



## Legislation Details (With Text)

**File #:** Ord 2230      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/25/2019      **In control:** City Council  
**On agenda:** 8/5/2019      **Final action:** 8/5/2019  
**Title:** 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - Final, 2. Ordinance

Date	Ver.	Action By	Action	Result
8/5/2019	1	City Council	approved on second & final reading	
7/1/2019	1	City Council	introduced by council as seated and approved on first reading	Pass

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

### Summary and Background Information:

Home rule municipalities like the City have authority to create and define the jurisdiction, powers, and duties of municipal courts. See Colo. Const., Art. XX, § 6; C.R.S. § 13-10-103; see also *Town of Frisco v. Baum*, 90 P.3d 845 (Colo. 2004). The City Charter established a municipal court with jurisdiction extending to “all cases regarding criminal, decriminalized and civil violations under this Charter, the ordinances, codes and regulations of the city.” Charter § 8.1.

When CCRMC Chapter 3, Article II, entitled “Administrative Hearings,” was enacted, it provided for a non-exclusive, alternate administrative process for civil violations and violations of Chapters 9 (Licensing) and 21 (Land Development Code), as well as for appeals of certain licensing decisions. The City Code already contemplates multiple avenues for enforcement of both civil and criminal violations that may be exercised in any order.

The City Attorney and staff recommend adoption of the proposed ordinance to clarify and confirm the intention that Chapter 3, Article II was intended to be a non-exclusive alternative and that the Municipal Court retain its original jurisdiction to hear all cases in accordance with the City Charter without requiring an administrative process to be completed first. The proposed ordinance does not change the jurisdiction of the Municipal Court or the administrative hearing officer.

**Staff Responsible (Department Head):** Robert Sheesley, City Attorney

**Staff Member Presenting:** Robert Sheesley, City Attorney

**Financial Impact:** n/a

**Funding Source:** n/a

**Staff Recommendation:** Approval.