

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS CONCERNING SECURITY MEASURES AND COURTROOM PROTOCOL TO BE ENFORCED IN THE HUGO TOWN HALL AND HUGO MUNICIPAL COURT AND ESTABLISHING FINES AND PENALTIES FOR THE VIOLATION THEREOF.

ORDINANCE NUMBER 238

WHEREAS, the Board of Trustees seeks to establish an appropriate level of security that minimizes the opportunity for physical violence and/or injury to employees, the public, and anyone conducting business in the Hugo Town Hall, and

WHEREAS, the Board of Trustees has determined that responsibility for implementing and enforcing this ordinance falls under the guidance of the Board of Trustees and under the authority of the Hugo Marshal's Office pursuant to Colorado Revised Statutes §31-15-401, General Police Powers; §16-2.5-108, Town Marshal – Deputy (Enforcement Authority); §18-9-117(1)(c), Unlawful Conduct on Public Property; §18-12-101, Definitions of Weapons; and §18-12-214(4)(b), Authority Granted by Permit – Carrying Restrictions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:

Section 1. Application of Ordinance.

All individuals entering the Hugo Town Hall and/or the Hugo Municipal Court during days on which Municipal Court is held shall be subject to the provisions of this ordinance.

On each scheduled court day, notice shall be placed in the form of clearly printed signage on the front door of the Hugo Town Hall, informing individuals intending to enter the building that weapons are prohibited and that individuals and their belongings are subject to search.

The Town of Hugo does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. For information on accessibility and to request reasonable accommodations at least three (3) business days in advance, please contact the Hugo Town Clerk at (719) 743-2485.

Section 2. Scope of Ordinance.

All individuals entering the Hugo Town Hall and/or Hugo Municipal Court during days on which Municipal Court is scheduled shall be subject to security screening by the Hugo Marshal's Office using walk-through and/or handheld screening devices. All weapons and personal protection devices are subject to the provisions of Section 4 of this ordinance.

If not otherwise specified in this ordinance, the Hugo Marshal's Office shall establish screening procedures that balance the need for security with the productivity and functional needs of employees of the Town of Hugo and employees of contractors/businesses hired by the Town of Hugo to conduct work in the building during days on which Hugo Municipal Court is scheduled to be in session.

Employees of the Town of Hugo, the Hugo Municipal Court Judge, the Town of Hugo Attorney, Mayor of the Town of Hugo, and members of the Town of Hugo Board of Trustees shall not be subject to security screening, unless required to do so by their department head, an elected official, or the Hugo Municipal Court Judge.

Attorneys licensed to practice law in the State of Colorado who have in their immediate possession a bar membership identification card shall not be subject to regular security screening.

If, based on credible information obtained by the Hugo Municipal Court Judge and/or Hugo Marshal's Office personnel, it is deemed necessary to implement additional security screening, Town of Hugo employees, the Town of Hugo Attorney, the Mayor of the Town of Hugo, members of the Town of Hugo Board of Trustees, and/or attorneys licensed to practice law in the State of Colorado may also be subject to these security procedures.

Section 3. Entrances.

A. The west entrance to the building (the main entrance to Town Hall on Second Avenue) shall be open to the general public and shall be staffed as a security screening entrance by Hugo Marshal's Office personnel during days on which Hugo Municipal Court is in session, from at least 8:30 a.m. until at least 1:30 p.m., or at all times court is in session.

This entrance shall also be designated as the entrance that is accessible by persons with disabilities and for deliveries to the Town of Hugo while court is in session.

B. The northwest entrance to the building (on Sixth Street) is to be used for Town of Hugo employees only.

This entrance shall also be used for deputies escorting in-custody defendants to and from court. During these times, personnel of the Hugo Marshal's Office shall ensure that all interior doors of the Town Hall are closed and secured, that employees of the Town of Hugo are aware that an in-custody defendant is present, and that the public does not have access to the courtroom until the in-custody defendant has been secured.

C. The north entrances to the building through the garage doors (on Sixth Street) are to be used for Town of Hugo employees only.

D. The east entrances to the building are to be used for Town of Hugo employees only.

Section 4. Weapons.

The provisions of this section may be modified or suspended to accommodate the lawful activities of participants in judicial matters, e.g., court exhibits. Authorization to bring items restricted by this ordinance into the Hugo Town Hall and/or the Hugo Municipal Court shall be evaluated and granted/denied on a case-by-case basis by the Hugo Marshal's Office and/or the Hugo Municipal Court Judge. The Hugo Marshal's Office shall establish a procedure to accommodate such requests and the safe handling of restricted items while within the Hugo Town Hall and/or the Hugo Municipal Court.

A. Firearms, Knives, and Other Weapons:

1. Any person who attempts to enter the Hugo Town Hall and/or the Hugo Municipal Court with a firearm, offensive weapon, dangerous weapon, knife of any size, personal protection device (including a chemical control agent and/or electronic control device), or explosive/incendiary device (including a lighter) shall be required to secure the item(s) in their vehicle or at a location other than the Hugo Town Hall prior to being granted access or entry. These items will not be secured by or maintained by Hugo Marshal's Office personnel or employees of the Town of Hugo.

2. Hugo Marshal's Office personnel and deputies escorting inmates to/from court shall be authorized to carry weapons and personal protection devices in the Hugo Town Hall and Hugo Municipal Court and shall be armed at all times.

3. A uniformed law enforcement officer or plain-clothes law enforcement officer with valid official identification displaying his/her photograph shall be authorized to carry weapons and personal protection devices in the Hugo Town Hall and Hugo Municipal Court, provided he/she is not a defendant in a pending case before the Hugo Municipal Court.

a. The Hugo Municipal Court Judge may set additional restrictions governing the possession of weapons by law enforcement personnel within the courtroom.

b. A law enforcement officer involved as a defendant in a proceeding which is not related to his/her employment as a peace officer shall be subject to the restrictions as outlined in subsection (1) above.

#### Section 5. Personal Electronic Devices.

Many people routinely carry some form of cell phone, smartphone, personal digital assistant, tablet, laptop, or other similar portable wireless communications or computing/gaming device (hereinafter collectively referred to as "Personal Electronic Devices"). To maintain the decorum of court proceedings, ensure a fair trial, and protect the rights and safety of court participants, this ordinance also addresses appropriate limits on the use of Personal Electronic Devices in the Hugo Town Hall and the Hugo Municipal Court **while court is in session**.

A. Within the Hugo Town Hall (Outside the Hugo Municipal Court):

1. Any person may bring a Personal Electronic Device into the Hugo Town Hall, subject to inspection and security screening. Telephone conversations are permitted outside of the courtroom but shall not interfere with the efficient functioning of the Town of Hugo or the Hugo Municipal Court (i.e., the sound of conversations shall not be permitted to carry into the courtroom).

2. If the Personal Electronic Device contains a phone function, its ring function shall be turned off prior to entering the courtroom.

3. If the Personal Electronic Device contains other functionality that emits sound of any kind, it shall be set to provide completely soundless and noiseless (hereinafter "silent") operation at all times prior to entering the courtroom.

4. Persons within the Hugo Town Hall may use a Personal Electronic Device but only if the Personal Electronic Device is silent and operated in a manner that is unobtrusive and does not interfere with the integrity, dignity, and decorum of the Court or the efficient operation of court business.

5. No person shall use a Personal Electronic Device to communicate with any courtroom participant at any time during the course of any proceedings. A "courtroom participant" includes an attorney, litigant, or witness, who is present in the courtroom as part of the conduct of any proceedings.

6. No person shall use a Personal Electronic Device to photograph or otherwise communicate identifying information regarding courtroom participants. In addition to any penalties described below, violation of this subsection may result in criminal prosecution.

B. Within the Hugo Municipal Courtroom:

1. All persons must silence all Personal Electronic Devices before entering the courtroom.

2. Courtroom participants, as defined in above subsection A(5), shall be authorized to use Personal Electronic Devices; however, if the Personal Electronic Device contains a phone function, its ring function shall be silenced at all times within the courtroom. No telephone conversations are permitted within the courtroom, unless specifically authorized by the Hugo Municipal Court Judge.

C. Media Coverage:

Unless otherwise specified in the Colorado Court Rules, members of the media seeking to use Personal Electronic Devices within the courtroom shall submit such requests to the Hugo Municipal Court Judge via the Hugo Town Clerk at least ten (10) business days prior to the scheduled court date. Equipment to be used by the media in the courtroom during judicial proceedings must be unobtrusive and must not produce distracting sound.

D. Judicial Discretion:

The Hugo Municipal Court Judge may restrict or prohibit use of Personal Electronic Devices at any time, if, in his/her discretion, the use of a Personal Electronic Device is interfering with the administration of justice, the security of a proceeding, or the dignity, decorum, or integrity of the court process.

E. Violation:

Any person violating this section may have the use of his/her Personal Electronic Device restricted, including, but not limited to, being asked to move to another location or having his/her Personal Electronic Device confiscated for the duration of the proceedings for that court day. Persons in violation of this section shall also forfeit the privilege of bringing a Personal Electronic Device into the Hugo Town Hall or the Hugo Municipal Court for the remainder of the proceedings for that court day. Furthermore, persons in violation of the section may be held in contempt, which could result in a fine or jail time being levied. Finally, the Court, in its discretion, may order that any audio recording, photographs, video, or communication made in violation of these rules be destroyed.

Any violation of any provision of this ordinance is punishable by a fine of up to five-hundred dollars (\$500.00), as to each violation.

Section 6. Severability.

If any one or more sections or parts of this ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, it being the intention that the various provisions are severable.

Section 7. Repealer.

All acts, orders, resolutions, ordinances or parts thereof, of the town that are inconsistent or in conflict with this ordinance are hereby repealed to the extent only of such inconsistency or conflict.

Section 8. Recording and Authentication.

Following adoption, this ordinance shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in the Town of Hugo book of ordinances.

Section 9. Effective Date.

This ordinance shall take effect thirty (30) days after publication as required by law.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 14th day of October, 2013.

/s/Patsie E. Smith  
Patsie E. Smith :MAYOR

ATTEST:

/s/Maria S. Nestor  
Maria S. Nestor; TOWN CLERK