

ORDINANCE # 2018-F

**AN ORDINANCE AMENDING ARTICLE 4, CHAPTER 2 OF THE SAGUACHE MUNICIPAL CODE
AND ESTABLISHING A QUALIFIED MUNICIPAL COURT OF RECORD FOR THE
TOWN OF SAGUCHE COLORADO**

WHEREAS, Section 2-4-10 of the Saguache Municipal Code creates and establishes a municipal court in and for the Town of Saguache; and

WHEREAS, Section 1-4-20 describes the general penalty for violations of the Saguache Municipal Code based upon its current status as a court of non-record; and

WHEREAS, C.R.S. 13-10-102(3) describes a “Qualified Municipal Court of Record” as a municipal court established by and operating in conformity with, ordinances containing provisions regarding the keeping of a verbatim record of the proceeding and evidence at trial by either electronic devices or stenographic means, and requiring as a qualification for the office of judge of such court that he had been admitted to, and is currently licensed in, the practice of law in Colorado; and

WHEREAS, the Town of Saguache has recently appointed an attorney in conformity with the above described requirements as its municipal judge and desires to establish its municipal court as a “Qualified Municipal Court of Record of the State of Colorado.”

THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Saguache:

1. Section 2-4-10 Creation of Municipal Court of the Saguache Municipal Code is hereby amended to read as follows:

Sec. 2-4-10 Creation of Municipal Court

A Qualified Municipal Court of Record, as set forth in the provisions of C.R.S. 13-10-102(3) is hereby created and established pursuant to and governed by the provisions of state law. Said court shall keep a verbatim record of the proceedings and evidence at trials by either electronic devices or stenographic means, and the judge of said court shall be admitted to and currently licensed in the practice of law in Colorado.

2. Section 1-4-20 General Penalty for Violations of the Saguache Municipal Code is hereby amended to read as follows:

Sec. 1-4-20 General Penalty for Violations

Any person who violates or fails to comply with any provision of this code for which a significant penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding \$2,650.00 or by imprisonment not exceeding ONE (1) year, or by both such fine and imprisonment except as previously provided in Section 1-4-30. In addition, each person shall pay for all costs and expenses in the case including attorney’s fees. Each day such violation continues shall be considered a separate

offense.

Read in full, approved and adopted this _18th_ day of June, 2018.

Elvie Samora, Mayor

Iris Garcia, Town Clerk

APPROVED AS TO FORM:

Eugene L. Farish, Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Saguache, Colorado on the _18th_ day of June, 2018, and published by title in the Saguache Crescent, a legal newspaper in the Town of Saguache on July 5, 2018.

Iris Garcia, Town Clerk