

ORDINANCE NO. 15
(Series 1981)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, AMENDING THE PROVISIONS OF THE MUNICIPAL CODE RELATING TO THE MUNICIPAL COURT AND JUDGE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, as follows:

Section 1.

Chapter 6 of the Lake City Municipal Code, as amended, (Sections 6.1 through 6.20, including Subsections 6.14-1 through 6.14-14) and Ordinance No. 7 (Series 1975), are hereby repealed in their entirety. Section 1 of Chapter 6 of the Lake City Municipal Code is reenacted to read as follows:

CHAPTER 6

Section 1

Municipal Court

SECTION:

- 6.1-1: Jurisdiction
- 6.1-2: Rules of Procedure
- 6.1-3: Judicial Powers
- 6.1-4: Sentencing
- 6.1-5: Enforcement of Fines
- 6.1-6: Defect in Form
- 6.1-7: Municipal Judge

6.1-1: Jurisdiction:

The Municipal Court shall have jurisdiction of all causes arising under the Town's ordinances, including prosecution of any violation of any provision of an ordinance, including those ordinances which by their terms apply outside of the Town limits. The Municipal Court shall have jurisdiction of any other matters as provided by law.

6.1-2: Rules of Procedure:

(A) The Municipal Court shall be subject to the Colorado Municipal Court Rules, the provisions of this Chapter, and other applicable provisions of Town ordinances, and shall be subject to the provisions of Article 10, Title 13, C.R.S. 1973, as amended.

(B) The Municipal Judge is authorized to adopt additional local rules of procedure which are not inconsistent with the Colorado Municipal Court Rules, this Chapter, or other Town ordinances.

6.1-3: Judicial Powers:

(A) The Municipal Judge shall have all judicial powers relating to the operation of the Municipal Court, including the power to impose punishment for contempt of court.

(B) In addition to any other acts which may be deemed contempt of court, the Municipal Judge shall have the authority to punish the following as contempt of court in accordance with the provisions of Rule 107 of the Colorado Rules of Civil Procedure:

(1) Failure to obey a subpoena properly served without adequate excuse.

(2) Failure to obey a summons for jury duty or to respond to inquiry from the Court requesting information necessary to choose a jury panel without adequate excuse.

(3) Failure of an attorney of record or party to appear before the Court at a scheduled appearance date without adequate excuse.

(4) Failure to obey a lawful order of the Court without adequate excuse or other behavior constituting contempt as provided in Rule 107, Colorado Rules of Civil Procedure.

(C) If any person is determined to be indigent and is not appointed legal counsel after request, they may not be sentenced to any term of imprisonment.

(D) The Municipal Judge shall have authority to appoint an alternate judge to hear matters which the Municipal Judge is unable to hear.

6.1-4: Sentencing:

(A) Any person convicted of a violation of any provision of a Town ordinance shall be sentenced in accordance with provisions of this Section, or in any other lawful manner not in conflict with this Section.

(B) The minimum fine or term of imprisonment imposed shall not be less than that specified by the applicable ordinance provision, and the maximum fine or term of imprisonment shall not exceed that specified by the applicable ordinance provision.

(C) Plea discussions and plea agreements may be entered into by the prosecution and approved by the Municipal Judge in accordance with the provisions of Part 3, Article 7 of Title 16, Colorado Revised Statutes, 1973, as amended, including deferred prosecution and deferred sentencing as provided in Part 4, Article 7 of Title 16, Colorado Revised Statutes, 1973, as amended.

(D) The Court may place the defendant upon probation, supervised or unsupervised, for such period and on such conditions as the Court may determine.

(E) The Court may suspend a sentence or a portion of it upon such conditions as the Court may determine.

(F) Prisoners may be put to work for the public benefit.

6.1-5: Enforcement of Fines:

A sentence imposing a fine shall be enforceable by the Town in the same manner as a civil judgment or as other delinquent charges due the Town. Further, if the defendant fails to pay the fine in accordance with the direction of the Court, the defendant shall be imprisoned until the fine is satisfied or the defendant has served 15 days in jail. Serving a term of imprisonment does not discharge the obligation to pay the fine. A warrant for the arrest of any defendant failing to pay a fine in accordance with the Court's order may be issued.

6.1-6: Defect in Form:

No action in the Municipal Court shall be dismissed for any defect in form of the summons or complaint without giving the prosecution leave to amend such summons or complaint. However, if such amendment is allowed, the defendant may be allowed additional time to prepare his defense if necessary to avoid prejudice.

6.1-7: Municipal Judge:

The Board of Trustees shall appoint a municipal judge for a two year term at its first regular meeting following each biennial regular election. In addition to the requirements of State statutes, the judge shall be a qualified elector of Hinsdale County, Colorado. Any vacancy which occurs in the office shall be filled by the Board of Trustees for the unexpired term.

Introduced, read and adopted by the Board of Trustees
of the Town of Lake City, Colorado, the 7th day of
October, 1981.

TOWN OF LAKE CITY, COLORADO

by Robert A. Skemp Jr.

ATTEST:

Suzanne H. Maxwell
Town Clerk

Approved by the Mayor this 7th day of October,
1981

by Robert A. Skemp Jr.