MUNICIPAL COURT, CITY OF MONTROSE, STATE OF COLORADO

Administrative Order 2012-10

ADMINISTRATIVE ORDER RE: SCHEDULE OF FINES, ADMINISTRATIVE FEES, SUMMONS, BONDS AND MISCELLANEOUS MATTERS

THIS COURT HERBY ORDERS and establishes the following Schedule of Fines and other Local Court Matters in accordance with its powers as set forth in the City Charter, the City Code, and the Municipal Court Rules of the State of Colorado:

I. BAIL

When court is not in session, persons arrested and detained on charges of violation of the Montrose Municipal Code, may be granted bail pursuant to the following schedule, pending appearance before the Court as directed by the Summons and Complaint or Bail Bond.

1. $300.00 per case for offenses requiring a summons

2. The Clerk of Court may authorize a reduced Bail Bond amount or a Personal Recognizance Bond

3. Upon a warrantless arrest, if the defendant is unable to post a cash/surety bond within the first forty-eight (48) hours of arrest, the jail shall release the defendant on a Personal Recognizance bond; unless the Judge has signed an order finding probable cause for the arrest and detention of the defendant.

II. WAIVER AND GUILTY PLEAS:

1. The Court Clerk may accept written Waiver and Guilty or No Contest Please for any offense, which a Penalty Assessment is provided in this schedule. The total amount of fine shall be due in accordance with a payment approved by the court clerk

2. The City Attorney may enter into a plea agreement in other cases for which no penalty assessment is provided in this schedule and may include other terms and conditions of sentence.

3. The fine amount or other terms and conditions of the Waiver and Guilty plea, if not a penalty assessment amount set forth in this schedule, shall be subject to approval of the City Attorney and the Court. The Court may reject any proposed Waiver and Guilty or No Contest Plea agreement.

4. People who are charged with speeding 10-19 mph over the posted speed limit and choose to plead guilty or no contest on or before the scheduled hearing indicated on the citation, will have the charge amended to speeding 5-9 mph over limit by the Court Clerk. The fine will not be amended.

5. Pursuant to section 1701 of the Model Traffic Code as adopted, for Traffic Offenses for which a penalty assessment amount is provided in this schedule, and

the penalty assessment amount is paid on or before the date provided on the citation, the points assessed for he violation shall be reduced as provided therein.

III. ADMINISTRATION COSTS

1. Bench Warrant Fee: A cost of $100.00 will be assessed against any defendant who has an active bench warrant for non-appearance or failure to comply with a court order.

2. Show Cause Hearing Fee: A cost of $40.00 will be assessed against any defendant who has failed to comply with the sentencing (e.g., fine payment, completing Useful Public Service, or any terms and conditions as ordered) and a Show Cause Hearing is ordered.

3. Extension Fee: A cost of $20.00 will be assessed against any defendant who fails to pay a fine, or fee on or before the due date as ordered by the court: And $20.00 will be assessed for **each time** the due date is extended.

4. Deferred Judgment/Sentence Fee: An administration fee equal to the Penalty Assessment amount as established in the Schedule of Fines, is required for any defendant who is granted a deferred judgment/sentence stipulation. No deferred judgment/sentence fee shall be less than $75.00 for non-Penalty Assessment violations.

5. Useful Public Service Fee: An administration fee of $100.00 is required for any defendant who is sentenced to perform useful public service, under the administration of the City of Montrose, Useful Public Service Coordinator.

6. **O**utstanding **J**udgment **W**arrant / Default Fee: A $30.00 **OJ/W** administration fee will be assessed against any defendant who fails to satisfy a money judgment or fails to appear for a traffic violation who resides in the State of Colorado, and a Revocation, Denial and/or Default is placed on his/her drivers license. This court will not clear the OJ/W Revocation, Denial and Default until this fee and any other applicable fines and fees have been paid.

7. Non Resident Violators Compact Fee: A $100.00 NRVC administration fee will be assessed against any defendant who fails to satisfy a money judgment or fails to appear for a traffic violation who resides in a Compact State other than Colorado. Failure to comply with the requirements of the citation will be reported to the Driver License Office of the home state with a request to suspend the Driverôs License until the requirements of the citation and this fee and any other applicable fines and fees have been paid.

8. Court Cost: $10.00 will be assessed in all cases requiring a court appearance.

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

MTC/MC Section #	Description of Charge	Fine $	Points	Com Code
	EQUIPMENT			
201.1	Number of Persons in Front Seat of Vehicle Obstructed Vision	$70.00	0	450
201.4	Obstructed Vision Glass in Vehicle Did Not Permit Normal Vision	$70.00	0	452
202	Defective or Unsafe Vehicle	$90.00	0	542
204	Fail to Display Lights When Visibility less than 1,000ô	$90.00	2	610
205	Head Lamps on Motor Vehicles Required	$70.00	0	612
206	Vehicle With Defective, Improper or No Tail Lamps & Reflectors/License Plate Light	$70.00	0	615
208	Vehicle With No Signaling Device Required	$70.00	0	624
209	No Red Light/Flag on Projecting Load	$70.00	0	543
217	Fail to Dim Lights	$90.00	0	632
221	Improper Bicycle Equipment	$70.00	0	931
223	Inadequate Brakes	$90.00	2	548
224	Vehicle with Defective or No Horn	$70.00	0	550
225	Defective Muffler	$70.00	0	552
227	Hanging Objects or Other Obstructions to Vision	$70.00	0	458
228.5a	Improper/Unsafe Tires	$70.00	0	556
232	Eye Protection Required ï Motorcycles/Motor Driven Cycles	$70.00	0	161
233	Alteration of Suspension System	$70.00	0	564
234	Slow Moving Vehicles/Display Emblem ï Required	$70.00	0	565
236	Lack of Child Restraint System	$105.00	0	574
237	Failure to Use Safety Belt System	$70.00	0	575
	MOTORIZED BICYLE / ATV / TOY VEHICLE / ROLLER SKATES / SKATEBOARD			
109	Unlawful Operation of Motorized Bicycle, Animal Drawn Conveyance, ATV, Toy Vehicle	$70.00	0	901
109.9	Unlawful Use of Roller Skates, etc., on Roadway	$70.00	0	909
MC 6-1-25	Skateboarding Where Prohibited	$70.00	0	
	SIZE-WEIGHT-LOAD			
106.3	As amended by local Ordinance MC 10-1-1G Use of Streets **NO ROAD DAMAGE**	$80.00	0	530
106.3	As amended by local Ordinance MC 10-1-1G Use of Streets **WITH ROAD DAMAGE**	Summons	0	530

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

MTC/MC Section #	Description of Charge	Fine $	Points	Com Code
502	Width of Vehicles	$70.00	0	510
503	Projecting Loads on Passenger Vehicles	$70.00	0	528
504	Height and Length of Vehicles Exceed 13ô	$70.00	0	518
504.4	Vehicle Combinations	$70.00	0	521
506	Trailers and Towed Vehicles	$70.00	0	473
507	Wheel and Axle Loads Specified Weight	$70.00	0	522
512	Liability for Damage to Highway	Summons	0	495
	SIGNALS-SIGNS-MARKINGS			
603	Failure to Observe Official Traffic Control Device	$110.00	4	300
604.1c	Violation of Steady Red Light	$110.00	4	304
604.1c.IA	Failed to Yield Right of Way Right Turn on Red Signal	$100.00	3	370
604	Violation of Flashing Signal Light	$110.00	4	310
606	Display of Unauthorized Signs or Devices	Summons	0	311
607	Interference with Official Device	Summons	0	312
612	Fail to Proceed with Caution when Traffic Control Malfunctioning	$110.00	4	320
614	Speeding in Construction Zone Fine Doubled *Must also indicate the Speeding Charge Code Number			
615	Moving Traffic Violations in School Zone Fines Doubled *Must also indicate the Moving Traffic Violation Code Number			
	RIGHTS-OF-WAY			
701	Fail to Yield ROW ï Approaching Intersection	$100.00	3	371
702	Failed to Yield ROW ï Turning Left in Front of Approaching Traffic	$100.00	3	278
703	Disregard Stop Sign	$110.00	4	319
703.3	Fail to Yield ROW ï At Stop Sign	$100.00	3	373
703.4	Fail to Yield ROW ï At Yield Sign	$100.00	3	374
705	Fail to Yield ROW ï To Emergency Vehicle	$110.00	4	375
706	Obedience to Railroad Signal	$110.00	4	315
707	School Bus/Commercial Vehicle ï Failed to Stop Railroad Crossings	$110.00	4	317
708	Unlawful Moving Heavy Equipment at Railroad Grade Crossing	$70.00	0	318
709	Fail to Stop when Traffic Obstructed	$100.00	0	952
710.1	Fail to Yield ROW ï To Pedestrian when Emerging from Alley or Driveway	$110.00	4	378
710.2	Fail to Yield ROW ï To Pedestrian when Entering and Alley or Driveway	$110.00	4	378
710.3	Driving on Sidewalk	$100.00	3	166
712	Fail to Yield ROW ï Highway Work Areas	$100.00	3	382
1201	Improper Starting from Parked Position	$100.00	3	144

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

MTC/MC Section #	Description of Charge	Fine $	Points	Com Code
1211.1	Unsafe Backing in Parking Area	$90.00	2	153
1211.2	Unsafe Backing on Shoulder or Roadway	$90.00	2	154
	PEDESTRIANS			
801	Pedestrian Disregard Traffic Control Device	$90.00	0	401
802.1	Driver Failed to Yield ROW ï To Pedestrian in Crosswalk	$110.00	4	376
802.3	Unlawful Crossing of Roadway by Pedestrian	$70.00	0	407
802.5a	Driver Failed to Yield ROW ï To Pedestrian at Walk Signal	$110.00	4	377
803	Pedestrian Failed to Yield ROW ï To Vehicle Outside of Crosswalk	$70.00	0	402
805.1	Pedestrian/Wheelchair Unlawful Walking or Traveling upon Roadway	$70.00	0	408
805.2	Pedestrian Unlawful Solicitation of Ride on Roadway	$70.00	0	404
805.3	Pedestrian Under the Influence on Roadway	Summons	0	803
805.8	Pedestrian Failed to Yield ROA to Emergency Vehicle	$110.00	0	410
807	Driver Failed to Exercise Due Care for Pedestrian	$110.00	4	381
808	Failed to Yield ROW ï To Disabled Person	Summons	6	380
MC 10-1-10	Playing in the Street ï First Offense	$70.00	0	
MC 10-1-10	Playing in the Street ï Second Offense	Summons	0	
MC 10-1-13(A)	Obstructing Roadway ï First Offense	$70.00	0	
MC 10-1-13	Obstructing Roadway ï Second Offense	Summons	0	
	TURNING AND STOPPING			
901.1a	Improper Right Turn	$100.00	3	274
901.1b	Improper Left Turn	$100.00	3	273
901.1c	Improper Use of Two-Way Left Turn	$100.00	3	280
902.1	Improper U-Turn at a Dangerous Location	$100.00	3	277
902.2	Made Unsafe U-Turn	$100.00	3	277
902.3	Made U-Turn Where Prohibited	$100.00	3	270
903.1	Failure/Improper Signal for Turn	$90.00	2	434
903.2	Failed to Signal at Sufficient Distance Before Turn	$90.00	2	432
903.3	Failed to Signal for Stop	$90.00	2	435
903.4	Improper Use of Signals	$70.00	2	433
	DRIVING-OVERTAKING-PASSING			
1001.1	Failure to Drive on Right Half of Roadway	$110.00	4	252
1001.2	Improper Lane Usage ï Impeding Traffic	$110.00	4	250
1001.3	Driving on Left Side of Roadway Having 4 or More Lanes	$110.00	4	251
1002	Failure to Pass to Right of Oncoming Traffic	$110.00	4	190

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

MTC/MC Section #	Description of Charge	Fine $	Points	Com Code
1003.1a	Improper Passing ï Overtaking Vehicle on Left	$110.00	4	192
1003.1b	Driver Failed to Give Way When Overtaken	$100.00	3	193
1004.1	Improper Passing ï Overtaking Vehicle on Right	$110.00	4	194
1005	Improper Passing ï Pass on Left when Not Clear to Traffic	$110.00	4	195
1006.1	Drove Wrong Way on One-Way Street or Roadway	$100.00	3	254
1007.1a	Fail to Drive in a Single Lane (Weaving) / Unsafe Lane Change	$100.00	3	223
1008.1	Following Too Closely	$110.00	4	142
1008.3	Following Too Closely in Motorcade	$110.00	4	143
1010.1	Unlawful Crossing Median	$110.00	4	227
1010.2a	Improper Entry onto Controlled Access Roadway	$110.00	4	228
1010.2b	Improper Use of Acceleration Lane	$100.00	3	152
1010.2c	Improper Use of Deceleration Lane	$100.00	3	152
	SPEED REGULATIONS			
1101	Absolute Speed Limits Pursuant to Local Ordinance MC 10-1-2			
1101.1a	Speeding 1-4 mph over Posted Speed Limit	$70.00	0	020
1101.1b	Speeding 5-9 mph over Posted Speed Limit	$80.00	1	004
1101.1c	Speeding 10-19 mph over Posted Speed Limit	$110.00	4	005
1101.1d	Speeding 20-39 mph over Posted Speed Limit	Summons	6	006
1101.1e	Speeding 40 + over Posted Speed Limit	Summons	12	016
1101.2	Speed too Fast for Conditions	$100.00	3	007
1103	Impeding Normal Flow of Traffic	$100.00	3	008
1105.1	Speed Contest	Summons	12	001
1105.2	Speed Contest, Aid and Abet	Summons	12	010
	PARKING			
1202	Parking or Abandonment of Vehicles	$10.00	0	350
1204.1a	Parking on Sidewalk	$10.00	0	353
1204.1b	Parking within an Intersection	$10.00	0	353
1204.1c	Parking on Crosswalk	$10.00	0	353
1204.1i	Parking on Controlled-Access Highway	$10.00	0	
1204.2a	Parking within five (5) Feet of Public or Private Driveway	$10.00	0	
1204.2b	Parking within Fifteen (15) feet of Fire Hydrant	$10.00	0	
1204.2c	Parking within Twenty (20) Feet of a Crosswalk at an Intersection	$10.00	0	

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

MTC/MC Section #	Description of Charge	Fine $	Points	Com Code
1204.2d	Parking within Thirty (30) Feet of Traffic Sign or Signal	$10.00	0	
1204.3b	Overtime Parking ï Where Official Signs Prohibit Parking / Overtime or Permit Only	$10.00	0	
1205.1	Parking More than Twelve (12) Inches from Curb	$10.00	0	356
1205.2	Parking on Wrong Side of Road	$10.00	0	355
1206	Parking Vehicle on Grade without Setting Brakes	$10.00	0	358
1207	Unsafe Opening Vehicle Doors into Lane of Traffic	$10.00	0	916
1208	Unlawful Use of Designated Disability Parking Space	$50.00	0	362
MC 10-1-11.1A	Parking Outside of Marked Spaces	$10.00	0	
MC 10-1-11.b	Parking in Alleys	$10.00	0	
MC 10-1-11.C1	Parking Prohibited Unlawful Display Vehicle for Sale	$10.00	0	
MC 10-1-11.C2	Parking Prohibited Unlawful Washing, Greasing, Painting, Repair	$10.00	0	
MC 10-1-11.C3	Parking Prohibited Unlawful Display of Advertising	$10.00	0	
MC 10-1-11.D	Parking without Sufficient Clearance Between Vehicles	$10.00	0	
MC 10-1-11.E	Parking Next to Yellow Curb	$10.00	0	
MC 10-1-12	Restriction on the Parking and Storage of Large Commercial Vehicles	$80.00	0	
	RECKLESS, CARELESS, NO INSURANCE, ELUDING			
1401	Reckless Driving	Summons	8	140
1402	Careless Driving	$110.00	4	141
1409	Failed to Provide Proof of Compulsory Insurance	Summons	4	957
1413	Eluding or Attempting to Elude a Police Officer	Summons	12	011
	OTHER OFFENSES			
107	Disregarded Police Officer	$100.00	3	900
108	Public Officers to Obey Provisions	Summons	0	
1403	Following Fire Apparatus Prohibited	$100.00	3	149
1404	Crossing Fire Hose	$70.00	0	150
1405	Riding in Trailer	$70.00	0	156
1408	Unlawful Operations of Motor Vehicle in Recreation District	$70.00	0	
1411	Unlawful Use of Headset (earphones)	$70.00	0	467
1414	Moving Construction Related Equipment	$70.00	0	
1415	Use of Dyed Fuel on Highways Prohibited	$50.00	0	710

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

MTC/MC Section #	Description of Charge	Fine $	Points	Com Code
MC 10-1-14	Violation Funeral Procession Requirements	$70.00	0	
	SPILLING LOADS / DAMAGING HIGHWAY			
1407	Spilling Load on Highway	$70.00	0	494
MC 10-1-9A	**First Offense** ï Deposit Dangerous Materials, Glass, Bottles, Nails or Any Similar Substance	$80.00	0	
MC 10-1-9A	**Second Offense -** Deposit Dangerous Materials, Glass, Bottles, Nails or Any Similar Substance	$120.00	0	
MC 10-1-9A	**Third Offense -** Deposit Dangerous Materials, Glass, Bottles, Nails or Any Similar Substance	Summons	0	
MC 10-1-9B	**First Offense –** Deposit Dangerous Materials, Lighted or Burning Substance	$80.00	0	
MC 10-1-9B	**Second Offense -** Deposit Dangerous Materials, Lighted or Burning Substance	$100.00	0	
MC 10-1-9B	**Third Offense -** Deposit Dangerous Materials, Lighted or Burning Substance	Summons	0	
MC 10-1-9C	**First Offense –** Deposit Dangerous Materials, Failure to Remove Substance	$80.00	0	
MC 10-1-9C	**Second Offense -** Deposit Dangerous Materials, Failure to Remove Substance	$100.00	0	
MC 10-1-9C	**Third Offense -** Deposit Dangerous Materials, Failure to Remove Substance	Summons	0	
	BICYCLES			
1412	Unlawful Operation of Bicycles	$70.00	0	924
1412.12	**First Offense –** Bicycles Prohibited by Official Signs as adopted MC 10-1-1(H)	$70.00	0	
1412.12	**Second Offense -** Bicycles Prohibited by Official Signs as adopted MC 10-1-1(H)	Summons	0	
	MOTORCYCLES			
1502	Improper Riding on Motorcycle	$100.00	3	157
1503	Unlawful Operation Motorcycle on Roadway	$100.00	3	226
1504	Unlawful Clinging to Other Vehicles	$100.00	3	158
	SCHOOL BUSES			
1903.1	Passed Stopped School Bus with Flashing Lights	Summons	6	420
1903.2	Failure of School Bus Driver to Comply with School Bus Laws	$90.00	2	422
1903.5	Illegal School Bus Stop	$100.00	3	421

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

Municipal Code	Description of Charge	Fine $
	ALCOHOL / DRUG OFFENSES	
5-12-3.A	Unlawful Consumption of Alcohol in Public Places	$120.00
5-12-3.B	Unlawful Possession of Alcohol in Public Places	$120.00
5-12-3.C	Unlawful Allowing Consumption, Possession of Alcohol in Public	$120.00
5-12-3.D	Unlawful Consumption, Possession, Purchasing of Alcohol Under 21	Summons
5-12-3.E	Unlawful Providing, Selling, Distributing Alcohol to Under 21	Summons
6-1-6.B	Possession of Cannabis Under 21	$100.00
6-1-6.C.3	Possession of Drug Paraphernalia	$100.00
6-1-27	**First Offense -** Underage Possession of Tobacco	$60
6-1-27	**Subsequent Offenses –** Underage Possession of Tobacco	Summons
	ANIMAL CONTROL	
6-2-2	Rabies Control (1st Offense)	$70.00
6-2-2.A	Licensing of Dogs Required	$70.00
6-2-3	Animal Attacks	Summons
6-2-4	Limit on Dogs and Cats	Summons
6-2-6	**First Offense –** Running at Large	$70.00
6-2-7	**First Offense –** Poultry Running at Large Prohibited	$70.00
6-2-8	Releasing Restrained Animals Prohibited	Summons
6-2-9	Dangerous Animals	Summons
6-2-10	Cruelty to Animals	Summons
6-2-11	**First Offense -** Nuisance ï Any Animal to Become or Create a Nuisance	$70.00
6-2-12	Female Animals in Heat	$70.00
6-2-13	Farm Livestock in City	Summons
6-2-15	Unlawful Interference with Police Dogs	Summons
	LICENSES REQUIRED / PEDDLERS PROHIBITED	
5-6-2	No Transient Merchantôs License	Summons
5-7-1	Peddlers Prohibited (Door to Door Salesman)	$120.00
5-11-1	No Pawn Broker License	Summons
5-15-3	No Sales Tax License	Summons
	MISCELLANEOUS OFFENSES	
6-1-7	Petty Theft under $1000	Summons
6-1-8	Shoplifting under $1000	Summons
6-1-9	Destruction of Property Under $400	Summons
6-1-10	Unlawful Entry	Summons
6-1-11	Trespassing	$120.00
6-1-12	Window Peeping	Summons
6-1-13.A	Discharge of Guns Prohibited ï Spring, Air, Pellet or BB Gun	$70.00
6-1-13	Discharge of Guns Prohibited ï Other than Spring, Air, Pellet or BB Gun	Summons

MONTROSE MUNICIPAL COURT FINE SCHEDULE 2012-10

Municipal Code	Description of Charge	Fine $
	MISCELLANEOUS OFFENSES CONTINUED	
6-1-14.A	Disorderly Conduct ï Fight with Another	Summons
6-1-14.B	Disorderly Conduct ï Display a Deadly Weapon	Summons
6-1-14.C	Disorderly Conduct ï Repeatedly Taunt or Challenge (1st Offense)	$120.00
6-1-14.D	Disorderly Conduct ï Obscene Gesture (1st Offense)	$120.00
6-1-14.E	Disorderly Conduct ï Strike, Shove, Kick	Summons
6-1-15	Indecent Conduct	$120.00
6-1-16	Interference with an Officer	Summons
6-1-18	Resisting Arrest	Summons
6-1-19	False Identification	Summons
6-1-20	Swimming Prohibited	$60.00
6-1-21	Unreasonable Noise	$120.00
6-1-22	Avoiding Payment of Admission Fees	$70.00
6-1-24	Tampering with Utility Facilities	Summons
6-1-26	Loitering (Juvenile)	$60.00
6-1-28.C	Graffiti Prohibited Acts: Defacement	Summons
6-1-28.C1.a	Graffiti: Possession of Graffiti Implements Near School Facilities	Summons
6-1-28.C1.b	Graffiti: Possession of Graffiti Implements Designated Public Places	Summons
6-1-28.D1	Graffiti: Furnishing Graffiti Implements to Minors	Summons
6-1-28.D2.a	Graffiti: Accessibility to Graffiti Implements Signage Required Retail Establishments	Summons
6-3-1.A	Litter or Junk Thrown Public or Private Property	$120.00
6-3-1.B	Litter or Junk Thrown from Motor Vehicle	$120.00
6-3-2	Storage of Litter	Summons
6-3-3	Keeping of Junk	Summons
6-4-1	Nuisances Prohibited ï Nuisance on Premises	Summons
6-5-1	Violation of Weed Control	Summons
9-4-1	Removal of Snow and Ice	Summons
	SMOKING PUBLIC PLACES	
8-2-2	Smoking Prohibited	$300.00
8-2-4	Posting of Signs Concerning Smoking	$300.00

All previous Schedule of Fines and Orders of the Court dealing with the matters contained herein are hereby superseded.

DONE BY THE COURT THIS _____ DAY OF _____, 2012.

_____
Richard J. Brown
Municipal Judge

(Seal)