

ORDINANCE NO. 541

AN ORDINANCE REPEALING ORDINANCE NO. 406 (AN ORDINANCE TO ESTABLISH A QUALIFIED MUNICIPAL COURT OF RECORD) AND ESTABLISHING THE TOWN OF HOLLY, COLORADO MUNICIPAL COURT AS A COURT NOT OF RECORD

WHEREAS, the Town is desirous to reorganize its Municipal Court.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY, COLORADO THAT:

1. Ordinance Number 406 and any amendments thereto, covering the same matters as embraced in this Ordinance, are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.
2. C.R.S. 13-10-104 provides that a governing body of a town may create a municipal court to hear and try all alleged violations of the municipal ordinance provisions of such town.
3. C.R.S. 13-10-102 allows for creation of a municipal court, which shall be a court that is not of record, to hear and determine all cases arising under the ordinances of the Town, subject to appeal in the manner provided by law.
4. The Town's Municipal Court shall now (and until further action of the Board of Trustees) be a Court NOT of Record as defined in C.R.S.
5. Any judge appointed for the Municipal Court for the Town must meet the qualifications as required by C.R.S. 13-10-105 for the operation of a Court that is not of record. The Clerk of the Municipal Court shall be the Clerk of the Town, or the Clerk's assistant, as allowed under C.R.S. 13-10-108.
6. If any part of this Ordinance is held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.
7. The Town Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.
8. This Ordinance shall become effective 30 days after publication thereof.

INTRODUCED this 1st day of September, 2021.

ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AFTER A PUBLIC HEARING AND SIGNED THIS 6th DAY OF OCTOBER, 2021.

/s/ Calvin J. Melcher, Mayor

ATTEST:

/s/ Megan Jara, Clerk/Treasurer