

**ORDINANCE NO. 05-2018**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF GARDEN CITY, COLORADO; ADOPTING BY REFERENCE THE 2010 EDITION OF THE “MODEL TRAFFIC CODE FOR COLORADO”; REPEALING ORDINANCES IN CONFLICT THEREWITH AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

WHEREAS, the Board of Trustees has determined that for purposes of public safety and the welfare of the residents of the Town the 2010 edition of the Model Traffic Code for Colorado should be adopted.

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

Section 1. Adoption. Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, C.R.S., there is hereby adopted by reference Article I and II, inclusive, of the 2010 edition of the “Model Traffic Code for Colorado” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222. The subject matter of the Model Traffic Code for Colorado relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. At least three (3) copy of the Model Traffic Code for Colorado adopted herein is now on file in the office of the Clerk of the Town of Garden City, Colorado, and may be inspected during regular business hours.

Section 2. Deletions, Additions and Modifications. The 2010 edition of the Model Traffic Code for Colorado is adopted as if set out at length save and except the following deletions, modifications and additions. The Model Traffic Code for Colorado is hereby expressly amended as follows:

- (a) Section 1702 is hereby deleted in its entirety.
- (b) Section 1701 is hereby amended to read as follows:

**1701. Municipalities – traffic offenses classified – schedule of fines.**

(1) Except as set forth herein, it is a traffic infraction for any person to violate any of the provisions of this Code. Such a traffic infraction shall constitute a civil matter. The Colorado Rules of Municipal Procedure shall apply to traffic infraction proceedings, except that no warrant for arrest shall be issued for the defendant’s failure to appear when the only violation charged would constitute a noncriminal traffic infraction and the defendant’s driver’s license is issued by the State of Colorado or any other state which participates in the Interstate Nonresident Violator

Compact, as codified at C.R.S. Section 24-60-201. Instead, the court may enter a judgment of liability by default against the defendant for failure to appear, assess any penalty and costs established by law and report the judgment to the appropriate state motor vehicle department which may assess points against the defendant's driver's license and may take appropriate action to ensure that the judgment is satisfied. There is no right to a trial by jury for any noncriminal traffic infraction.

(2) The following violations set forth in the Model Traffic Code for Colorado are not traffic infractions but violation of the following sections shall constitute a Class 1 traffic offense as defined by Colorado Revised Statutes 42-4-1701.

(a) A violation of Section 1101(1) involving driving twenty (20) miles per hour or more in excess of the reasonable and prudent speed or in excess of the lawful speed limit is a criminal traffic offense.

(b) Any person who violates Section 607, 705, 1105, 1401, 1402, 1409, 1413, 1703 or 1903 of this Code commits a criminal traffic offense.

(3) Court costs, surcharges, late payment fees, or other fees as authorized by law or ordinance or established by a court shall be added to the fine.

Section 3. Penalties. The following penalties, herewith set forth in full, shall apply to this Article:

It is unlawful for any person to violate any of the provisions adopted in this Article.

Every person convicted of a violation of any provision adopted in this Article shall be punished by a fine not exceeding the maximum penalty provided in Chapter 1, Article 4 of the Garden City Municipal Code.

Section 4. Application. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 5. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 6. Repeal. Ordinance No.3-2008 is hereby REPEALED and any Ordinance or parts of Ordinances covering the same matters as set forth in this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for

any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 7. Interpretation. This Ordinance 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 the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 8. Effective Date. This Ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED, ADOPTED AND APPROVED THIS 17th DAY OF JULY, 2018.

TOWN OF GARDEN CITY

By: \_\_\_\_\_  
Mayor

ATTEST:

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Town Clerk