

1 **CITY OF LITTLETON, COLORADO**

2  
3 **ORDINANCE NO. 40**

4  
5 **Series, 2014**

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7 **INTRODUCED BY COUNCILMEMBERS:**

8  
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**  
10 **COLORADO, ADDING SECTION 1 OF CHAPTER 12 OF**  
11 **ARTICLE 6 TO THE CITY CODE TO ESTABLISH AN**  
12 **ELECTRONIC CITATION SURCHARGE.**

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14 **WHEREAS**, the city council funded the implementation of an electronic citation  
15 program as part of the 2013 budget;

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17 **WHEREAS**, the city council directed staff to investigate the establishment of a  
18 surcharge to cover the majority of the costs associated with the electronic citation program;

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20 **WHEREAS**, staff has analyzed implementation costs and expected on-going  
21 costs related the electronic citation program and evaluated those costs against the estimated  
22 annual revenue likely to be generated by the surcharge; and

23  
24 **WHEREAS**, city council has determined that establishment of the surcharge to  
25 recoup the costs associated with hardware and software deployment and maintenance is in the  
26 best interest of the citizens of Littleton;

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28 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
29 **THE CITY OF LITTLETON, COLORADO, THAT:**

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31 **Section 1:** The Littleton City Code is hereby revised with the addition of a new  
32 chapter 12 in article 6:

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34 6-12-1: Electronic Citation Surcharge

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36 (A) A \$6.75 surcharge is hereby levied on every violation of this code occurring  
37 on or after January 1, 2015 and resulting in a conviction, a deferred prosecution, a deferred  
38 judgment and sentence, or a plea of guilty or nolo contendere. However, no more than one  
39 surcharge shall be assessed per ticket or citation.

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41 (B) This surcharge shall be mandatory and be in addition to any other surcharge,  
42 fine, or cost imposed by this code or court. The surcharge levied by this section may not be  
43 suspended or waived by the court unless the court determines that the defendant is indigent.

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45 (C) This surcharge shall be paid to the court clerk who shall deposit the same into  
46 the general fund for the City of Littleton, provided, however, the amount of the surcharge shall  
47 be commensurate with the cost of deploying and maintaining the hardware and software and  
48 other related costs required to issue citations electronically.

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1                   **Section 2:** Severability. If any part, section, subsection, sentence, clause or  
2 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the  
3 validity of the remaining sections of this ordinance. The City Council hereby declares that it  
4 would have passed this ordinance, including each part, section, subsection, sentence, clause or  
5 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,  
6 clauses or phrases may be declared invalid.  
7

8                   **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in  
9 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the  
10 repealer clauses of such ordinance nor revive any ordinance thereby.  
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13                   INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council  
14 of the City of Littleton on the 2nd day of December, 2014, passed on first reading by a vote of 7  
15 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the  
16 Municipal Courthouse and on the City of Littleton Website.

17                   PUBLIC HEARING on the Ordinance to take place on the 16th day of December,  
18 2014, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,  
19 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

20                   PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR  
21 and \_\_\_\_\_ AGAINST on the 16th day of December, 2014 and ordered published by posting at  
22 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

23 ATTEST:

24 \_\_\_\_\_  
25 Colleen L. Norton  
26 ACTING CITY CLERK  
27

\_\_\_\_\_  
Phil Cernanec  
PRESIDENT OF CITY COUNCIL

28 APPROVED AS TO FORM:  
29  
30

31 \_\_\_\_\_  
32 Kristin Schledorn  
33 CITY ATTORNEY