

Title 6

DEBEQUE MUNICIPAL COURT

Chapters:

- 6.01 Municipal Court Created
- 6.02 Jurisdiction -- Powers -- Procedures
- 6.03 Municipal Judges
- 6.04 Clerk of the Municipal Court
- 6.05 Court Facilities and Supplies -- Appropriations
- 6.06 Penalty Assessments
- 6.07 Non-criminal Municipal Offenses
- 6.09 Court Fees and Costs

Chapter 6.01

MUNICIPAL COURT CREATED

Sections:

- 6.01.010 Municipal Court Established.
- 6.01.020 Qualified Court of Record.

6.01.010 Municipal Court Established. In order to provide a simple and expeditious method for the prosecution of alleged violations of Town ordinances, but one which guarantees to defendants a method of exercising their constitutional rights, the Board of Trustees of the Town of De Beque, Colorado hereby establishes a Municipal Court for the Town of De Beque, Colorado. (Ord. 259 §1(part), 2001).

6.01.020 Qualified Court of Record. Whenever a Judge of the De Beque Municipal Court has been admitted to, and is currently licensed in the practice of law in Colorado, the Municipal Court shall keep a verbatim record of the proceedings and evidence at trial by either electronic devices or stenographic means, and the Court thus shall be a qualified Municipal Court of record pursuant to the provisions of Colorado law. (Ord. 259 §1(part), 2001).

Chapter 6.02

JURISDICTION -- POWERS -- PROCEDURES

Sections:

- 6.02.010 Jurisdiction.
- 6.02.020 Sessions.
- 6.02.030 Practice and Procedure.
- 6.02.040 Witness Immunity.

6.02.010 Jurisdiction. The Municipal Court shall have original jurisdiction in all cases arising under the ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance or Court rule, and permitted pursuant to Colorado law. (Ord. 259 §1(part), 2001).

6.02.020 Sessions. There shall be regular sessions of the De Beque Municipal Court for the trial of cases. The Municipal Judge may hold a special session of Court at any time. All sessions of Court shall be open to the public, unless otherwise provided by law or Court rule. (Ord. 259 §1(part), 2001).

6.02.030 Practice and Procedure. The practice and procedure in the De Beque Municipal Court shall be in accordance with the Colorado Municipal Court Rules of Procedure, as promulgated by the Colorado Supreme Court, and applicable statutes of the State of Colorado. The presiding Municipal Judge of the Court shall have authority to issue local rules of procedure consistent with the rules promulgated by the Supreme Court and Colorado law. (Ord. 259 §1(part), 2001).

6.02.040 Witness Immunity. A. Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before the Municipal Court, and the Judge presiding over the preceding communicates to the witness an order as specified in subsection (B) of this Section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; except that no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any Municipal Court case, except for prosecution for perjury, for false statement or otherwise failing to comply with the order.

B. In the case of any individual who has been or may be called to testify or provide other information in any proceeding before the Municipal Court, the Municipal Court may issue, upon request of the Prosecuting Attorney, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in subsection (A) above.

C. The Prosecuting Attorney may request an order as specified in subsection (B) above when, in his judgment, the testimony or other information from any individual may be necessary to the public interest and such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(Ord. 259 §1(part), 2001).

Chapter 6.03

MUNICIPAL JUDGES

Sections:

- 6.03.010 Appointment; Term; Qualifications.
- 6.03.020 Removal From Office.
- 6.03.030 Compensation.
- 6.03.040 Oath.
- 6.03.050 Powers.

6.03.010 Appointment; Term; Qualifications. The Board of Trustees shall appoint the Municipal Judge, who shall be licensed to practice law in the State of Colorado, within thirty (30) days after compliance with Section 31-4-401, C.R.S., following each regular municipal election. No appointment of such Judge shall continue beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., by the members of the succeeding Board of Trustees. The person appointed need not be a resident of the Town of De Beque, Colorado, and, subject to State law, may hold other judicial offices and may practice law. The Municipal Judge may be reappointed for subsequent terms. Any vacancy in the Office of Municipal Judge shall be filled by appointment of the Board of Trustees for the remainder of the unexpired term. The Board of Trustees may appoint such additional associate municipal judges or assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification, or other inability of the presiding Municipal Judge to act. (Ord. 259 §1(part), 2001).

6.03.020 Removal From Office. The Municipal Judge or any assistant or associate municipal judge may be removed during his term of office only for cause following a hearing, and only after the Judge has been given written notification of the charges against him, and a reasonable opportunity to prepare for a hearing before the Board of Trustees. The Judge may be removed for cause if:

- A. He is found guilty of a felony or any other crime involving moral turpitudes;
- B. He has a disability which interferes with the performance of his duties, and which is or is likely to become permanent;
- C. He has willfully or persistently failed to perform the duties of his office; or
- D. He is habitually intemperate.

(Ord. 259 §1(part), 2001).

6.03.030 Compensation. The Board of Trustees shall provide by ordinance for the

salary of the Municipal Judge. Such salary shall be a fixed annual compensation and payable on a monthly or other periodic basis. Payment of any fees or other compensation, based directly on the number of individual cases handled or heard by the Municipal Judge is prohibited. An associate or assistant municipal judge may be compensated based upon the number of Court sessions served by such judge. If an assistant or associate municipal judge acts in the absence of the Municipal Judge, his salary may be adjusted so as to compensate the assistant or associate municipal judge. (Ord. 259 §1(part), 2001).

6.03.040 Oath. Before entering upon the duties of his office, the Municipal Judge, or any associate or assistant judge, shall take an oath or affirmation that he will support the Constitution of the United States and the Constitution of the State of Colorado and the laws of the Town of De Beque, and that he will faithfully perform the duties of his office. (Ord. 259 §1(part), 2001).

6.03.050 Powers. The presiding Municipal Judge and any assistant or associate municipal judge shall have all judicial powers relating to the operation of the Municipal Court, subject to any rules of procedure governing the operation or conduct of municipal courts promulgated by the Colorado Supreme Court. In sentencing or fining a violator, a Judge shall not exceed the sentence or fine limitations established by an applicable ordinance. Except as may otherwise be provided by law, a Judge may defer the prosecution or a judgment and sentence of any violator, or suspend the sentence or fine of any violator, and place such violator on probation for a period not to exceed one (1) year. A Judge may impose as conditions of such probation any of the conditions set forth in Section 16-11-204, C.R.S., except for subsection (2)(a)(V). In addition, a Municipal Judge shall require restitution as a condition of any probation, as set forth in Section 16-11-204.5, C.R.S.

A Judge shall assess the costs, the fees and costs set forth in Section 6.09.010 of this Title. (Ord. 259 §1(part), 2001).

Chapter 6.04

CLERK OF THE MUNICIPAL COURT

Sections:

- 6.04.010 Position Established.
- 6.04.020 Appointment.
- 6.04.030 Duties.
- 6.04.040 Compensation.
- 6.04.050 Bond.

6.04.010 Position Established. There is hereby established the position of Clerk of the Municipal Court. Provided however, the Municipal Judge may serve as ex-officio Clerk if the business of the Court is insufficient to warrant a separate full-time or part-time Clerk. (Ord. 259 §1, 2001).

6.04.020 Appointment. The Clerk of the Municipal Court shall be appointed by the Municipal Judge. In addition, the Municipal Judge shall exercise supervisory powers concerning the job performance of the Clerk, and shall have the power to discipline or terminate the Clerk in accordance with the Town of De Beque's personnel policies and procedures. (Ord. 259 §1(part), 2001).

6.04.030 Duties. The Clerk of the Municipal Court shall have such duties as are delegated to him by ordinance, Court rule, or by the Municipal Judge. The Clerk shall file monthly reports with the Town Clerk of all fines and costs collected or received by the Municipal Court, and on the last day of each month shall pay to the Town Treasurer said fines and costs which shall be deposited in the general fund of the Town. (Ord. 259 §1(part), 2001).

6.04.040 Compensation. The Board of Trustees shall provide by ordinance for the salary of the Clerk of Municipal Court, except that if the Municipal Judge serves as ex-officio Clerk, he shall not receive any additional compensation. (Ord. 259 §1(part), 2001).

6.04.050 Bond. The Clerk of the Municipal Court shall give a performance bond in the sum of not less than two thousand dollars (\$2,000.00) to the Town. The performance bond shall be approved by the Board of Trustees and be conditioned upon the faithful performance of his duties, and for the faithful accounting for, and payment of, all funds deposited with or received by the Court. When the Municipal Judge serves as ex-officio Clerk of the Municipal Court, he shall execute the performance bond required by this Section. (Ord. 259 §1(part), 2001).

Chapter 6.05

COURT FACILITIES AND SUPPLIES -- APPROPRIATIONS

Sections:

- 6.05.010 Court Facilities and Supplies.
- 6.05.020 Appropriations.

6.05.010 Court Facilities and Supplies. The Board of Trustees shall furnish the Municipal Court with suitable courtroom facilities and sufficient funds for the acquisition of all necessary books, supplies, and furniture for the proper conduct of the business of the Court. In order to carry out the provisions of this Section, the Board of Trustees may locate Court facilities outside of the Town of De Beque, or outside Mesa County, if such facilities are in reasonable proximity to the municipality and the Board of Trustees determines that suitable facilities cannot be provided within the Town. (Ord. 259 §1(part), 2001).

6.05.020 Appropriations. The Board of Trustees shall, on an annual basis, budget and appropriate funds to pay the annual salary of the Municipal Court Judge and any assistant or associate judges, the salary of the Municipal Court Clerk, together with the other expenses as may be necessary for the proper operation of the Municipal Court. (Ord. 259 §1(part), 2001).

Chapter 6.06

PENALTY ASSESSMENTS

Sections:

- 6.06.010 Procedure.
- 6.06.020 Schedule for Criminal Offenses.

6.06.010 Procedure. In order to provide for the expeditious handling of certain minor criminal offenses and non-criminal municipal offenses, the De Beque Municipal Court is authorized to accept penalty assessment fines and penalties in accordance with the provisions of this Section. This Section shall not be construed as limiting or otherwise modifying the Model Traffic Code, adopted by reference by the Town of De Beque.

A. At the time that any person is arrested or charged for the commission of a Class A or Class B municipal offense set forth pursuant to Section 6.06.020 of this Chapter, the arresting officer may offer to give a Penalty Assessment Notice to the defendant. If any person is charged with a non-criminal municipal offense, the citing officer shall issue a Penalty Assessment Notice to the defendant, unless otherwise provided by law. This Notice shall be made by notation upon the Summons and Complaint issued in conformance with law.

B. If a person charged with a Class A or B municipal offense does not possess a valid Colorado driver's license, such person, in order to secure release, as provided in this Section, must give his written acknowledgment of guilt or give his written promise to appear in Court by signing the Penalty Assessment Notice prepared by the charging officer. Should the person to whom the Penalty Assessment Notice is tendered accept the Notice by acknowledging his guilt in writing, said acceptance shall constitute a promise on such person's part to pay the fine or penalty specified in the schedule issued pursuant to Section 6.06.020 of this Chapter, for the violation involved at the office of the Clerk of the Municipal Court, De Beque, Colorado, either in person or by mail within twenty (20) days of the date of issuance. Any person who accepts a Penalty Assessment Notice for a Class A or B municipal offense, which constitutes a criminal violation, by acknowledgment of guilt, but who does not furnish satisfactory evidence of identity, or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine, may be taken by the officer to the nearest post office facility, and required to remit the amount of the specified fine to the Town of DeBeque immediately by mail in United States currency or legal tender, or by money order, or personal check. Refusal or inability to remit the specified fine by mail when required shall constitute a refusal to accept a Penalty Assessment Notice, by acknowledgment of guilt.

Should a person cited for a Class A or B municipal offense violation refuse to give his written acknowledgment of guilt or give his written promise to appear in Court by signing the Penalty Assessment Notice, the officer shall proceed to issue a Summons and Complaint in accordance with Colorado law. Should such person accept the notice, by acknowledgment of guilt, but fail to pay the prescribed fine within twenty (20) days thereafter, the notice shall be construed to be a Summons and Complaint, and the prosecution for said violation shall thereafter be heard in the Municipal Court, in which event such person shall be privileged to answer the charge made against him in the same manner as if he had not been tendered a Penalty Assessment Notice. In such event, the maximum penalty which may be imposed may exceed the penalty assessment amount.

C. If the person cited for a Class A or B municipal offense does possess a valid Colorado driver's license, the person shall not be required to give his written acknowledgment of guilt or written promise to appear on the Penalty Assessment Notice. For the purposes of this Section, tender by an arresting officer of the Penalty Assessment Notice to such a person shall constitute notice to the violator to appear in Court at the time specified on such Notice or to pay the required fine. Should such person fail to pay the prescribed penalty within twenty (20) days thereafter, the Notice shall be construed to be a Summons and Complaint, and the prosecution for said violation shall thereafter be heard in the Municipal Court, in which event such person shall be privileged to answer the charge made against him in the same manner as if he had not been tendered a Penalty Assessment Notice. In such event, the maximum penalty which may be imposed may exceed the penalty assessment amount.

D. Payment of the prescribed penalty assessment within twenty (20) days shall be deemed a complete satisfaction for the violation. Checks tendered by the violator to, and accepted by the Municipal Court, and upon which payment is received by the Municipal Court, shall be deemed sufficient receipt.

E. Penalty Assessment Notices issued for non-criminal violations shall also be in accordance with Section 6.07.020 of this Title.

F. Nothing contained herein shall be construed as requiring a law enforcement officer to issue a Penalty Assessment Notice for a Class A or B municipal offense which constitutes a criminal violation. Penalty Assessment Notices for criminal violations shall not be issued in the event of an offense involving property damage, injury to any person, or in the event the complaint is made by a private party. Penalty Assessment Notices shall be issued in all cases involving non-criminal municipal offenses, unless otherwise provided by law.

(Ord. 259 §1(part), 2001).

6.06.020 Schedule for Criminal Offenses. A penalty assessment schedule for criminal offenses may be established by the Board of Trustees. In the event the Board of Trustees has not established such a schedule, the Court, by order of the Court, may promulgate such a schedule. (Ord. 259 §1(part), 2001).

Chapter 6.07

NON-CRIMINAL MUNICIPAL OFFENSES

Sections:

- 6.07.010 Penalties.
- 6.07.020 Procedure.

6.07.010 Penalties. Every person who is convicted of, who admits liability for, or against whom a judgment is entered for, a non-criminal municipal offense as designated in the De Beque Municipal Code shall be penalized by imposition of a penalty in an amount not greater than two hundred dollars (\$200.00). The presiding Judge of the Municipal Court shall promulgate a schedule of penalties for all non-criminal municipal offenses set forth in the De Beque Municipal Code. Said schedule shall be prominently posted in the office of the Municipal Court Clerk. (Ord. 259 §1(part), 2001).

6.07.020 Procedure. A. Pursuant to Section 16-10-101, C.R.S., and Section 16-10-109, C.R.S., the right of a trial by jury shall not be available at a hearing where the cited person is charged with a non-criminal municipal offense. In addition, no person charged with a non-criminal municipal offense shall be afforded the right of Court appointed counsel.

B. The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a non-criminal municipal offense, unless any of the rules are clearly inapplicable. The burden of proof shall be upon the People, and the Court shall dismiss charges against an alleged violator if the alleged violator is not proven to be liable or guilty beyond a reasonable doubt.

C. An appeal from final judgment on a non-criminal municipal offense shall be made in accordance with Rule 237 of the Colorado Municipal Court Rules of Procedure.

D. Except as otherwise provided in this Section, no person against whom a judgment has been entered for a non-criminal municipal offense shall collaterally attack the validity of that judgment unless such attack is commenced within three (3) months after the date of entry of the judgment. The only exceptions to such time limitations shall be:

1. A case in which the Court did not have jurisdiction over the subject matter of the alleged non-criminal municipal violation;
2. A case in which the Court did not have jurisdiction over the person of the violator;
3. Where the Court finds by the preponderance of the evidence that the failure to

seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

4. Where the Court finds that failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

E. At any time that a person is cited for the commission of any non-criminal municipal offense, the citing officer shall give a Notice to such person, which Notice shall be in the form of a Penalty Assessment Notice as described in Section 6.06.010 of this Title.

F. The Penalty Assessment Notice tendered by the citing officer shall contain the name and address of the alleged violator, the license number of the vehicle involved, if any, the number of such person's driver's license if applicable, the nature of the offense, the amount of the penalty prescribed for such offense, the date of the Notice, the time and place and when and where such person shall appear in Court in the event such penalty is not paid, and a place for such person to execute and sign the acknowledgment of guilt or liability and an agreement to pay the penalty prescribed within twenty (20) days, as well as such other information as may be required by law to constitute such notice as a Summons and Complaint to appear in Court, if the prescribed penalty is not paid within the time period.

G. One (1) copy of the Notice shall be given to the violator by the citing officer.

H. The time specified in the Notice to appear shall be at least fourteen (14) days, but not more than forty-five (45) days after the date of such citation, unless otherwise provided by law or the person cited requests an earlier hearing.

I. Whenever the alleged violator refuses to sign or accept the Penalty Assessment Notice, tender of such Notice by the citing officer to the alleged violator shall constitute service of a Summons and Complaint.

J. If an alleged violator is cited for a non-criminal municipal offense, he shall be privileged to answer the Complaint made against him in the manner provided in the Colorado Municipal Court Rules and Procedure. The maximum penalty which may be imposed shall not exceed the penalties set forth in the Penalty Assessment Notice.

K. In the event a person who has been cited for a non-criminal municipal offense fails to pay the Penalty Assessment Notice, he shall be permitted to make an appearance and answer the Complaint against him. If the alleged violator answers that he is guilty or liable, judgment shall be entered against him and he shall be assessed the appropriate penalty and applicable Court costs and fees. If the alleged violator denies the allegations in the complaint, a final hearing on the complaint shall be held within the time period prescribed in Rule 248 of the Colorado Municipal Court Rules of Procedure. If the alleged violator fails to appear for a final hearing, a default judgment shall be entered against him, and he shall be assessed the appropriate penalty and applicable Court costs and fees.

L. In the event a person who has been cited for a non-criminal municipal offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice and fails to appear at the time and place specified in the Notice, a default judgment shall be entered against him and he shall be assessed the appropriate penalty and Court costs and fees.

M. Whenever the Judge of the Municipal Court imposes a monetary penalty for a non-criminal municipal offense, if the person who committed the offense is unable to pay the amount at the time of the Court hearing or if he fails to pay any penalty imposed for the commission of such offense within the time permitted by the Court, in order to guarantee the payment of such penalty, the Judge may compel collection of the penalty in the manner provided in Section 18-1-110, C.R.S.

N. An officer coming upon an unattended vehicle which is an apparent violation of any provision of the Model Traffic Code may place upon the vehicle a Penalty Assessment Notice indicating the non-criminal traffic offense and directing the owner/operator of the vehicle to remit the penalty assessment to the Municipal Court within twenty (20) days. If the penalty assessment is not paid within twenty (20) days of the issuance of such Notice, the Court shall mail a Notice to the registered owner of the vehicle, setting forth the non-criminal traffic offense and the time and place where it occurred and directing the payment of the penalty assessment within twenty (20) days from the issuance of such Notice. If the penalty assessment is not paid within such twenty (20) days, the Court shall request the officer who issued the original Penalty Assessment Notice to file a complaint with the Court and serve upon the registered owner of the vehicle a Summons to appear in Court at a time and place specified therein.

O. The provisions of this Section shall not apply when it appears the alleged violator has, in the course of the same transaction or episode, committed one (1) or more non-criminal municipal offenses and has also committed one (1) or more Class A or B municipal offenses and the charging officer charges such alleged violator with two (2) or more violations, any one (1) of which is a non-criminal municipal offense.

(Ord. 259 §1(part), 2001).

Chapter 6.09

COURT FEES AND COSTS

Sections:

6.09.010	General Provisions.
6.09.020	Docket Fee.
6.09.025	Surcharge.
6.09.030	Jury Fee.
6.09.040	Witness Fee.
6.09.050	Juror Fees.
6.09.060	Mileage Fee.
6.09.070	Deferred Judgment and Sentence, and Deferred Prosecution Fees.
6.09.080	Probation Fees.
6.09.090	Bench Warrant Fee.
6.09.100	Incarceration Fee.
6.09.110	Useful Public Service

6.09.010 General Provisions. The fees and costs set forth in this Chapter shall be taxed and paid in all Municipal Court proceedings. All fees and costs shall be paid to the Town. When judgment is entered against a defendant, all fees and costs shall be taxed as part of the judgment, unless otherwise provided in this Title. Costs shall be paid by the Town when a defendant is acquitted, when charges are dismissed against a defendant, or when a defendant is convicted and the Court determines he is unable to pay them, unless otherwise provided herein.

If any private person complainant, in any action before the Municipal Court, requests dismissal of the prosecution of said action, or wilfully absents himself from trial or fails to appear at trial after being subpoenaed and said action is dismissed, the Court shall give judgment against said private person complainant for all applicable fees and costs. In addition, if charges against an accused pursuant to a private person complaint are dismissed, and it appears to the Court there were no reasonable grounds for the complaint, or that it was maliciously made, the Court shall give judgment against said complainant for all applicable fees and costs. (Ord. 259 §1(part), 2001).

6.09.020 Docket Fee. In all proceedings before the Municipal Court, a docket fee shall be charged, which shall be payable by the defendant upon his conviction. In all actions except those in which a trial by jury is held, the docket fee shall be in an amount set forth by resolution of the Board of Trustees. A separate docket fee shall be charged upon the filing of a complaint alleging violation of probation or deferred judgment and sentence. (Ord. 259 §1(part), 2001; Amended Ord. 269 §1(part), 2002; Amended Ord. 309 §5 (part), 2006).

6.09.025 Surcharge. In addition to any docket fee or other costs imposed by this

Chapter, a surcharge, in an amount set forth by resolution of the Board of Trustees, for violation of all municipal ordinances, including ordinance violations under the Model Traffic Code, is hereby levied on each Municipal Court action resulting in a conviction, plea of guilty, or no contest, or in a deferred judgment and sentence, which municipal ordinance violation is charged pursuant to Town of De Beque ordinances. All calculated surcharge amounts resulting in dollars and cents shall be computed based on the total amount of the fine, including any suspended fine. The defendant shall pay such surcharge to the Clerk of the Court at the time the fine is paid, whether the defendant appears in Court, or pays the fine through the mail. The Clerk shall deposit the money so received in the fund, and all such surcharges collected shall be used exclusively for training the Town Marshal in the performance of his duties. (Ord. 269 §2(part), 2002; Amended Ord. 309 §6 (part), 2006).

6.09.030 Jury Fee. At the time he demands a jury trial, a defendant shall pay a jury fee in an amount set forth by resolution of the Board of Trustees to the Clerk of the Court, unless the fee is waived by the Judge because of the indigence of the defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant, having paid the jury fee, files with the Court at least ten (10) days before the scheduled trial date a written waiver of jury trial, the jury fee shall be refunded. A defendant who fails to file with the Municipal Court the written jury demand together with the jury fee as provided above waives the right to a jury trial. (Ord. 259 §1(part), 2001; Amended Ord. 309 §7 (part), 2006).

6.09.040 Witness Fee. A witness fee, in an amount set forth by resolution of the Board of Trustees, for each witness shall be assessed for each witness testifying in a trial. Said fee shall be paid by the defendant upon his conviction.

Witnesses shall receive compensation, in an amount set forth by resolution of the Board of Trustees, for testifying before the Municipal Court, provided, however, witnesses called to testify only to an opinion founded on a special study or experience in any branch of science or to make scientific or professional examinations and state the results thereof, shall receive additional compensation, to be fixed by the Court, with reference to the value of the time employed and the degree of learning or skill required. Said fees fixed by the Court shall be assessed against the defendant upon his conviction and paid to such witnesses.

Any witness fee collected by the Court Clerk shall be paid to the person entitled to the witness fee, if claimed by such person. Any witness fee collected, but not claimed by a witness within thirty (30) days, shall be paid by the Clerk of the Court to the Town Treasurer. All unclaimed witness fees shall become the property of the Town and shall not be refunded. If a fee claimed by a witness has not previously been collected by the Court Clerk, the Town shall pay the witness claimant if said claim was submitted in a timely manner. (Ord. 259 §1(part), 2001; Amended Ord. 309 §8 (part), 2006).

6.09.050 Juror Fees. For attending Municipal Court, jurors shall receive compensation in an amount set forth by resolution of the Board of Trustees. Said compensation shall be paid by the Town. (Ord. 259 §1(part), 2001; Amended Ord. 309 §9 (part), 2006).

6.09.060 Mileage Fees. All witnesses and jurors shall receive compensation for mileage in accordance with the maximum rate authorized by the United States Internal Revenue Service for each mile actually and necessarily traveled in going from his place of residence to the Municipal Court; provided, however, no witness shall receive mileage fees unless such witness claims the same before the adjournment of the Court. Mileage fees shall be paid by the Town. This subsection shall not apply to an officer of the Court who attends in his official capacity, including Clerks, Sheriffs, Bailiffs and police officers. (Ord. 259 §1(part), 2001).

6.09.070 Deferred Judgment and Sentence, and Deferred Prosecution Fees. In all actions in which a defendant is granted a deferred judgment and sentence, or a deferred prosecution, the defendant shall be assessed a fee, in an amount set forth by resolution of the Board of Trustees, to defray the costs of preparing applicable Court documents and to monitor compliance. Nothing contained in this Chapter shall prevent the Court from assessing additional fees if a human services agency, mental health professional or similar professional is utilized by the Court to supervise the defendant's compliance with the terms of the deferred judgment, deferred prosecution. (Ord. 259 §1(part), 2001; Amended Ord. 269 §3(part), 2002; Amended Ord. 309 §10 (part), 2006).

6.09.080 Probation Fees. In all actions in which the Court orders a defendant be placed on probation, the Court shall assess a fee, in an amount set forth by resolution of the Board of Trustees, against the defendant to defray the costs of monitoring the defendant's compliance with the terms of probation. Nothing contained in this Chapter shall prevent the Court from assessing additional fees in the event the defendant is required to undergo counseling, treatment or supervision by a human services agency, mental health professional or similar professional. (Ord. 269 §4(part), 2002; Amended Ord. 309 §11 (part), 2006).

6.09.090 Bench Warrant Fee. In all actions in which a bench warrant is issued for the arrest of a defendant for failure to appear or failure to pay fines and costs as ordered by the Court, the Court shall assess against said defendant a fee in an amount set forth by resolution of the Board of Trustees. (Ord. 259 §1(part), 2001; Amended Ord. 269 §5(part), 2002; Amended Ord. 309 §12 (part), 2006).

6.09.100 Incarceration Fee. In all actions in which a defendant is sentenced to incarceration in the County Jail, the Court may assess against said defendant an incarceration fee in an amount equal to the sum charged to the Town by Mesa County for such incarceration. (Ord. 259 §1(part), 2001).

6.09.110 Useful Public Service. In all actions in which the Court orders a defendant to perform useful public service, the Court shall assess a fee, in an amount set forth by resolution of the Board of Trustees, against the defendant to defray the costs of monitoring the defendant's compliance with the useful public service. (Ord. 309 §13 (part), 2006).