

ORDINANCE NO. 2230

INTRODUCED BY: _____

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 3-2100 OF THE
COMMERCE CITY REVISED MUNICIPAL CODE TO CLARIFY THE ORIGINAL
JURISDICTION OF THE COMMERCE CITY MUNICIPAL COURT

WHEREAS, home rule municipalities have authority to create municipal courts and define their jurisdiction pursuant to Article XX, Section 6 of the Constitution of the State of Colorado, as recognized in *Town of Frisco v. Baum*, 90 P.2d 845 (2004);

WHEREAS, the City of Commerce, Colorado (“City”) has defined the jurisdiction of its municipal court in Section 8.1(a) of the City Charter as follows, “There shall be a municipal court which shall have jurisdiction to hear and determine all cases regarding criminal, decriminalized and civil violations and offenses under this Charter, the ordinances, codes and regulations of the city;”

WHEREAS, Article II, Chapter 3 of the Commerce City Revised Municipal Code provide for an administrative alternative for the enforcement of certain civil infractions and the resolution of certain business licensing actions; and

WHEREAS, the City Council desires to clarify the original jurisdiction of the municipal court regarding all civil violations and offenses for the avoidance of any doubt;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 3-2100 of the Commerce City Revised Municipal Code is hereby repealed and re-enacted as shown in Exhibit A, attached and incorporated by reference.

SECTION 2. The City Council finds and declares that this ordinance is reasonable and necessary to protect the public health, safety, and welfare.

SECTION 3. Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect. Any ordinances of the City of Commerce City inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 1ST DAY OF JULY 2019.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS ____ DAY OF _____ 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk

EXHIBIT A

Section 3-2100. – Applicability and scope.

This article defines: (1) the administrative process when a notice of violation is issued pursuant to this article as an alternative to prosecution in the municipal court for ~~applies to~~ any alleged violation of chapters 9 and 21 of this Code, any other alleged violations authorized by this Code to be prosecuted through the city's administrative hearing process, and any alleged violation of any provision of this Code designated as a civil infraction_; and (2) the process for appeals pursuant to Section 9-1010 of this Code ~~of any denial of an application for, or for any action to suspend or revoke suspension or revocation of, any license governed by chapter 9 of this Code.~~ Nothing in this article shall be construed: (1) to limit the original jurisdiction of the municipal court to hear and determine all cases regarding criminal, decriminalized and civil violations and offenses under the Charter, ordinances, codes, and regulations of the city; or (2) to require that any alleged violations be addressed through the process established in this article as a prerequisite to the municipal court's jurisdiction to hear and determine such violations and offenses.

[END]