

ORDINANCE NO. 2178

INTRODUCED BY: DIAZ, DOUGLAS, ELLIOTT, FORD, FRANK, GUARDIOLA, HUSEMAN,
MADERA, TETER

AN ORDINANCE AMENDING SECTION 3-1200 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATIVE TO THE AUTHORIZATION OF JURY FEES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 3-1200 of the Commerce City Revised Municipal Code is amended to read as follows and to include a new subsection (5) to be entitled "Jury Assembly Fees" as follows:

Sec. 3-1200. – Fees and costs. Except as provided in this section, the municipal court shall assess against each individual the court associated fees and costs, applicable to the situation, that have been established by resolution of the city council.

- (1) *Indigency.* If the court determines that a defendant is indigent and cannot obtain the requisite funds to pay the mandatory court costs or the preparation of an appeal transcript, such cost may be waived by the municipal court.
- (2) *Probation fees.* The municipal court may suspend the imposition of probation fees when the defendant is under the age of sixteen (16) or when the defendant is charged with violating the model traffic code or the city's animal at large ordinance.
- (3) *Complainant misconduct.* When a complaining witness fails or refuses to testify at the time of trial or it appears to the court that there was no reasonable ground for such complaint or that such complaint was maliciously filed, the municipal court is authorized, but not required, to assess against such witness the court costs established by resolution of city council.
- (4) *Juror fees.* When a defendant is convicted, after trial by jury or, after a jury has been summoned, entry of a guilty plea or nolo contendere plea, of any violation of the charter or this Code, the municipal court is authorized, but not required, to impose upon such defendant all applicable juror fees.
- (5) *Jury Assembly Fees.* The municipal court is authorized, but not required, to impose on a defendant a jury assembly fee if a trial is continued or cancelled at the defendant's request after a jury has been summoned.

SECTION 2. The City Council finds and declares that this ordinance is reasonable and necessary to protect the public health, safety, and welfare.

SECTION 3. Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

SECTION 4. If any section, paragraph, sentence, clause, or phrase of this ordinance is

held to be unconstitutional or invalid for any reason, such decision shall not affect, impair, or invalidate the remaining portions of this ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF AUGUST, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF SEPTEMBER, 2018.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk