

Chapter 3

MUNICIPAL COURT

3.01 - Creation and Administration

3.01.010 - Creation.

A Municipal Court in and for the Town of Calhan, Colorado is hereby created and established pursuant to and governed by the provisions of Chapter 13, Article 10, C.R.S., 1998, as amended.

3.01.020 - Jurisdiction, powers and procedures.

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 fines and penalties as prescribed in said ordinances or by Court rule. The procedures of the Court shall be promulgated in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. The Municipal Court Judge shall have all judicial powers relating to operation of the Municipal Court, including the power to impose punishment for contempt of court.

3.01.020 - Sessions.

There shall be regular sessions of Court for the hearing of cases. The Municipal Judge may hold a special session of court at any time. All sessions of the Court shall be open to the public. Where the nature of the case is such that it would be in the best interests of justice to exclude persons not directly connected with the proceeding, the Municipal Judge may order the courtroom be cleared.

3.01.040 - Municipal Judges; appointment, oath, salary, powers.

A. The court shall be presided over by a Municipal Judge appointed for a term of two (2) years by the Board, except that the initial appointment of a Municipal Judge for the Town, under this Article, shall be for a term which shall expire on the date of the next regular election of the Board. Additional judges may be appointed as may be needed to transact the business of the Court. If the Judge of the Municipal Court shall find it necessary to disqualify himself in a given case, or should he be unable to serve for any reason, including vacation or illness, the Board may, by resolution, appoint a Judge to hear cases for such time as the presiding Judge is absent. A vacancy in the office of the Municipal Judge shall be filled by appointment by the Board for the remainder of the unexpired term.

- B. Compensation of the Municipal Judge shall be an annual salary in an amount to be set by the Board, and shall be payable as other salaries to municipal employees are paid. The annual salary of the Municipal Judge may not be decreased during his term of office.
- C. Before entering upon the duties of his office, the Municipal Judge shall take an oath by affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado and the ordinances of the Town of Calhan, Colorado, and that he will faithfully perform the duties of his office.
- D. In addition to other powers, the Municipal Judge shall have full power and authority to make and adopt rules and regulations for the conduct of the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court.

3.01.050 - Court Clerk; duties and reports, bond.

- A. The Town Clerk shall act as the Court Clerk.
- B. The presiding Municipal Court Judge may act as ex officio Clerk of the Court. The Municipal Judge, in his capacity as ex officio Court Clerk, shall file monthly reports with the Town Clerk of all moneys collected. On the last day of each month he shall pay to the Town Treasurer all moneys then in the hands of the Court.
- C. The Board may also require the Judge of the Municipal Court acting as ex officio Clerk, to execute a performance bond.

3.01.060 - Appropriations.

The Board shall, on an annual basis, budget and appropriate funds to pay the annual salary of the Municipal Court Judge, together with such other expenses as may be necessary for the proper operation of the Municipal Court.

3.01.070 - Court costs.

- A. Whenever the Municipal Judge imposes any fine for any violation of an ordinance, in addition to any such fine or any other sentence, the Municipal Judge may also assess the following costs:
 - 1. Forty dollars (\$40.00) upon the entry of a plea of guilty or no contest prior to trial to the court, or upon a finding of guilty after trial to the court;
 - 2. Two hundred dollars (\$200.00) 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. Two hundred dollars (\$200.00) for failure to appear in court, failure to pay fines when due, or failure to comply with any order of the court;
 4. Fifty dollars (\$50.00) for providing non-sufficient funds when payment is made by check;
 5. One hundred dollars (\$100.00) 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;
 6. 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;
 7. Forty dollars (\$40.00) for failure to comply with terms and conditions of a deferred judgment; and
 8. Seventy-five dollars (\$75.00) upon the entry of any deferred judgment.
 9. Ten dollars (\$10.00) for the payment of a fine and/or court costs in installments to the Court.
- B. In addition to any fines and costs assessed by the Municipal Judge, there shall be added and separately reported a surcharge of thirty-five dollars (\$35.00) for every plea or finding of guilty or no contest. The money raised by such surcharge shall be used to establish and fund programs for law enforcement assistance services for the Town as approved by the Board of Trustees.