TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2013-3

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING THE MUNICIPAL CODE REGARDING CONTEMPT OF COURT AND FAILURE TO APPEAR.

WHEREAS, the Town currently does not have an independent municipal code provision for the imposition of charges or penalties arising out of contempt of an order from the municipal court; and

WHEREAS, similarly, the Town does not currently have a municipal code provision imposing a penalty for the failure to appear at a required court proceeding; and

WHEREAS, the lack of these penalty provisions has become an issue in the efficient management and operations of the municipal court; and

WHEREAS, the New Castle Municipal Court is a court of record; and

WHEREAS, the Town desires to consider amendments to the New Castle Municipal Code to permit New Castle law enforcement personnel to issue citations and the municipal judge to impose contempt remedies for failure to abide by court order and for failing to appear at a scheduled court date.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby repeals and reenacts the following sections of Town of New Castle Municipal Code:

2.08.080 Contempt of Court

A. The municipal judge is authorized to find any person properly before the court in contempt for failing to follow or abide by a lawful order or act of the court. Such contempt may be direct or indirect.

B. Any person found in contempt of court by failing to perform a lawful act required by or otherwise made mandatory by this Code or the Municipal Court shall be punished by a fine not to exceed one thousand dollars ($1,000.00) and imprisonment not to exceed a term of ten (10) days.

C. In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

2.08.090 Failure to Appear

It shall be a ~~misdemeanor~~ municipal offense for any person to fail to appear in Court when directed to do so by a summons, subpoena, or when ordered to do so by the Court. Upon conviction of a violation of this Section, such person shall be punished in accordance with the provisions of Section 1.20.010.

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on May 21, 2013, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on June 4, 2013, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: Frank Breslin
Frank Breslin, Mayor

ATTEST:

Melody Harrison
Melody Harrison, Town Clerk

TOWN OF NEW CASTLE GARFIELD COUNTY SEAL COLORADO

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