

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1155**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
ENACTING CHAPTER 1, "GENERAL PROVISIONS," ARTICLE IV,
"GENERAL PENALTIES," SECTION 1-77 "ASSIGNMENT OF COUNSEL,"
OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; AND
SETTING FORTH DETAILS IN RELATION THERETO.**

WHEREAS, House Bill 13-1210 modified various provisions of C.R.S., Title 16, related to assignment of counsel in criminal cases; and

WHEREAS, the Board of Trustees of the Town of Frederick deems it appropriate and necessary to enact language to establish when the assignment of counsel in a criminal case within the Frederick Municipal Court is appropriate; and

WHEREAS, the Board of Trustees of the Town of Frederick determines that such enactment is necessary for the preservation of the public property, health, safety, and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Chapter 1, "General Provisions," Article IV, "General Penalties," Section 1-77 of the Municipal Code of the Town of Frederick, entitled "Assignment of Counsel," is hereby enacted to read as follows:

Sec. 1-77. Assignment of counsel.

The assignment of counsel by the municipal court shall only be appropriate when a defendant has been charged with a violation that is punishable by imprisonment upon conviction and the prosecutor has not waived its right to seek the imposition of such penalty. Where the prosecutor has waived its right to seek the imposition of a jail sentence upon conviction, appointment of counsel by the municipal court is not appropriate.

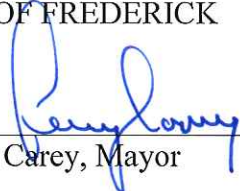
Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 24th day of September, 2013.

TOWN OF FREDERICK

By:  _____
Tony Carey, Mayor

ATTEST:

By  _____
Meghan Martinez, Town Clerk