

ORDINANCE NO. 4

Series 2017

AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO, CREATING THE TOWN OF  
PITKIN MUNICIPAL COURT

WHEREAS, Colorado Revised Statutes (2009) 31-15-101, et seq., authorizes a municipality to enact regulations that promote the health, safety and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof; and

WHEREAS, Colorado Revised Statutes 31-15-104 provides the following: The municipal governing body of each city or town shall create a municipal court to hear and try all alleged violations of ordinance provisions of such city or town; and

WHEREAS, the Town of Pitkin intends to authorize the creation of the Town of Pitkin Municipal Court (hereinafter referred to as the “Municipal Court”).

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, as follows:

1. “Municipal Court” authority defined: There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under the ordinances of the Town of Pitkin. The powers of such Municipal Court and the manner of enforcement of its orders and judgements shall be such as is provided for under the statutes of the State of Colorado, namely C.R.S. 13-10-101 et seq., and the ordinances of the Town of Pitkin, except as may otherwise be provided by ordinance hereafter enacted.
2. The Town of Pitkin Board of Trustees shall have the power to provide for juries for service in the Municipal Court.
3. The Municipal Court shall follow the procedures set for the in the Colorado Rules for Municipal Courts as adopted by the Colorado Supreme Court.
4. The Municipal Court shall be a “qualified municipal court of record” as defined at C.R.S. 13-10-102(3). The Municipal Court shall keep a verbatim record of the proceedings and evidence at trials by either electronic devices or stenographic means.
5. Qualification and Appointment of Municipal Judge: The Municipal Court shall be presided over, and its functions exercised by, a municipal judge who shall be a licensed member of the Colorado Bar, in good standing, appointed by the Board of Trustees for a two-year term. The municipal judge shall receive a fixed annual salary not dependent on the outcome of the matters to be decided by her or him, and to be fixed by the Board of Trustees from time to time. The municipal judge shall be a full-time resident of Gunnison County, Colorado. Appointment or replacement of the municipal judge shall be done consistent with the statutory protocol set forth at C.R.S. 13-10-105. The

municipal judge shall be appointed at such time as there is a case set with the Municipal Court for an alleged violation of the Town of Pitkin's ordinances.

6. Clerk of the Municipal Court: The person serving as the Town of Pitkin Town Clerk shall also serve as the clerk of the Municipal Court. The Board of Trustees shall provide for the salary of the clerk of the Municipal Court. The town of Pitkin waives the requirement to provide a performance bond.
7. Location of the Municipal Court: The Colorado Statutes provide at C.R.S. 13-10-110 (3) that any two or more governments may cooperate or contract to provide joint court facilities and supplies. The Town of Pitkin deems it cost effective and efficient to pursue an intergovernmental agreement with the City of Gunnison to use its courtroom facilities for the Municipal Court.

READ, ADOPTED AND ORDERED PUBLISHED THIS 13th, DAY OF June, 2017.

ADOPTED THIS 11<sup>th</sup> day of July, 2017



  
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Rachel New, Mayor

ATTEST:



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Sara Gibb, Town Clerk