

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 08 – SERIES 2024**

**AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO CLARIFYING THAT VIOLATIONS OF ITS
MUNICIPAL CODE ARE CIVIL INFRACTIONS.**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, Minturn Municipal Code Sec. 1-4-20 provides that violations of the Town Code constitute “misdemeanors;” and

WHEREAS, Minturn Municipal Code Sec. 1-2-10 defines the term “misdemeanor” as only a “violation” and not a crime or criminal misconduct; and

WHEREAS, the Minturn Town Council finds and believes that it is necessary and proper to amend the Minturn Municipal Code to clarify that violations of the Code are civil matters and not criminal in nature.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Section 1-2-10 of the Minturn Municipal Code is hereby amended to delete entirely the existing definition of the term “misdemeanor” and replace it with the following: “*Misdemeanor* means a civil violation of the Code and, notwithstanding any provision of the Town Charter or the Code to the contrary, does not constitute a crime, criminal offense, or criminal misconduct.”

SECTION 3. Section 2-5-20, paragraph (a), of the Minturn Municipal Code is hereby amended as set forth below, with new text double underlined and deleted text in ~~strikethrough~~.

ARTICLE 5 – Municipal Court

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Sec. 2-5-20. - Jurisdiction; powers; procedures.

(a) Jurisdiction of Municipal Court. The Municipal Court shall have original jurisdiction of all cases arising under this Code and other ordinances of the Town, with the authority to punish violators thereof by the imposition of fines and penalties in accordance with Section 1-4-20 of this Code. The Municipal Court shall enjoy all necessary powers available at law and equity, including but not

limited to injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove violations under this Code. The procedures of the Municipal Court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court, provided however that, notwithstanding any terms of the Municipal Court Rules of Procedure, the Town Charter, or the Code to the contrary, all violations of any provision of the Town Charter or Code constitute civil matters and, except as expressly provided below, shall be tried to the municipal judge. There shall be no right to trial by jury unless jury trial is required by the Constitution of the State of Colorado or other applicable Colorado law, and a defendant submits a timely demand for jury trial in accordance with state law and the Municipal Court Rules of Procedure.

SECTION 4. Section 8-1-50 of the Minturn Municipal Code is hereby is hereby amended as set forth below, with new text double underlined and deleted text in ~~strikethrough~~.

CHAPTER 8 – Vehicles and Traffic

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Sec. 8-1-50. - Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State’s uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof. Notwithstanding any terms of the Town Charter or the Code to the contrary, any violation of the Town’s traffic ordinances shall be a civil matter and not constitute a crime or criminal offense.

SECTION 5. The Town’s codifier is authorized format the code in conformance with these amendments. The amendment of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceedings as commenced under or by virtue of the provisions of the Municipal Code as it existed prior to the effective date of these amendments.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 17TH DAY OF APRIL 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 1ST DAY OF MAY 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 1ST DAY OF MAY 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk