

**ORDINANCE NO. 30
SERIES 2016**

**AN ORDINANCE AMENDING SECTION 1-9-8 OF THE VAIL TOWN
CODE TO INCREASE COURT COSTS**

WHEREAS, the municipal court costs imposed by Section 1-9-8 of the Vail Town Code have not been amended since 1992; and

WHEREAS, it is necessary to increase court costs to keep pace with the greater administrative and operating expenses associated with operating the municipal court.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Section 1-9-8 of the Vail Town Code is hereby amended as follows:

1-9-8: COURT COSTS:

A. Plea Entered at or Subsequent to Arraignment: The judge shall assess court costs in the amount of ~~fifteen~~ twenty-five dollars ~~(\$15.00)~~ (\$25.00), which shall be assessed against all defendants upon entry of a conviction at or subsequent to arraignment, but the judge may suspend the cost in the interest of justice. No cost shall be assessed when conviction is by a plea of guilty entered by mail pursuant to the penalty assessment procedures set forth in this code.

B. Cost of Witnesses: The judge shall assess against a convicted defendant for all witnesses subpoenaed and appearing at the trial and all witness fees which are required to be paid by the court.

C. Additional Costs: The judge may assess against a convicted defendant any other costs similar to those authorized by state law.

D. Jury Trial: Costs for persons convicted after trial by a jury are ~~thirty~~ fifty dollars ~~(\$30.00)~~ (\$50.00) instead of the ~~fifteen~~ twenty-five dollars ~~(\$15.00)~~ (\$25.00) described by subsection A of this section.

Section 2. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. Retroactivity. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty

imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 4. Repeal. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 18th day of October, 2016 and a public hearing for second reading of this Ordinance is set for the 1st day of November, 2016, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 1st day of November, 2016.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk