

## ORDINANCE NO. 1236

### **AN ORDINANCE AMENDING AND RE-ENACTING AN ORDINANCE CREATING A QUALIFIED MUNICIPAL COURT OF RECORD FOR THE TOWN OF BERTHOUD, STATE OF COLORADO.**

**WHEREAS**, pursuant to Ord. 20\_\_\_\_-\_\_\_\_ §\_\_\_\_, the Board of Trustees for the Town of Berthoud, State of Colorado (the “Board”), enacted an Ordinance to create a municipal court as set forth under C.R.S. §§ 13-10-101 to -126 (2016), as amended; and

**WHEREAS**, subsequent to the passage of Ord. 20\_\_\_\_-\_\_\_\_ §\_\_\_\_, the municipal court for the Town of Berthoud has functioned as a court not of record; and

**WHEREAS**, the Board finds that in order to effectively enforce its codes and ordinances through the operation of a municipal court, amendment to and re-enactment of such ordinance is necessary, and that the municipal court should henceforth operate as a “Qualified Municipal Court of Record” as defined under C.R.S. § 13-10-102(3) (2016).

### **NOW, THEREFORE, THE FOLLOWING IS ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BERTHOUD:**

**SECTION 1. QUALIFIED MUNICIPAL COURT OF RECORD.** The municipal court for the Town of Berthoud, Larimer and Weld Counties, Colorado is created pursuant to the provisions of Article 10, Title 13, C.R.S., as amended, and shall be a qualified municipal court of record.

**SECTION 2. JURISDICTION.** The municipal court shall have original, exclusive jurisdiction of all cases arising under the ordinances and codes of the Town of Berthoud with full power to carry the same into effect and to punish violations thereof by the imposition of such fines, penalties and/or injunctions as provided by such ordinances.

**SECTION 3. MUNICIPAL JUDGE -- APPOINTMENT—OATH.** The municipal judge shall be appointed by the Board for a term of two or more years. Any vacancy shall be filled by appointment of Board. The Board may appoint, from time to time as necessary, substitute judges in case of temporary absence, sickness, disqualification, or other inability of the judge to act. The municipal judge shall meet the requirements of C.R.S. § 13-10-106, as amended; he or she must be licensed to practice law in Colorado but is not required to be a qualified elector of the Town of Berthoud, Colorado or of Larimer County or Weld County, Colorado. Before assuming the duties of his/her office, the municipal judge shall make an oath of affirmation before the Town Clerk, and file with the Board an oath of affirmation to support and uphold the Constitution of the United States, the Constitution and laws of the State of Colorado, and the charter, ordinances and codes of the Town of Berthoud, and that he or she will faithfully perform the duties of the office.

**SECTION 4. MUNICIPAL JUDGE — POWERS AND PROCEDURES.** The municipal judge shall have all judicial powers relating to the operation of the court, subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme

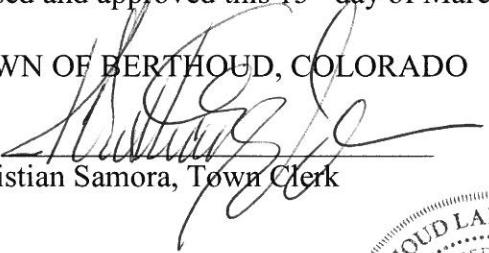
Court. The presiding judge shall have the power to enforce subpoenas issued by any board, body or officer of the municipality.

**SECTION 5. RECORD OF PROCEEDINGS.** The court clerk shall keep a verbatim record of the proceedings and evidence at trial by either electronic device or stenographic means. In addition, the clerk shall keep a record of all cases tried or determined by the court.

**HEALTH, SAFETY AND WELFARE.** The Board of Trustees for the Town of Berthoud, Colorado, hereby finds, determines and declares that this Ordinance is necessary and proper for the peace, health, safety and welfare of the Town of Berthoud and the inhabitants thereof, and shall become effective immediately upon final adoption after its second reading.

Passed and approved this 13<sup>th</sup> day of March, 2018.

TOWN OF BERTHOUD, COLORADO

By:  By: , Mayor  
Christian Samora, Town Clerk

