

COURT, MUNICIPAL

Chapter 17

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**[HISTORY: Adopted by the Mayor and Town Council of the Town of Frisco 02-07-89, Ord. 89-03.<sup>1</sup> Amendments noted where applicable.]**

**§ 17-1. Creation. [Amended 11-06-90, Ord. 90-17]**

Pursuant to Article VI, Section 6-2, of the Town of Frisco Home Rule Charter, there is hereby created a Municipal Court to hear and try all alleged violations of ordinance provisions and matters arising under the Charter of the Town of Frisco, Colorado.

**§ 17-2. Jurisdiction. [Amended 02-18-97, Ord. 97-03; 04-03-01, Ord. 01-06]**

The Municipal Court shall have original jurisdiction of all cases arising under the Code and other ordinances of the Town of Frisco, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance or court rule. The Municipal Court shall have the power to adopt, by Court order, a schedule of fines applicable to the violation of any or all Code or ordinance provisions of the Town of Frisco. The Municipal Court shall have the power to determine and impose any and all court costs upon violators of Code and ordinance provisions of the Town of Frisco. For civil actions, the Town Council shall have the power to establish a schedule of civil fees to provide for the orderly and efficient administration of civil actions filed in the Municipal Court. The Municipal Court shall have the power to authorize peace officers of the Town of Frisco to accept bail bonds for alleged violations of the Code and ordinances of the Town of Frisco when the Code and ordinances of the Town of Frisco specifically provide for the acceptance of a bail bond with respect to such alleged violations.

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<sup>1</sup>This ordinance also repealed former Ch. 17, Court, Municipal, adopted 8-27-79 as Ord. No. 79-19.

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### **§ 17-3. Rules of Procedure. [Amended 03-30-99, Ord. 99-06; 04-11-06, Ord. 06-17]**

For any matter initiated by the issuance of a summons or summons and complaint, the procedure of the Municipal Court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. For any matter concerning the application for an order to abate a nuisance, the procedures outlined in Section 124-7 of this Code shall apply. For any civil action filed in the Municipal Court, the procedure of the Municipal Court shall be in accordance with the Colorado Rules of Civil Procedure as promulgated by the Colorado Supreme Court.

### **§ 17-4. Sessions of Court.**

There shall be regular sessions of the Court for the trial of cases. The Municipal Judge may hold a special session of Court at any time. All sessions shall be open to the public. 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 proceeding, the Municipal Judge may, at his discretion order that the courtroom be cleared.

### **§ 17-5. Municipal Judge. [Amended 11-06-90, Ord. 90-17]**

- A. The Municipal Court of the Town of Frisco shall be presided over by a Municipal Judge appointed by the Town Council. Such additional Judges as may be needed to transact the business of the Court may be appointed by the Council at any time pursuant to the Home Rule Charter.
- B. Municipal Judge may be removed during his term of office only for cause. A Judge may be removed for cause if
  1. He is found guilty of a felony or any other crime involving moral turpitude;
  2. He has a disability which interferes with the performance of his duties and which is or is likely to become of a permanent character;
  3. He has willfully or persistently failed to perform his duties;
  4. He is habitually intemperate; or
  5. At the time of his appointment the town requires the Judge to be a resident of Summit County and he subsequently becomes a nonresident of Summit County during his term of office.
- C. Before entering upon the duties of the office, a Municipal Judge shall make an oath or affirmation that he will support the Constitution of the United States and the State of Colorado and the laws of the Town of Frisco and will faithfully perform the duties of his office.

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- D. The compensation of the Judge shall be a fixed annual salary in an amount set by adoption of the town budget and shall be payable on the same periodic basis as are other salaries paid to municipal employees.

### **§17-6. Court Clerk.**

The Town Manager, after consulting with the Municipal Judge, may appoint a person to serve as Clerk of the Court whose duties shall be described in the Town's classification plan. The presiding Judge may act as Court Clerk in accordance with Colorado statutes.

### **§17-7. Monthly Payment of Treasurer of Moneys Collected.**

On the last day of each month, the Clerk of the Court, or presiding Judge when acting as Clerk, shall report and pay to the Town Treasurer all fines and costs collected or received by the Court.

### **§17-8. Summons and Complaint for Non-Traffic Offenses – Release. [Added 02-18-97, Ord. 97-03].**

If a defendant is otherwise eligible to be issued a summons and complaint for a violation of any provision of Chapter 79 of the Code of the Town of Frisco and if the defendant is not a resident of Summit County, Colorado, the defendant, in order to secure release may, at the discretion of the peace officer, either (i) be taken to the nearest mailbox to mail the amount of the penalty thereon, as such penalty may be established by the Municipal Court, to the clerk of the Municipal Court of the Town of Frisco or (ii) execute a promise to appear in court and pay and post with the peace officer a bail bond in an amount equal to the penalty for the violation. If the Municipal Court has established no particular penalty applicable to the violation, the peace officer may, in his or her discretion, release the defendant upon the defendant's execution of a promise to appear in court and the defendant's payment and posting with the peace officer of a bail bond in the amount of one hundred dollars (\$100.00). Nothing herein shall be construed to require any peace officer to allow the defendant to either mail the penalty to the Court Clerk, or to post a bail bond with the peace officer, and the peace officer shall, at all times, have the discretion to arrest the defendant and to take the defendant without unnecessary delay before a municipal judge who has jurisdiction of such offense as provided by law.

### **§17-9. Failure to Appear. [Added 02-18-97, Ord. 97-03]**

- A. For purposes of this Section 17-9, tender by an arresting officer of a summons or summons and complaint shall constitute notice to the violator to appear in court at the time specified on such summons or summons and complaint or to pay the required fine and surcharge thereon.
- B. A person who fails to appear before the court at the time specified on the summons or summons and complaint commits a violation of this Code.

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### **§17-10. Civil Fees. [Added 04-03-01, Ord. 01-06]**

Civil fees shall be paid to and collected by the Court Clerk with respect to any civil action filed in Municipal Court. Fees shall be imposed according to the civil fee schedule adopted from time to time for use in the Colorado state district courts.

### **§ 17-11. Mandatory Fine Surcharge. [Added 08-12-03, Ord. 03-16; Amended 06-08-10, Ord. 10-09]**

- A. Notwithstanding the provisions set forth in Section 17-2 of the Code that provides the Municipal Court with the power to adopt, by Court order, a schedule of fines applicable to the violation of any Code or ordinance provisions of the Town, the Municipal Court shall:
1. Assess a fine surcharge of ten dollars (\$10.00) against any person, firm or corporation charged with violating any of the provisions of the Code, the Town Charter or any other Town ordinances who (a) enters a plea of guilty or no contest, (b) enters into a plea agreement, including an agreement for a deferred sentence, or (c) is found guilty of such violation by default.
  2. Assess a fine surcharge of one hundred dollars (\$100.00) against any person, firm or corporation charged with violating any of the provisions of the Code, the Town Charter or any other Town ordinances who is found guilty of such violation following a trial.
  3. Consider each violation as a separate offense that is subject to the fine surcharge in accordance with terms of this Section 17-11.
- B. In order to comply with the one thousand dollar (\$1,000.00) limitation on fines and penalties levied by the Town as set forth in Section 1-14.A (1) and (2) of the Code, the Municipal Court shall not adopt a schedule of fines applicable to a single offense in violation of the Code, Town Charter or other ordinance provisions of the Town in excess of nine hundred dollars (\$900.00). The additional fine surcharges established by this Section 17-11 shall be assessed by the Municipal Court in addition to the fines it authorizes pursuant to Section 17-2 of the Code.
- C. All funds collected by the Municipal Court pursuant to Subsection 17-11(A)(1) shall be allocated to the Town Police Department for use in law enforcement and/or training purposes. All funds collected by the Municipal Court pursuant to Subsection 17-11(A)(2) shall be allocated to the Town of Frisco general fund for use in offsetting the costs of operating the Municipal Court.
- D. Nothing in this Section 17-11 shall be construed to prohibit the Municipal Court judge from considering a defendant's ability to pay prior to assessing any fine surcharge.