

MUNICIPAL COURT

AN ORDINANCE PERTAINING TO THE CREATION, COMPOSITION AND JURISDICITON OF THE MUNICIPAL COURT IN AND FOR THE TOWN OF BRECKENRIDGE: AND REPEALING CHAPTER 10, SECTIONS 10-1-1 THROUGH 10-1-15 AND SECTION 10-2-1 OF THE MUNICIPAL CODE OF THE TOWN OF BRECKENRIDGE

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BRECKENRIDGE, COLORADO

SECTION 1 CREATED. A municipal court in and for the Town of Breckenridge is hereby established pursuant to and governed by the provisions of Article 10, of Chapter 13, Colorado Revised Statutes 1973, as amended.

SECTION 2 JURISDICTION AND POWERS. The municipal court shall have original jurisdiction of all cases arising under the ordinances of the Town with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by law, ordinance or court rule. It shall have power to compel attendance at sessions of court and to punish for contempt of court by fine, or by jail sentence or both such fine and jail sentence.

SECTION 3 PROCEDURES. The procedures of the court shall be in accordance with the Colorado Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. The presiding municipal judge shall have authority to issue local rules of procedure not inconsistent with any rules of procedure adopted by the Colorado Supreme Court.

SECTION 4 COURT OF RECORD. The municipal court shall be a Qualified Municipal Court of Record, and the presiding municipal judge shall provide for the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means.

SECTION 5 MUNICIPAL JUDGE - APPOINTMENT - SALARY - OATH

(a) The court shall be presided over by a presiding municipal judge appointed by the Board for a term of not less than two years, who shall receive an annual salary payable monthly in an amount set by ordinance. The municipal judge may be removed from office by the Board for cause. The municipal judge shall perform no other duties during the hours when court is in session except as may be approved by the Board.

(b) The Board may appoint additional judges from time to time as may be needed to transact the business of the court or to preside in the absence of the presiding judge.

(c) The presiding judge shall supervise and direct the court's operation.

(d) Any person appointed to the office of municipal judge shall have been admitted to and shall be at the time of his appointment and during his tenure of office, licensed in the practice of law in the State of Colorado.

(e) Before entering upon the duties of his office, the municipal judge shall take and subscribe, before a judge of a court of record, and file with the Board an oath of affirmation that he will support the Constitution of the United States, the Constitution and laws of the State of Colorado and the ordinances of the Town of Breckenridge and will faithfully perform the duties of his office.

(f) The municipal judge shall give bond to the Town in the amount of \$500.00 which shall be approved by the Board and which shall be surety for his faithful performance of the duties of his office and for his faithful accounting of the payment of all monies coming into his hands by virtue of said office.

SECTION 6 SESSIONS OF COURT.

(a) There shall be regular sessions of court for the arraignment of defendants, the trial of cases and such other matters and proceedings as the business of the court may require. Such sessions shall be conducted no less frequently than once per month and shall be open to the public.

(b) The court shall be open during such hours as are set by the presiding municipal judge with the advice and consent of the Board, provided however, the court shall be closed on weekends and local, State and National holidays except for extraordinary sessions.

SECTION 7 CLERK OF THE MUNICIPAL COURT.

(a) The presiding municipal judge shall appoint a person to serve as clerk of the court whose duties shall be those delegated by law, by Court Rule or by the presiding municipal judge. The compensation of the clerk shall be an annual salary in a amount fixed by ordinance and shall be payable monthly.

(b) The clerk of the court shall file monthly reports with the Town Clerk of all monies collected, either by fines or otherwise, and shall on the last day of each month, pay to the Town Treasurer all such monies.

(c) The Clerk shall post bond as required by the state statute.

SECTION 8 APPEALS. Appeals from the municipal court shall be in accordance with the practice and procedure provided by Section 13-10-116 and sequential sections of the Colorado Revised Statutes of 1973, as amended.

SECTION 9 FAILURE OF PERSON TO RESPOND TO PROCESS.

(a) In all cases where a person is summoned as a juror or as a witness to the municipal court and fails to attend at the time and place appointed, the court may issue a citation for the appearances of such juror or witnesses so failing to attend and direct such person to show cause why he should not be punished for contempt of court. Upon a satisfactory excuse being made, the court may discharge such person and release any bond posted pursuant thereto.

(b) In all cases where a person is summoned to appear at the municipal court of Breckenridge or ordered to appear by the municipal judge, it is unlawful for such person to fail to appear at the time and place so ordered.

SECTION 10 APPROPRIATIONS. The Board of Trustees shall annually appropriate an amount sufficient to pay salaries and expenses incurred in connection with carrying out the provisions of this ordinance.

SECTION 11 SEVERANCE CLAUSE. If any article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

SECTION 12 EMERGENCY CLAUSE. The Board of Trustees hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the Town of Breckenridge and the inhabitants thereof.

SECTION 13 REPEAL. All other ordinances, particularly, Chapter 10, Sections 10-1-1 through 10-1-15 and Section 10-2-1 of the Municipal Code of the Town of Breckenridge, and parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

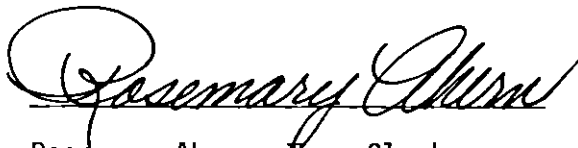
INTRODUCED, READ, AS AN EMERGENCY ORDINANCE ON FIRST READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY, this 22nd day of August, 1978. A public hearing on this ordinance shall be held on the 12th day of September, 1978 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, COLORADO



Charles W. Struve, Mayor

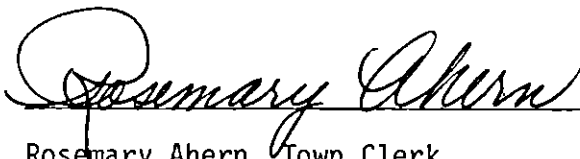
ATTEST:



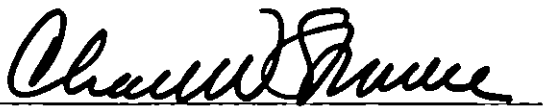
Rosemary Ahern, Town Clerk
Town of Breckenridge, Colorado

READ, ADOPTED ON SECOND READING, AND ORDERED PUBLISHED IN FULL this 12th day of September, 1978. Said Ordinance was published in full, in the Summit Sentinel. The 15th day of September, 1978.

ATTEST:



Rosemary Ahern, Town Clerk
Town of Breckenridge, Colorado



Charles W. Struve, Mayor
Town of Breckenridge, Colorado