

Ordinance 99- 6
Town of Ophir, Colorado

AN ORDINANCE AMENDING AND RE-ENACTING AN ORDINANCE CREATING A MUNICIPAL COURT FOR THE TOWN OF OPHIR, STATE OF COLORADO.

WHEREAS, on December 21, 1980, the General Assembly of the Town of Ophir, State of Colorado, enacted an Ordinance to create a qualified municipal court of record pursuant to the provisions of CRS, 13-10-101, et seq., as amended; and

WHEREAS, the General Assembly finds that in order to effectively enforce its codes and ordinances through the operation of a municipal court, amendment and re-enactment of such ordinance are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, STATE OF COLORADO, the following:

SECTION 1. MUNICIPAL COURT OF RECORD. The municipal court for the Town of Ophir, San Miguel County, Colorado is created pursuant to the provisions of Article 10, Title 13, CRS as amended.

SECTION 2. JURISDICTION. The municipal court shall have original, exclusive jurisdiction of all cases arising under the ordinances and codes of the Town of Ophir with full power to carry the same into effect and to punish violations thereof by the imposition of such fines, penalties and/or injunctions as provided by such ordinances.

SECTION 3. MEDIATION AND ARBITRATION. It is the intent of the Town of Ophir to resolve issues without having to resort to court action if at all possible. Therefore, at the discretion of the General Assembly, all potential non-criminal municipal court cases may be referred to mediation and/or arbitration after all other administrative procedures have been exhausted.

SECTION 4. MUNICIPAL JUDGE --- APPOINTMENT - OATH.

- A. The municipal judge or judges shall be appointed by the General Assembly for a term of one or more years. Any vacancy shall be filled by appointment of the General Assembly. The General Assembly may appoint, from time to time as necessary, substitute judges in case of temporary absence, sickness, disqualification, or other inability of the judge to act. The municipal judge shall meet the requirements of CRS 13-10-106, as amended.
- B. Before assuming the duties of his/her office, the municipal judge shall make an oath of affirmation before the Town Clerk, and file with the General Assembly an oath of affirmation to support and uphold the Constitution of the United States, the Constitution and laws of the State of Colorado, and the charter, ordinances and codes

of the Town of Ophir, and that he or she will faithfully perform the duties of the office.

SECTION 5. MUNICIPAL JUDGE – POWERS AND PROCEDURES. The municipal judge shall have all judicial powers relating to the operation of the court, subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court. The presiding judge shall have the power to enforce subpoenas issued by any board, body or officer of the municipality.

SECTION 6. COURT CLERK. The position of the court clerk of the municipal court is established and shall be appointed by the presiding municipal judge. The compensation of the court clerk shall be in an amount set by the General Assembly. The duties of the court clerk shall be as set forth herein and as delegated by the municipal judge, by law or by court rule. The court clerk shall file monthly reports with the Town Clerk of all moneys collected by him or her for the Town. On or before the last day of each month, the court clerk shall pay to the Town Treasurer all moneys collected.

SECTION 7. FINES AND PENALTIES.

- A. All fines and costs collected or received by the municipal court shall be reported and paid monthly to the Town Treasurer and deposited in the General Fund.
- B. Any person convicted of violating a municipal ordinance may be incarcerated and/or fined the maximum penalties allowed by law. The municipal judge may assess or suspend a sentence or fine and place the violator on probation.

SECTION 8. RECORD OF PROCEEDINGS. The court clerk shall keep a verbatim record of the proceedings and evidence at trial by either electronic device or stenographic means. In addition, the clerk shall keep a record of all cases tried or determined by the court.

SECTION 9. COURT COSTS. The municipal judge shall assess court costs against any defendant who pleads guilty or nolo contendere or who after trial is found guilty, in an amount not to exceed fifty dollars (\$50.00) per session.

SECTION 10. WORK PROGRAM. Nothing contained herein shall deprive the municipal judge of the authority to permit defendants to perform labor and/or service for the Town of Ophir as part of any work program authorized by the General Assembly, in lieu of paying all or part of the fines or fine and costs imposed, under such terms and conditions as the municipal judge shall require; provided, however, that no defendant shall be ordered or required to participate in any work program; instead such work program alternative may be granted by the municipal judge only upon a defendant's voluntary request for participation therein.

SECTION 11. APPROPRIATIONS. The General Assembly shall, on an annual basis, budget and appropriate such moneys as may be necessary for the operation of the Municipal Court.

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Attest: Elizabeth Covington, Town Clerk

Stephen B. Johnson
Approved as to Form:

Publication of Fines and Penalties completed on August 6, 1999.

Town Clerk

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