ORDINANCE NO. 1043

AN ORDINANCE AMENDING CHAPTER 42 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION RELATING TO PROCEDURE IN THE MUNICIPAL COURT OF THE CITY OF GRAND JUNCTION, IN CASES ARISING UNDER THE CHARTER OR ORDINANCES OF THE CITY, BY ADDING THERETO A NEW SECTION 20 RELATING TO TRIALS BY JURY, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. That Chapter 42 of the 1953 Compiled Ordinances of the City of Grand Junction be, and the same is hereby, amended by adding thereto a Section 20 to read as follows:

Section 20. Jury Trial.

1. In all trials before or in the Municipal Court of the City of Grand Junction, in cases arising under the Charter or ordinances of the City of Grand Junction wherein the defendant shall have the right to trial by jury, such defendant may demand a jury, which shall consist of six jurors, or a less number not fewer than three, if the same be agreed upon by the City of Grand Junction and the defendant, and thereupon the said Court, or a judge thereof, shall issue a venire for the jury, directed to the Clerk of the Municipal Court or any police officer of the City of Grand Junction not directly concerned with the case at issue, which shall be substantially in the following form:

State of Colorado	)	
	)	ss
City of Grand Junction	)	

The People of the City of Grand Junction, State of Colorado, to _____ greeting:

We command you to summon _____ persons of the City of Grand Junction, State of Colorado, to appear before me at _____, on the _____ day of _____, 19_____, who are not of kin to _____, defendant _____, to make a jury between the City of Grand Junction, State of Colorado, and said defendant _____ in a plea of not guilty to a charge of a violation of the Charter or one or more ordinances of the said City; because the said defendant has demanded trial by jury; and have you then and there the names of the jury, and this writ. Witness my hand and seal, this _____ day of _____, 19_____.

	____(Seal)
	____ Judge of Municipal Court

2. In all cases where a person shall be summoned as a juror to try any case before the Municipal Court of the City of Grand Junction, or a judge thereof, and shall fail to attend at the time and place appointed in such summons, the said Court, or judge thereof, shall have power to issue an attachment, directed to the Clerk of the Municipal Court or any police officer of the City of Grand Junction, commanding him forthwith to bring before such Court or judge the body of such juror so failing to attend, to show cause why he should not be punished for contempt; and upon the appearance of such juror on such attachment, it shall be lawful for such Court or judge to punish him for contempt or wholly discharge him if satisfactory excuse be made.

3. If any juror summoned shall be interested in the event of the case or kin to a defendant, or shall have expressed his opinion on the matter about to be tried, or shall, for any cause, to be judged by the judge of the Municipal Court, be considered as a partial or improper juror, the judge shall discharge such juror; and when, by such discharge, or the failure of any juror to attend, the jury shall not be complete, the judge shall direct the Clerk of the Municipal Court or any police officer of the City of Grand Junction not directly concerned with the case at issue to summon as many persons as shall be required to complete such jury, instantly, from among the bystanders or other persons in the City of Grand Junction, which summons shall be verbal; and; the person so summoned shall be bound to serve on such jury, and on refusal or failure to do so may be attached and punished for contempt. In all cases arising under the Charter or ordinances of the City of Grand Junction wherein a jury trial is had, each party shall be entitled to three peremptory challenges.

4. Upon the jury returning their verdict of guilty, the judge shall record the same in the docket and shall proceed to fix or determine the punishment, penalty, or sentence and to render judgment upon such verdict for the punishment, penalty, or sentence so determined by him and for costs; but if the jury return a verdict of not guilty, the judge shall record the same, and discharge the defendant or defendants without costs.

5. If any person accused of violating any of the provisions of the Charter or ordinances of the City of Grand Junction having a right to trial by jury shall confess himself guilty, a judge of the Municipal Court, without a jury, shall hear the evidence and fix and determine the sentence, penalty, or punishment, and such judge shall enter judgment and issue execution thereon.

6. The fees of jurors in the Municipal Court of the City of Grand Junction, State of Colorado, shall be the same as those now prescribed, or hereafter prescribed, for jurors sitting in the Justice of the Peace Courts within the State of Colorado.

Section 2. It is hereby declared that a special emergency exists; that this ordinance is necessary for the preservation of the public peace, health and safety; and that this ordinance shall take effect upon its passage.

PASSED AND ADOPTED this 2nd day of April, 1958.

/s/ John S. Emerson
President of City Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing emergency ordinance entitled AN ORDINANCE AMENDING CHAPTER 42 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION RELATING TO PROCEDURE IN THE MUNICIPAL COURT OF THE CITY OF GRAND JUNCTION, IN CASES ARISING UNDER THE CHARTER OR ORDINANCES OF THE CITY, BY ADDING THERETO A NEW SECTION 20 RELATING TO TRIALS BY JURY AND DECLARING AN EMERGENCY, was introduced, read, passed and adopted as an emergency ordinance, numbered 1043 and ordered published by the unanimous vote of the members of the City Council of the City of Grand Junction, at a regular meeting of said Council held on the 2nd day of April, 1958.

In witness whereof, I have hereunto set my hand and affixed the official seal of said City, this 3rd day of April, 1958.

/s/ Helen C. Tomlinson
City Clerk