

TOWN OF ARRIBA, COLORADO

ORDINANCE NO. 144

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF ARRIBA, COLORADO, REPEALING AND REENACTING ORDINANCE NUMBER 115 AND ESTABLISHING THE MUNICIPAL COURT AS A QUALIFIED MUNICIPAL COURT OF RECORD; ESTABLISHING THE PROCEDURE FOR THE EMPLOYMENT, RETENTION, AND REMOVAL OF A MUNICIPAL JUDGE; INCORPORATING THE DUTIES OF A MUNICIPAL COURT CLERK WITHIN THE RESPONSIBILITIES OF THE TOWN CLERK; AND PROVIDING FOR THE EMPLOYMENT OF AN ENFORCEMENT OFFICER.

WHEREAS, the Town of Arriba, in the County of Lincoln and the State of Colorado, previously enacted Ordinance Number 115 to establish a Municipal Court;

WHEREAS, Ordinance Number 115 does not establish a qualified municipal court of record; and

WHEREAS, the Town of Arriba desires to repeal and reenact Ordinance Number 115 in order to establish a qualified municipal court of record.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO, THAT:

Section 1. Municipal Court

- 1.1 There is hereby created a Municipal Court to hear and decide all issues relating to the enforcement of the Ordinances of the Town of Arriba, Colorado and Statutes of the State of Colorado, when applicable.
- 1.2 All actions previously taken by the Municipal Court, through its judge and officers of the court are herein ratified and given full effect of the law.
- 1.3 Municipal Court proceedings shall be on a set date each month, such date to be set by a resolution of the Board of Trustees of the Town of Arriba, Colorado, on an annual basis, published and posted.
- 1.4 Verbatim records of all proceedings and evidence at trials of all cases coming before the Municipal Court shall be kept by either electric devices or stenographic means.
- 1.5 Procedures, fines, and penalties as imposed by the Municipal Court shall be in accordance with the Colorado Rules of Procedure for Municipal Courts, the applicable Ordinances of the Town of Arriba, Colorado, and Colorado Revised Statutes 13-10-111, 13-10-112, and 13-10-113.

Section 2. Municipal Judge

2.1 One (1) Municipal Judge shall be appointed to serve as judge for two-year terms, subject to reappointment by the Board of Trustees of the Town of Arriba, Colorado. The appointment and removal of the Judge shall be governed by the Colorado Revised Statutes 13-10-105 and 13-19-106.

2.2 In addition to any qualifications, any Municipal Judge appointed under this Ordinance shall be admitted to and currently licensed to practice law in the State of Colorado.

2.3 The salary of the Municipal Judge shall be set by a resolution of the Board of Trustees of the Town of Arriba, Colorado, in its annual appropriation for each two-year term prior to reappointment.

Section 3. Municipal Court Clerk

3.1 The Town Clerk shall also serve as the Municipal Court Clerk and shall receive no additional salary.

Section 4. Enforcement Officer

4.1 The Board of Trustees of the Town of Arriba, Colorado, in accordance with Colorado Revised Statutes and at such time as deemed necessary shall, by a resolution of the Board of Trustees of the Town of Arriba, Colorado, create the position of Enforcement Officer for the Town of Arriba, Colorado, and establish a procedure for the employment, retention, and removal of said enforcement officer.

Section 5. Court Costs

5.1 Whenever the Municipal Judge imposes any fine for any violation of a municipal ordinance, in addition to any such fine or any other sentence, the Municipal Judge may also assess the following costs:

A. Twenty-five dollars (\$25.00) upon the entry of a plea of guilty or no contest at the time of arraignment or prior to the date of trial;

B. Twenty-five dollars (\$25.00) upon the entry of a plea of guilty or no contest on the date of trial to the Court, or upon a finding of guilty after a trial to the Court;

C. Forty-five dollars (\$45.00) plus all actual juror costs upon a finding of guilty after a trial to a jury or the entry of a plea of guilty or no contest prior to the commencement of a trial to a jury, but after a jury has been summoned unless the Court has been notified of the prospective plea at least forty-eight (48) hours prior to the date of trial;

D. Twenty-five dollars (\$25.00) upon the issuance of a bench warrant for failing to appear in Court, failing to pay fines and costs, or failing to comply with any order of the Court;

E. Five dollars (\$5.00) for each subpoenaed Town witness who appears at trial upon a finding of guilty by the Court or by the jury, or upon the entry of a plea of guilty or no contest on the date of trial;

F. Forty dollars (\$40.00) for failure to comply with terms and conditions of a deferred judgment;

G. Fifty dollars (\$50.00) upon the entry of any deferred judgment;

H. Five dollars (\$5.00) for rescheduling any court appearance;

I. No more than one hundred dollars (\$100.00) in costs if a motion to set aside a conviction resulting from a deferred judgment is granted by an order of the Court; and

J. Not more than one hundred dollars (\$100.00) in costs if a motion to set aside a default judgment or amended record is granted by an order of the Court.

5.2 For all appeals from decisions in the Municipal Court to the Lincoln County District Court, the Municipal Court Judge, as ex-officio clerk, or the Municipal Court Clerk shall require a transcript deposit fee according to the following schedule:

A. One hundred fifty dollars (\$150.00) transcript deposit for a trial to the Court; and

B. Two hundred dollars (\$200.00) transcript deposit for a trial to a jury.

5.3 The Municipal Judge, as ex-officio clerk, or the Municipal Court Clerk shall charge the transcript preparation fee and photocopy costs prescribed by the Supreme Court of Colorado. The transcript deposit shall be applied against the preparation cost of a transcript. If the preparation cost of a transcript is less than the transcript deposit, then the balance will be refunded to the requesting party by the Municipal Court Clerk. If the preparation cost of the transcript is more than the transcript deposit, the Municipal Court Judge, as ex-officio clerk, or the Municipal Court Clerk shall require the requesting party to pay the additional cost to prepare the transcript. The Municipal Judge may waive the transcript deposit and transcript preparation cost in all instances of proven indigence.

Section 6. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Arriba, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. Effective Date. The Board of Trustees for the Town of Arriba, Colorado determines that this Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and it is enacted for that purpose and shall be in full force and effect after final passage and publication.

INTRODUCED, READ IN FULL AND ADOPTED this 9 day of September 2019.

PASSED by a vote of 5 for and 0 against AND ORDERED PUBLISHED ONCE IN FULL this 9 day of September, 2019

TOWN OF ARRIBA

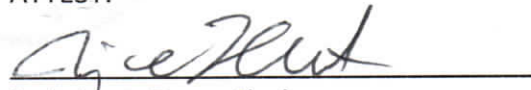


Alex Flores, Mayor



(Seal)

ATTEST:



Josie Hart, Town Clerk