

**ORDINANCE**

**AN ORDINANCE AMENDING SECTION 1.32.150 WITH THE ADDITION OF A NEW SUBSECTION (B) TO THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING PROTECTION ORDERS ISSUED BY THE MUNICIPAL COURT**

**WHEREAS**, Section 8.2 of the Manitou Springs Charter (the "Charter") establishes the municipal court;

**WHEREAS**, Section 1.32 of the Manitou Springs Municipal Code (the "Code") establishes the administration of the municipal court;

**WHEREAS**, the City Council is empowered, by charter or ordinance, to define the jurisdiction of its municipal court concerning local and municipal matters;

**WHEREAS**, the City's Charter and Code reserve exclusive original jurisdiction in its municipal court concerning all causes of action for violation or enforcement of the Code or Charter;

**WHEREAS**, the City Council desires to authorize the municipal court judge to issue pre-conviction protection orders that shall remain in effect until final disposition of a defendant's case or until ordered otherwise by the municipal court judge;

**WHEREAS**, the City Council finds that the authority of the municipal court judge to issue pre-conviction protection orders will protect victims against crimes arising out of the Code and to provide victims of harassment the maximum protection from further abuse that undermines the quality of life and affects the public health, safety and welfare; and

**WHEREAS**, in accordance with its police power to protect the health, safety and welfare of the public, the City Council desires to add a new chapter to the Manitou Springs Municipal Code to authorize the municipal court judge to issue pre-conviction protection orders.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO THAT:**

**Section 1:** Section 1.32.150 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.150 – Power and jurisdiction of court.**

- A. The municipal court shall have exclusive original jurisdiction to hear, try and determine all cases arising under the ordinances of the city with full power to carry the same into effect and to punish violations thereof by the imposition of such fines and penalties as are provided in such ordinances or by city ordinance. It shall have the power to compel attendance of witnesses and to punish for contempt of such court by a fine not to exceed one thousand dollars or by a jail sentence not to exceed five days. The

court shall have all powers incident to a court of record. There shall be no change of venue from the municipal court.

- B. The municipal court shall have authority to issue a protection order against any person charged with any violation of the Municipal Code, which order shall remain in effect from the time that the person is advised of his or her rights at arraignment or the person's first appearance before the municipal court and informed of such order until final disposition of the action, or until ordered otherwise by the municipal court. Such order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged. The municipal court shall inform the defendant of the protection order and that a violation of such order is punishable by contempt. Nothing in this section shall preclude the defendant from applying to the municipal court at any time for modification or dismissal of the protection order issued or the prosecuting attorney from applying to the municipal court at any time for further orders, additional provisions under the protection order, or modification or dismissal of the same. The municipal court shall retain jurisdiction to enforce, modify, or dismiss the protection order until final disposition of the action.

**Section 2.** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3.** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 16<sup>th</sup> day of May, 2017.

/s/ Donna Kast  
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the June 6, 2017, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: May 18, 2017 (in full)  
*City's Official Website and City Hall*

Passed on second reading and adopted by City Council this 6<sup>th</sup> day of June, 2017.

/s/ Nicole Nicoletta  
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast  
City Clerk, Donna Kast

Ordinance Published: June 8, 2017 (in full)  
*City's Official Website and City Hall*