

**TOWN OF ERIE**  
**ORDINANCE NO. 4-2020**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE AMENDING CHAPTER 4 OF TITLE 1 OF THE ERIE MUNICIPAL CODE, RELATED TO SURCHARGE.**

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:**

Section 1. Section 1-4-9 of the Erie Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

**1-4-9: COURT SURCHARGE**

A. A court surcharge in the amount of \$30.00 shall be assessed in every case cited into the Erie Municipal Court that results in a conviction (whether by a pre-trial entry of a plea of guilty or *nolo contendere*, or a finding of guilty after trial), deferred judgment or mail-in point reduction.

B. The surcharge shall be paid to the Clerk of the Court by the defendant. The Clerk shall transmit the monies to the Town Finance Department to be used exclusively for the following purposes: the primary use shall be for the operation of the Erie Restorative Justice Program; \$5.00 of the surcharge collected in each municipal court case shall be designated for the Sentencing Fund of the Court to cover incarceration costs, funding of specific classes and in-home detention for indigent defendants; and any remaining balance shall be used to fund general Court and police programs.

C. The surcharge levied may only be suspended upon the Court finding that the defendant is indigent.

D. The surcharge levied pursuant to this Section is separate and distinct from the costs levied pursuant to Section 1-4-8 of this Chapter.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid..

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.


Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 14<sup>th</sup> day of January, 2020.**

**ATTEST:**

  
Joanne Salser, Deputy Town Clerk



  
Jennifer Carroll, Mayor

  
Geoff Denton  
Mayor Pro Tem