

Ordinance No. 329
Town of Rico

AN ORDINANCE OF THE BOARD OF TRUSTEES OF RICO, COLORADO ESTABLISHING A MUNICIPAL COURT OF RECORD AND PROVIDING PROCEDURES RELATED THERETO.

WHEREAS, the Town is authorized to establish a municipal court of record to hear and try any alleged violation of municipal ordinances; and

WHEREAS, the Board of Trustees finds and determines that the establishment of a municipal court for the prosecution of violations of municipal ordinances is necessary for the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:

Section 1

A. Purpose. The purpose of this ordinance is to establish a municipal court of record for all alleged violations of municipal ordinances.

B. Establishment of a Municipal Court of Record and Appointment of Municipal Judge.

1. A municipal court of record is hereby established by the Board of Trustees to try and hear all alleged violations of Town ordinances. The court shall make and keep a verbatim record of the proceedings and evidence at trial, and the Town shall provide the court with electric devices or stenographic means of making such record.

2. The Board of Trustees shall appoint a municipal judge for a two (2) year term. No person shall be appointed as a municipal judge unless such person has been admitted to, and is currently licensed in, the practice of law in Colorado.

3. Municipal court shall be held as needed. The need to hold court shall be determined by the filing of a complaint with the municipal court clerk.

C. Compensation. The municipal judge shall be compensated at a fixed rate for each court session held, and such compensation shall not be related to the number of cases handled at each court session or the amount or number of fines imposed. The Board shall establish and may from time to time amend by resolution such compensation.

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D. Municipal Court Clerk.

1. Because the Board anticipates that the business of the court will be insufficient to warrant a separate part-time clerk, the municipal judge shall serve as ex-officio municipal court clerk.

2. The municipal court clerk shall be responsible for the accurate accounting of all funds received by the court and for conveying such funds to the Town.

3. The municipal court clerk shall not be required to give a performance bond to the Town.

E. Authority to Assess Costs.

1. The municipal judge is empowered, at his or her discretion, to assess court costs against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of a violation of a Town ordinance.

2. The municipal judge shall assess \$200 against any defendant who fails to appear for arraignment or trial, unless the defendant has entered into a plea agreement with the Town.

F. Limitation of Actions.

1. No person shall be prosecuted, tried, or punished for any offense unless the complaint is filed in the municipal court or a summons and complaint or penalty assessment notice is served upon the defendant within one year after the commission of the offense.

2. The time limitation imposed by this section shall be tolled for any period not to exceed one year that the defendant is absent from the Town.

Section 2

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 3

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

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Section 4

This ordinance shall become effective thirty (30) days after publication of notice of its passage in a legal publication of general circulation within the Town of Rico.

Section 5

A public hearing on the ordinance shall be held on the 13th day of August, 1997, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 13th day of August, 1997.

TOWN OF RICO

ATTEST

By: Robert E Cummings
Robert Cummings
Mayor

Linda Yellowman
Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 13th day of August, 1997.

TOWN OF RICO

ATTEST

By: Robert E Cummings
Robert Cummings
Mayor

Linda Yellowman
Linda Yellowman
Town Clerk