

**TOWN OF EMPIRE,
COLORADO**

ORDINANCE 278

**AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO IMPLEMENTING
A SURCHARGE SCHEDULE FOR VIOLATIONS OF ORDINANCE 276 AND
THE MODEL TRAFFIC CODE, AND AMENDING ORDINANCE 222 FOR THE
“PUBLIC SAFETY FUND” AND THE “PUBLIC SAFETY VEHICLE FUND”
SURCHARGES**

WHEREAS, on May 20, 2025, the Empire Board of Trustees passed Ordinance 276 adopting the 2024 edition of the “Model Traffic Code for Colorado”, and simultaneously adopted modified penalty schedule for traffic violations as defined therein; and

WHEREAS, the Municipal Court Judge sets the fines for violations of the “Model Traffic Code for Colorado” by schedule, as provided for in Part 17, Section 1701 of the Code, and C.M.C.R. 210(b)(4); and

WHEREAS, on February 10, 2009, the Empire Board of Trustees passed an Amendment to Ordinance 222 adding a surcharge to the Town of Empire’s schedule of fines (the “Traffic Calming Surcharge”), along with the Traffic Calming Fund, which is funded by the surcharge, to create a traffic calming program within the Town, which included facility and signage components; and

WHEREAS, on October 11, 2011, the Empire Board of Trustees passed a second Amendment to Ordinance 222 revising a previously implemented surcharge for the Town of Empire’s schedule of fines (the “Public Safety Surcharge”), along with the Public Safety Fund (“PSF”), which is funded by the surcharge, to provide for training and compensating of Police Officers and the acquisition of equipment and/or services necessary for the delivery of Police services; and

WHEREAS, also on October 11, 2011, the Empire Board of Trustees replaced the “Traffic Calming Surcharge” along with the Traffic Calming Fund, with a “Public Safety Vehicle Surcharge” along with the Public Safety Vehicle Fund (“PSVF”), funded by the amounts remaining in the former Traffic Calming Fund and by funds collected by the “Public Safety Vehicle Surcharge” for the Public Safety Vehicle Fund (“PSVF”), to provide for the implementation and acquisition of vehicles and related equipment necessary for the Town to monitor Traffic; and

WHEREAS, the Empire Board of Trustees now seeks to set a fixed percentage surcharge amount for both the “Public Safety Surcharge” and the “Public Safety Vehicle Surcharge” as set by the Municipal Court Judge.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE, COLORADO as follows:

Section 1. *Schedule* Two surcharges shall be assessed, each at 20% of the ticket fine amount, in addition to penalties assessed by the Court, for violations of the “Model Traffic Code of Colorado” and Ordinance 276 upon finding of guilt, entry of guilt, settlement of charges, pleas of Nolo Contendere, or default. Said surcharges shall not be waived or otherwise set aside. One 20% surcharge shall be assessed to the Public Safety Fund (“PSF”) and the other 20% surcharge shall be assessed to the Public Safety Vehicle Fund (“PSVF.”)

Section 2. *Surcharges doubled* Whenever a fine is doubled as specified in Sections 614 or 615 of the Model Traffic Code of Colorado, the surcharge shall also be double the amount specified in Section 1 of this Ordinance.

Section 3. *Validity* If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Empire Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid.

Section 4. *Repeal* Existing ordinances or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance. Existing Ordinances or parts of Ordinances regulating traffic that are not inconsistent with the provisions of this Ordinance are not repealed, and shall remain in full force and effect.

Section 5. *Interpretation* This Ordinance shall be so interpreted and construed as to effectuate its general purpose of conforming to the States system for the assessing surcharges on violations of traffic regulations. Article and Section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 6. *Certification* The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Ordinance available for inspection by the public during regular business hours.

INTRODUCED AND PASSED ON FIRST READING APRIL 15, 2025

INTRODUCED, READ, PASSED, FINAL ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY REFERENCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN OF EMPIRE, COLORADO UPON THE AFFIRMATIVE VOTE OF NOT LESS THAN THREE-FOURTHS (3/4) OF

**THE MEMBERS OF THE EMPIRE BOARD OF TRUSTEES
ON _____.**

TOWN OF EMPIRE, COLORADO

Mayor Wendy Koch

ATTEST:

Deputy Town Clerk Lisa Kunze

Town of Empire Municipal Court
303-569-2978

Fine Schedule ORDER
(as adopted May 20th, 2025)

This Fine Schedule is authorized and published by this Court Order and shall be posted at the Empire Town Hall pursuant to Colorado Municipal Court Rule 210(b)(1)-(5). Pursuant to CRS 13-10-113(1) the Empire Municipal Court is a court of record and for general offenses, any person convicted of violating a Municipal Ordinance may be incarcerated for a period not to exceed 364 days fined an amount not to exceed \$2650, or both on each charge.

The following are the costs, surcharges and fees that the Court may apply:

Court costs if found guilty, pleads to no contest or guilty after mail in period, if any.	\$25
Surcharge as set by Town	20%
Deferred Judgment and sentence fee	\$45
Active condition fee (class, Useful Public Service, or other condition)	\$45
OJW/Penalty Assessment Fee	\$30
Warrant Fee	\$25
Jury Request Fee	\$25
Show Cause Fee	\$25

Mandatory Court Appearance

A defendant must appear if the defendant's case meets any of the following criteria:

1. Any traffic offense for which 6 or more points could be assessed against the defendant's driving record except speeding less than 24 mph over the speed limit;
2. Any traffic accident resulting in damage exceeding \$1000 or resulting in injury or death;
3. Careless Driving;
4. Driving Under Restraint;
5. Compulsory Insurance Required;
6. Exhibition of Speed or Speed Contest;
7. School Zone and Construction Zone Violations;
8. All criminal and code enforcement violations;
9. All charges against a defendant who is a juvenile. NOTE: A parent or guardian must accompany juvenile to all court appearances.

If aggravating circumstances exist, an officer may require mandatory appearance for any charge.

The Empire Court Clerk and the Empire Town Clerk are authorized to assess fines and costs in accordance with this Fine Schedule for violations that do not require a mandatory appearance.

Traffic Fine Schedule

The Court will generally assess the following fines:

Original Point Assessment	Fine
0 point ticket	\$40 plus surcharge
1 point ticket	\$60 plus surcharge
2 point ticket	\$90 plus surcharge
3 point ticket	\$120 plus surcharge
4 point ticket	\$150 plus surcharge
5 point ticket	\$180 plus surcharge
6 point ticket	\$210 plus surcharge

Fines will be based upon the original charge. Fines will be doubled for violations which occurred in a construction or school zone.

At the time of sentencing and based upon the Judge's discretion, fines may be increased or decreased depending upon mitigating and aggravating factors.

If the defendant fails to appear after a Show Cause Notice has been sent to the defendant, and the violation is a 4 point or lower offense or if the violation is a 6 point speed not more than 24 miles per hour over the posted speed limit, it will be reported to DMV as a Default Judgment, not as a warrant.

Driving without Compulsory Insurance will generally result in the following:

- 1st offense in 5 years - \$500 fine plus surcharge; a reduction may occur if proof of current insurance is provided.
- 2 or more offenses within 5 years - \$1000 fine plus surcharge.
- If a defendant fails to appear at the arraignment for Driving Without Compulsory Insurance, a warrant will be issued for the defendant's arrest.