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CHAPTER 3.01

In General

3.01.010 Created.

There is created and established a Municipal Court in and for the Town. (Ord. 5.29 §1(1), 1990)

3.01.020 Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance. (Ord. 5.29 §1(2), 1990)

3.01.030 Sessions generally.

(a) There shall be regular sessions of the Municipal Court for the trial of cases as may be fixed by the presiding judge. The Municipal Judge may hold special sessions of court at any time, including Sundays, holidays and night court. All sessions shall be open to the public.

(b) Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared. (Ord. 5.29 §1(3), 1990)

3.01.040 Rules of procedure.

The procedures of the Municipal Court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the State Supreme Court. In addition, the presiding judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the State Supreme Court. (Ord. 5.29 §1(4), 1990)

3.01.050 Court costs.

(a) 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:

(1) Twenty-five dollars (\$25.00) upon the entry of a plea of guilty or upon a finding of guilty after a trial to the court;

(2) 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;

(3) 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;

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

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

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

(7) The court may impose a five-dollar fee for rescheduling any court appearance; and

(8) Six dollars (\$6.00) for every summoned juror who serves in a trial and three dollars (\$3.00) for every summoned juror who does not serve in a trial, upon a finding of guilty after a trial to a jury.

(b) In addition to any fines and costs assessed by the Municipal Judge, there shall be added and separately reported a surcharge of thirty-seven percent (37%) of the fines and costs assessed, provided that the total of the fine and surcharge shall not exceed the maximum fine provided for such violation by ordinance. The moneys raised by such surcharge shall be used to establish and fund programs for law enforcement assistance services for the Town as approved by the Town Council.

(c) For all appeals from decisions in the Municipal Court to the Douglas County District Court, the Court Clerk shall require a transcript deposit according to the following schedule:

(1) One-hundred-fifty-dollar transcript deposit for a trial to the court; and

(2) Two-hundred-dollar transcript deposit for a trial to a jury.

(d) The Municipal Court Clerk shall charge the transcript preparation fee and photocopy cost 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 the transcript is less than the transcript deposit, then the balance will be refunded to the requesting party by the Court Clerk. If the preparation cost of the transcript is more than the transcript deposit, the 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 indigency.

(e) Commencing in 2009, and every year thereafter, the court costs described in Paragraph (a)(1) above shall be recomputed by the Finance Director, by raising these costs in an amount equal to the percentage of change for the preceding year in the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Boulder, All Items, All Consumers or its successor index. The Town Council may waive an annual increase for any particular year or years. This adjustment shall not be considered a cost increase but a method of accounting to ensure that the value of the revenue collected pursuant to this Section is maintained. (Ord. 5.27.3 §1, 2011; Ord. 5.27.2. §§1, 2, 2008; Ord. 5.27.1 §1, 1995; Ord. 5.40 §§1, 2, 1992; Ord. 5.29 §1(5), 1990)

3.01.060 Transcripts.

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. (Ord. 5.29 §1(6), 1990)

3.01.070 Court employees.

The Town Council will provide a suitable place and all supplies and administrative employees necessary for the proper functioning of Municipal Court as determined by the Town Administrator. (Ord. 5.29.1 §1, 1996; Ord. 5.29 §1(7), 1990)

3.01.080 Trials.

(a) Trial by jury. A defendant shall be entitled to a trial if:

(1) The defendant is charged with an offense for which Section 16-1-101, et seq., C.R.S., preserves the right to a jury trial; and if

(2) Within twenty (20) days after arraignment or entry of a plea, the defendant files with the Municipal Court a written jury demand and at the same time tenders a jury fee of forty-five dollars (\$45.00), unless the jury fee is waived by the Judge because of the indigence of the defendant.

A juvenile is not entitled to a trial by jury when the petition alleges a delinquent act which is a misdemeanor, a petty offense, a violation of a municipal or county ordinance or a violation of a court order.

(b) Jury membership. The jury shall consist of three (3) jurors unless a greater number, not to exceed six (6), is requested by the defendant in a written jury demand. Jurors shall be selected from a jury list as provided for courts of record, and shall be paid the sum of:

(1) Six dollars (\$6.00) per day for actual jury service;

(2) Three dollars (\$3.00) for each day of service on the jury panel alone.

(c) Trial to the Court. All other charges to which the defendant has pled not guilty, but for which the defendant has not perfected the right to a jury trial pursuant to Subsection (a) above shall be tried to the court with the Municipal Judge as factfinder. (Ord. 5.02.5 §1, 2005; Ord. 5.02.4 §1, 1996; Ord. 5.02.3 §1, 1993; Ord. 5.29 §1(8), 1990)

3.01.090 Restraining orders.

(a) The Municipal Court shall have authority to issue temporary and permanent restraining orders to prevent domestic abuse, whether or not such relief could be obtained in a domestic relations action filed in district court.

(b) A temporary or permanent restraining order to prevent domestic abuse may include:

(1) Restraining a party from threatening, molesting, injuring or contacting any other party or the minor children of either of the parties;

(2) Excluding a party from the family home upon a showing that physical or emotional harm would otherwise result;

(3) Excluding a party from the home of another party upon showing that physical or emotional harm would otherwise result. (Ord. 5.38 §1, 1992)

CHAPTER 3.02

Municipal Judge

3.02.010 Presiding judge.

(a) The Municipal Court shall be presided over by a Municipal Judge.

(b) If more than one (1) Municipal Judge is appointed, the Town Council shall designate a presiding Municipal Judge, who shall serve in this capacity during the term for which he or she was appointed. (Ord. 5.31 §1, 1990)

3.02.020 Qualification.

In addition to any other qualifications, any Municipal Judge appointed under this Chapter shall be admitted to and currently licensed to practice law in the State. (Ord. 5.31 §2, 1990)

3.02.030 Appointment.

The Municipal Judge shall be appointed by the Town Council. (Ord. 5.31 §3, 1990)

3.02.040 Oath.

Before entering upon the duties of his or her office, a Municipal Judge shall take an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the ordinances of the Town and will faithfully perform the duties of his or her office. (Ord. 5.31 §4, 1990)

3.02.050 Term.

The Municipal Judge shall serve for a term of two (2) years and may be reappointed for subsequent terms. The initial appointment under this Section shall expire on the date of the next regular election of the Town Council. (Ord. 5.31 §5, 1990)

3.02.060 Vacancy.

Any vacancy occurring in the office of the Municipal Judge shall be filled by appointment of the Town Council for the remainder of the unexpired term. (Ord. 5.31 §6, 1990)

3.02.070 Assistant judges.

The Town Council may appoint, in writing, such additional municipal judges or assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification or other inability of the presiding Municipal Judge to act. (Ord. 5.31 §7, 1990)

3.02.080 Compensation.

The compensation of the Municipal Judge shall be an annual salary in an amount set by the Town Council and shall be payable as other salaries to municipal employees. (Ord. 5.31 §8, 1990)

CHAPTER 3.03

Violations Bureau

3.03.010 Establishment.

There is hereby created a Violations Bureau within the Municipal Court. The Court is authorized to establish by order the procedures by which a person may answer a charge of traffic violations or animal code violations within the Town by paying a fine, pleading guilty in writing and waiving a hearing through a mail-in process. (Ord. 5.58.1 §1, 2005; Ord. 5.58 §1, 2001)

3.03.020—3.03.090. Reserved.

Article I. Traffic Violations

3.03.100 Designation of violations and penalties.

(a) The Municipal Court is authorized to establish by order such traffic violations as are appropriate to be handled by the Violations Bureau. Subject to the limitations set forth in this Code, the Municipal Court is also authorized to establish by order the penalties that may be paid at the Violations Bureau without the need for an appearance in Court. The Municipal Court may also authorize a reduction in points assessed if penalties are paid to the Violations Bureau.

(b) The Municipal Court is specifically authorized through the Violations Bureau to process penalty assessment notices, and the Police Department is specifically authorized to issue penalty assessment notices for traffic violations consistent with the guidelines contained in Sections 42-4-1701(5), 42-4-1709 and 42-2-127(5.5), C.R.S., as the same may be amended. (Ord. 5.58.1 §1, 2005; Ord. 5.58 §1, 2001)

3.03.110 Violations ineligible for processing by Violations Bureau.

In no event shall the Violations Bureau be authorized to process any of the following traffic violations:

- (1) Offenses resulting in an accident causing personal injury, death or appreciable damage to the property of another;

- (2) Reckless driving;
- (3) Exceeding the speed limit by more than nineteen (19) miles per hour;
- (4) Exhibition of speed or speed contest;
- (5) Compulsory insurance; and
- (6) Offenses in which the person charged is under the age of eighteen (18). (Ord. 5.58.1 §1, 2005; Ord. 5.58 §1, 2001)

3.03.120 Right to hearing.

Nothing in this Chapter shall be deemed to disqualify a person from having the right to a hearing and a trial to the extent otherwise permitted by law. (Ord. 5.58.1 §1, 2005; Ord. 5.58 §1, 2001)

3.03.130 Plea bargains by mail.

Nothing in the enactment of this Chapter shall prevent the Municipal Court from offering plea bargains by mail for offenses which are not within the authority of the Violations Bureau to process, for which a summons and complaint is issued. Any such plea bargains offered by mail shall be specifically authorized by the Municipal Prosecutor, and shall include a recitation of the alleged violator's constitutional rights and a Plea of Guilty and Waiver of Appearance form providing the person receiving the offer with a choice of pleading guilty and waiving a court appearance, or appearing in the Municipal Court on the date specified in the plea bargain offer. Said plea bargain shall include the imposition of any administrative costs and surcharges otherwise required by ordinance. (Ord. 5.58.1 §1, 2005; Ord. 5.58 §1, 2001)

3.03.140—3.03.190. Reserved.

**Article II.
Animal Control Violations**

3.03.200 Penalty assessment notices for animal control violations.

(a) Pursuant to the provisions of Chapter 9.07 of this Code, the Animal Welfare Officer is hereby authorized to issue penalty assessment notices, and have said penalty assessment notices processed by the Violations Bureau of the Municipal Court in accordance with this Section.

(b) The penalty assessment notice issued by the Animal Welfare Officer shall be a summons and complaint containing identification of the alleged offender, specification of the offense and the applicable fine as set forth in Section 9.07.010 of this Code, a requirement that the offender pay the fine or appear to answer the charge as set forth in the summons and complaint and a waiver of the right to a hearing on the offense specified on the summons and complaint.

(c) If the person issued a penalty assessment notice hereunder chooses to acknowledge his or her guilt, he or she may pay the specified fine in person or by mail at the Violations Bureau within the time specified in the notice. If he or she chooses not to acknowledge his or her guilt, he or she shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed

shall be that set forth in the notice of the offense for which he or she was found guilty, but customary court costs and surcharges may be assessed in addition to the fine. (Ord. 5.58.1 §1, 2005)

3.03.210—3.03.290. Reserved.

**Article III.
Sign Code Violations**

3.03.300 Penalty assessment notices for sign code violations.

(a) Pursuant to the provisions of Chapter 13.09 of this Code, the Neighborhood Services Officer is hereby authorized to issue penalty assessment notices, and have said penalty assessment notices processed by the Violations Bureau of the Municipal Court in accordance with this Section.

(b) The penalty assessment notice issued by the Neighborhood Services Officer shall be a summons and complaint containing identification of the alleged offender, specification of the offense and the applicable fine as set forth in Section 13.09.150 of this Code, a requirement that the offender pay the fine or appear to answer the charge as set forth in the summons and complaint and a waiver of the right to a hearing on the offense specified on the summons and complaint.

(c) If the person issued a penalty assessment notice hereunder chooses to acknowledge his or her guilt, he or she may pay the specified fine in person or by mail at the Violations Bureau within the time specified in the notice. If he or she chooses not to acknowledge his or her guilt, he or she shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that set forth in the notice of the offense for which he or she was found guilty, but customary court costs and surcharges may be assessed in addition to the fine. (Ord. 3.240 §2, 2006)

3.03.310—3.03.390. Reserved.

**Article IV.
Nuisance Code Violations**

3.03.400 Penalty assessment notices for nuisance violations.

(a) Pursuant to the provisions of Chapter 6.01 of this Code, the Neighborhood Services Officer is hereby authorized to issue penalty assessment notices and have said penalty assessment notices processed by the Violations Bureau of the Municipal Court in accordance with this Section.

(b) The penalty assessment notice issued by the Neighborhood Services Officer shall be a summons and complaint containing identification of the alleged offender, specification of the offense and the applicable fine as set forth in Section 6.01.060 of this Code, a requirement that the offender pay the fine or appear to answer the charge as set forth in the summons and complaint and a waiver of the right to a hearing on the offense specified on the summons and complaint.

(c) If the person issued a penalty assessment notice hereunder chooses to acknowledge his or her guilt, he or she may pay the specified fine in person or by mail at the Violations Bureau within the time specified in the notice. If he or she chooses not to acknowledge his or her guilt, he or she shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed

shall be that set forth in the notice of the offense for which he or she was found guilty, but customary court costs and surcharges may be assessed in addition to the fine. (Ord. 5.68 §3, 2008)

3.03.410—3.03.490. Reserved