



ORDINANCE NO. 2117

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA ESTABLISHING A FEE SCHEDULE FOR THE BOZEMAN MUNICIPAL COURT.

WHEREAS, pursuant to its [Charter](#), the Montana Constitution, and state law, the City may exercise any power not prohibited by the constitution, law or charter and neither the Montana Constitution, state law, or the City Charter prohibits the City Commission from adopting this Ordinance; and

WHEREAS, pursuant to Sec. 4.05 of the City of Bozeman's Charter, there shall be a municipal court as prescribed by state law; and

WHEREAS, pursuant to §25-1-201, MCA and §25-31-112, MCA specific fee schedules are set for district courts and justice courts respectively; and

WHEREAS, pursuant to §25-30-102 (1)(a), MCA, fees in municipal court must be the same as the fees and fines provided by law or ordinance, and must be paid to into the city treasury; and

WHEREAS, pursuant to §44-5-301 (2)(a), MCA, a reasonable charge may be made by a criminal justice agency for providing a copy of public criminal justice information; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

That the following new Section 22.01.150 is added to Chapter 22 of the Bozeman Municipal Code:

Sec. 22.01.150 Fee Schedule.

The city commission may set a fee schedule for the Bozeman Municipal Court by resolution. The clerk of municipal court shall collect and deposit fees with the city treasury.

Section 2

The following is the fee schedule for the Bozeman Municipal Court. The following may be amended, superseded or repealed by resolution of the city commission. The clerk of municipal court shall collect and deposit the following fees with the city treasury:

A. At the commencement of an action including expungements pursuant to §16-12-113, MCA, a filing fee of \$120.00. No fee shall be assessed for the commencement of orders of protection, criminal cases, or municipal infractions.

B. Upon the request for any records within the municipal court's possession, the following fees shall be assessed:

- (i) General copies: \$1.00 per page for first 10 pages; \$0.50 per page there-after;
- (ii) Certified copies: \$2.00 per document certified;
- (iii) Background search: \$2.00 per name, per year up to 7 years; \$1.00 per name each for additional year.
- (iv) Audio recording: \$25.00 per disc.

C. Postage costs of \$2.00.

A party commencing an action or requesting records who desires to proceed without payment of the required fee shall file a Statement of Inability to Pay Court Fees. The request to proceed without payment of fees must be approved by a municipal judge before fees will be waived.

Section 3

State law superseded.

Pursuant to the city's self-government powers, Section 25-30-102(1)(b), MCA, addressing municipal court fees not exceeding fees authorized for justice court is hereby superseded. All subsequent actions of the city commission pursuant to Section 1 supersede state law. All other applicable provisions of state law not in compliance with this division are hereby superseded.

Section 4

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this ordinance shall remain in full force and effect.

Section 6

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 7

Codification Instruction.

The provisions of Section 1 shall be codified as appropriate in Chapter 22 of the Bozeman Municipal Code.

Section 8

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

Ordinance 2117, Municipal Court Fee Schedule

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 28th day of June, 2022.

DocuSigned by:



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CYNTHIA L. ANDRUS

Mayor

ATTEST:

DocuSigned by:



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MIKE MAAS

City Clerk

DocuSigned by:



FINALLY PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, on second reading at a regular session therefor held on the 12th day of July 2022.

DocuSigned by:



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CYNTHIA L. ANDRUS

Mayor

ATTEST:

DocuSigned by:



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MIKE MAAS

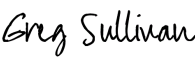
City Clerk

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APPROVED AS TO FORM:

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GREG SULLIVAN

City Attorney