

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1035

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO AMENDING SECTION 1-4-50
OF THE LYONS MUNICIPAL CODE RELATED TO MUNICIPAL COURT COSTS**

WHEREAS, the Town of Lyons Board of Trustees ("Board") has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of the Town of Lyons ("Town"); and

WHEREAS, pursuant to Section 13-10-113(3), the municipal judge is empowered in his or her discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation; and

WHEREAS, the Town's municipal court judge has recommended amendments to the costs assessed against persons convicted of violating municipal ordinances to parallel the costs assessed by municipal courts in other Colorado communities; and

WHEREAS, additionally, the Colorado General Assembly passed HB 17-1204 and HB 17-1208 to require courts, including municipal courts, to seal certain criminal justice records; and

WHEREAS, Section 24-72-702.5, C.R.S., sets the fee for sealing records at sixty-five dollars (\$65.00); and

WHEREAS, the Board desires to amend the municipal court costs in Section 1-4-50 of the Lyons Municipal Code to bring the Town's penalties in line with the costs in other Colorado communities and State law and determines that such amendments promote the health, safety and welfare of the citizens of and visitors to the Town of Lyons.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN
OF LYONS, THAT:**

Section 1. Section 1-4-50 of the Lyons Municipal Code is hereby repealed and replaced to read in full as follows:

Sec. 1-4-50. Court Costs.

The following costs may be assessed by the presiding Municipal Judge against any defendant in the Municipal Court:

Municipal Court Costs

Description	Cost
Entry of plea of guilty or nolo contendere or finding of guilt or liability	\$30.00
Witness fee (per witness) upon conviction after trial	5.00
Default judgment fee	30.00
Outstanding judgment warrant (OJW)	30.00
Failure to appear fee	30.00
Warrant fee	30.00
Traffic Accident fee	30.00
Sealing or expungement of records fee	65.00

Section 2. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances, resolutions, or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, resolution, or code or part thereof shall not revive any other section or part of any ordinance, resolution, or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

Section 4. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 1 and 2 of this Ordinance within the Lyons Municipal Code.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

INTRODUCED AND PASSED ON FIRST READING THIS 19TH DAY OF MARCH 2018.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 2nd
DAY OF April 2018.

TOWN OF LYONS, COLORADO

Connie Sullivan

Connie Sullivan, Mayor

ATTEST:

