection	42-4-701	3	371	\$50/18	Same	Same
Failure to Yield R.O.W. at a Stop Sign	42-4-703 (3)	3	373	\$50/18	Same	Same
Failure to Yield R.O.W. at a Yield Sign	42-4-703 (3)	3	372	\$50/18	Same	Same
Failure to Yield R.O.W. From Driveway/Alley	42-4-704	3	374	\$50/18	Same	Same
Failure to Yield R.O.W. to Emergency Vehicle	42-4-705	4	375	\$50/18	Same	Same
Failure to Yield R.O.W. to Pedestrians in Crosswalks	42-4-802 (1)	4	376	\$50/18	Same	Same
Careless Driving	42-4-1402	4	141	\$75/\$27	Same	Same
Reckless Driving	42-4-1401	8	140	\$200/\$74	Same	Same
Unsafe Backing	42-4-1211 (1) (a)	2	153	\$50/\$18	Same	Same
Following Another Vehicle too Closely	42-4-1008	4	142	\$50/\$18	Same	Same
Changing Lanes Improperly	42-4-1007 (1) (d)	3	221	\$50/\$18	Same	Same
Failed to Drive in a Single Lane (Weaving)	42-4-1007 (1) (a)	3	223	\$50/\$18	Same	Same
Made U-Turn Where Prohibited	42-4-902	3	270	\$50/\$18	Same	Same
Failure to Yield During Left Turn	42-4-702	3	278	\$50/\$18	Same	Same
Made Left Turn (To/From) Wrong Lane	42-4-901 (B)	3	273	\$50/\$18	Same	Same
Made Right Turn (To/From) Wrong Lane	42-4-901 (A)	3	274	\$50/\$18	Same	Same

Made Right/Left Turn on Red Light Where Prohibited by Sign	42-4-604	4	271	\$50/\$18	Same	Same
Failed to Obey Red Light Signal	42-4-604	4	304	\$50/\$18	Same	Same
Failed to Stop at Stop Sign	42-4-703	4	319	\$50/\$18	Same	Same
Failed to Use Turn Signal	42-4-608 (1)	2	433	\$30/\$11	Same	Same
Failed to Stop for School Bus	42-4-1903 (1)	6	420	\$200/\$74	Same	Same
Unsafe Starting of a Vehicle	42-4-1201	3	144	\$50/\$18	Same	Same
Failure to Park in Direction of Traffic	42-4-1205 (2)	0	355	\$10/\$3	Same	Same
Improper Parking at Curb or Edge of Road	42-4-1205 (1)	0	356	\$10/\$3	Same	Same
Unsafely Opening or Closing Vehicle Doors	42-4-1207	0	916	\$10/\$3	Same	Same
Parked in Handicapped Zone	42-4-1208 (6)	0	362	\$75/\$27	Same	Same
Improper Stopping, Standing or Parking Where Prohibited by Sign	42-4-1204	0	351	\$10/\$3	Same	Same

ATTACHMENT A

October 7, 2009

TOWN OF HOLLY MTC/CRS TRAFFIC CODES AND RELATED FINES

VIOLATION (MTC) - (CRS)	MTC/CRS NUMBER (MTC use last set of #)	POINTS BOTH	COMMON	MUNICIPAL	Fine/Vale 2nd Offense	Fine/Vale 3rd Offense
			CODE BOTH	Fine/Vale 1st Offense		
Drove Vehicle When Safety Belt not in Use (Secondary)	42-4-237 (2)	0	575	\$30/\$11	Same	Same
Operator Under Age 17 not Wearing Seatbelts (Primary)	42-2-105.5 (3)	2	580	\$50/\$18	Same	Same
Operator under 17 Driving with More Passengers than Seatbelts (Primary)	42-2-105.5 (4)	2	468	\$50/\$18	Same	Same
Failure to Use/Provide Child Safety Restraints (0-4 Years of Age) (Primary)	42-4-236	0	574	\$85/\$31	Same	Same
Drove Vehicle when Front Seat Passenger not Using Seatbelt (Secondary)	42-4-237 (2)	0	960	\$30/\$11	Same	Same
Motorcycle Operator/Passenger had no Protective Eyewear as Required	42-4-232 (1)	0	161	N/A	N/A	N/A
Drove Vehicle While Wearing Earphones	42-4-1411	0	467	N/A	N/A	N/A
Operation of an Unsafe/Defective Vehicle	42-4-202 (1)	2	542	\$50/\$18	Same	Same
Failed to Display Lamps When Required	42-4-204 (1)	2	611			
Operated Vehicle with Defective/Missing Headlamps	42-4-202	1	609			
Vehicle had (No/Defective) License Plate Lamp	42-4-206 (3)	0	619			
Vehicle had (Defective/No) Stop Light	42-4-208	0	623			
Drove Vehicle Without Valid Driver's License	42-2-101 (1)	3	060	N/A	N/A	N/A

Drove (Motor/Off-highway) Vehicle when License under Restraint (Suspended)	42-2-138 (1) (a)	RA	076	N/A	N/A	N/A
Drove (Motor/Off-highway) Vehicle when License under Restraint (Revoked)	42-2-138 (1) (a)	RA	077	N/A	N/A	N/A
Drove (Motor/Off-highway) Vehicle when License under Restraint (Denied)	42-2-138 (1) (a)	RA	078	N/A	N/A	N/A
Drove Vehicle While License Under FRA Suspension	42-7-422	RA	075	N/A	N/A	N/A
Drove Vehicle While Ability Impaired by Alcohol or Drugs or Both	42-4-1301 (1) (b)	8	801	N/A	N/A	N/A
Drove Vehicle While Under the Influence of Alcohol or Drugs or Both	42-4-1301 (1) (a)	12	800	N/A	N/A	N/A
Drove Vehicle with Blood Alcohol Content of 0.08 or More	42-4-1301 (2) (a)	12	812	N/A	N/A	N/A