

ORDINANCE NO. 186

AN ORDINANCE FOR THE REGULATION OF TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF CREEDE, A TOWN, ADOPTING BY REFERENCE "THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES," 1971 EDITION, AND AS A SECONDARY CODE THE "UNIFORM TRAFFIC CONTROL DEVICES FOR ALL CLASSES OF STREETS AND HIGHWAYS," 1966 EDITION, AS AMENDED HEREIN; AND REPEALING ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH.

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| 15-1-1 | Adoption | 15-1- 7 | Leaving of Wrecked, Non-Operating Vehicles on Private Property |
| 15-1-2 | Purpose and Scope | | |
| 15-1-3 | Copies on File | | |
| 15-1-4 | Amendments | 15-1- 8 | Disposition of Wrecked or Discarded Vehicles |
| 15-1-5 | Abandonment of Vehicles | | |
| 15-1-6 | Leaving of Wrecked, Non-Operating Vehicles on Street | 15-1- 9 | Through Streets |
| | | 15-1-10 | Decreased Speed Limits |
| | | 15-1-11 | Penalties |

BE IT ORDAINED by the Board of Trustees of the City of Creede, a Town in Mineral County, Colorado:

15-1-1 Adoption Pursuant to the authority conferred by Article 34, Chapter 139, Colorado Revised Statutes 1963, there is hereby adopted as the traffic ordinance for the City of Creede. "The Model Traffic Code for Colorado Municipalities," 1971 edition, and as a secondary code the "uniform Traffic Control Devices for All Classes of Streets and Highways," 1968 edition.

15-1-2 Purpose and Scope "The Model Traffic Code for Colorado Municipalities" and the "Uniform Traffic Control Devices for All Classes of Streets and Highways" are published by the Colorado Highway Safety Council, State Capitol Building, Denver, Colorado, for the purpose of providing uniform traffic laws for municipalities throughout the State of Colorado. The model ordinance includes comprehensive provisions covering:

- (a) Rules of the Road, including rules for drivers, pedestrians and operators of bicycles; and
- (b) Enforcement and Violations, including the policing of accidents and other violations, the establishment of a traffic violations bureau, and traffic administration.

15-1-3 Copies on File At least three copies of the Model Code and the Traffic Control Devices Manual are on file at the office of the Town Clerk and may be inspected during regular business hours.

15-1-4 Amendments The following sections of the "Model Traffic Code for Colorado Municipalities" are hereby amended to read as follows:

*(all amendments
abandonment
15-1-5)*

1-20-1974
1-21-1974
1-22-1974
1-23-1974
1-24-1974
1-25-1974
1-26-1974
1-27-1974
1-28-1974
1-29-1974
1-30-1974
1-31-1974
186

Section 24-1 Traffic Violations Bureau Created.

(a) There is hereby created and established a Traffic Violations Bureau to assist the municipal court with the clerical work of traffic cases. The Town Clerk's office is hereby designated as the said Traffic Violations Bureau. The Bureau shall be in the charge of the Town Clerk and shall be open on week days from 8:00 A.M. until 5:00 P.M., and on Saturdays from 8:00 A.M. until 12:00 noon.

(b) As to traffic violations specified in sub-section (d) of this section, they may be handled in the following manner: At the discretion of the arresting officer, the officer making an arrest for such violations may give notice at the time of the arrest to the person arrested, which notice shall be in the form of a penalty assessment, if the person arrested elects forthwith at the time of such arrest to accept and agree to pay such penalty assessment in lieu of further proceedings or defense of such violation in Court. Acceptance and payment of the prescribed penalty assessment set forth in sub-section (d) of this section, shall be deemed a complete satisfaction for the violation, and the violator shall be given a receipt which so states when such violation assessment is paid in currency or other form of legal tender. Such penalty assessment in the amount specified in sub-section (d) hereof, must be paid at the Traffic Violation's Bureau, in person or by registered mail within five (5) days from the date of the arrest.

(c) If such penalty assessment be not so paid, said violator shall be proceeded against as by law provided for the violation of the applicable traffic ordinances, and said violator shall be subject to all fines, jail sentences or other penalties set forth in the ordinance when said violator is found guilty of a violation by the municipal court. The notice is specified in sub-section (b) of the section, shall be construed to be a summons for a charge of violation under said ordinances in the event that the violator fails or refuses to pay the penalty assessment herein prescribed within five (5) days from the date of the arrest to the Traffic Violations Bureau, and such notice shall be in such form as prescribed by law so as to show the nature of the charge and the venue of the Court in which said charge shall be heard in the event that the penalty assessment prescribed herein is not paid, and the prosecution as for a violation of said ordinance shall be had hereafter heard in such Court. In the event that a prosecution shall be had hereunder, the violator shall be privileged to answer the charge made against him in the manner and within the time and subject to the other provisions of said ordinance relating to prosecution for violation thereof.

(d) The Violations for which the penalty assessment may be accepted and paid by the violator under the privileges of this section shall be as herein set forth, subject to any such changes

186
or amendments as may be promulgated by the Municipal Court after the effective date of this Ordinance:

SPEEDING	\$10.00
CARELESS DRIVING	10.00
ON WRONG SIDE OF STREET OR IN IMPROPER LANE	10.00
IMPROPER PASSING	8.00
FAILURE TO YIELD RIGHT OF WAY	8.00
ILLEGAL LOAD, EXCEPT BY PERMIT	8.00
DAMAGE TO STREET	8.00
IMPROPER REGISTRATION	5.00
SPILLING LOADS ON STREET	5.00
NO EMERGENCY LIGHTING EQUIPMENT	5.00
FAILURE TO USE EMERGENCY LIGHTING EQUIPMENT	5.00
FAILURE TO STOP AT STOP SIGN	3.00
IMPROPER TURNING	3.00
FOLLOWING TOO CLOSELY	3.00
FAILURE TO DIM LIGHTS	3.00
IMPROPER LIGHTING	3.00
NO CHAUFFEUR'S LICENSE	3.00
NO OPERATOR'S LICENSE	3.00
FAILURE TO COMPLY WITH INSPECTION LAW	3.00
IMPROPER PARKING	3.00
SWINGING CHAINS	3.00
DRIVER OPERATION INTERFERENCE	3.00
NO SAFETY CHAINS ON TRAILER	2.00
IMPROPER EQUIPMENT (HORN, MUFFLER, REAR VISION MIRROR, WINDSHIELD WIPER, BRAKES, AND OTHERS)	2.00
IMPROPER OR INSUFFICIENT REFLECTORS	1.00

(e) The schedule defined and set forth in sub-section (d) hereof, shall not apply to any violation of said ordinance which is tried in any court.

Section 22-8 When Person Charged May Elect to Appear at Bureau or Before Judge. Any person charged with an offense for which, at the discretion of the arresting officer, payment of a fine may be paid to the Traffic Violation's Bureau, shall have the option of (1) paying such fine within the time specified in the traffic citation and notice of arrest at the Traffic Violation's Bureau, upon entering a plea of guilty and upon waiving appearance in Court; or (2) depositing any required lawful bail when, upon a plea of not guilty, he shall be entitled to a trial as authorized by law. The bail referred to herein shall be such sum as is established as the penalty assessment for the violation charged.

15-1-5 Abandonment of Vehicles No person shall abandon, any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

15-1-6 Leaving of Wrecked, Non-Operating Vehicles on a Street No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Town.

15-1-7 Leaving of Wrecked, Non-Operating Vehicles on Private Property No person in charge or control of any property within the Town whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than thirty (30) days; except that this ordinance shall not apply with regard to a vehicle within an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place maintained in a lawful manner by the Town.

15-1-8 Disposition of Wrecked or Discarded Vehicles The Town Chief of Police or an employee of the Town designated by him is hereby authorized to remove or have removed any vehicle left at any place within the Town which reasonably appears to be in violation of this ordinance or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with law.

15-1-9 Through Streets In accordance with the provisions of Section 2-1, and when official signs are erected giving notice thereof, drivers of vehicles shall stop or yield as required by said signs at every intersection before entering any of the following streets or parts of streets:

<u>Name of Street</u>	<u>Portion Affected (terminal limits)</u>
Capitol Avenue	Entire length of Street
La Garita Avenue	Entire length of Street
San Luis Avenue	Entire length of Street
Rio Grande Avenue	Entire length of Street
Colorado 149	That portion within city limits

15-1-10 Decreased Speed Limits In accordance with the provisions of Section 4-2, and when official signs are erected giving notice thereof, the prima facie speed limits shall be as specified in this schedule for the following intersections or approaches thereto:

<u>Name of Street</u>	<u>Portion Affected (terminal limits)</u>	<u>Decreased Speed Limit</u>
Capitol Avenue	Entire length of Street	15 M.P.H.
La Cita Avenue	One block South to one block North of School	15 M.P.H.

15-1-11 Penalties The following penalties, herewith set forth in full, shall apply to the provision of the traffic regulations herein adopted:

186

(a) It is unlawful for any person to violate any of the provisions of the Model Traffic Code as herein adopted or any other provisions of Chapter 15 of the Code of the City of Creede and any such violation shall be punishable as hereinafter provided.

(b) Every person convicted of violation of any provision of this chapter shall be punished by a fine of not more than three hundred (\$300.00) dollars or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

15-1-12 Safety Clause Each and every provision of this Ordinance is intended to be separate and severable from every other provision hereof, and shall take effect regardless of the invalidity of any other part of this ordinance.

The Board of Trustees of the City of Creede hereby determines that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, and shall be immediately effective upon publication in accordance with Colorado Law.

INTRODUCED, read in full, passed and approved this 3rd day of January, 1972, by the Board of Trustees of the City of Creede, a Town.

APPROVED:

Mayor

ATTEST:

Clerk

AN ORDINANCE FOR THE REGULATION OF TRAFFIC WITHIN THE TOWN OF CREEDE, ADOPTING BY REFERENCE THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES" AS APPROVED AND PUBLISHED IN 1970 BY THE DEPARTMENT OF HIGHWAYS OF THE STATE OF COLORADO AND INCLUDING IN SAID CODE REFERENCES TO A SECONDARY CODE OFFICIALLY TITLED "UNIFORM TRAFFIC CONTROL DEVICES FOR ALL CLASSES OF STREETS AND HIGHWAYS" OF CURRENT ISSUE ALSO PUBLISHED BY THE STATE DEPARTMENT OF HIGHWAYS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CREEDE, COLORADO

Section 1. ADOPTION Pursuant to Article 34 of Chapter 139, Colorado Revised Statutes 1963, there is hereby adopted for the purpose of regulating traffic within the Town of Creede that certain primary code known as the "Model Traffic Code for Colorado Municipalities" embodying references to a secondary code, the Traffic Control Devices Manual as jointly described in the title of this ordinance of which three (3) copies of both primary code and secondary code, together with traffic control schedules for designated streets, have been filed in the office of the Town Clerk and may be inspected during regular business hours, the same being adopted as if set out at length save and except the following sections which are not so adopted and are expressly deleted:

Section 2. PENALTIES The following penalties, herewith set forth in full, shall apply to this ordinance:

- (a) It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance.
- (b) Every person convicted of a violation of any provision stated or adopted in this ordinance shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

Section 3. APPLICATION This ordinance shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public parking area within the corporate limits of this municipality, and the use of which this municipality has jurisdiction to regulate. The provisions of Section 5-1, 5-2, 15-12, and 23-3 of the adopted Model Traffic Code respectively concerning careless driving, reckless driving, unauthorized devices, and accident investigation shall apply not only to public places and ways but also throughout this municipality.

Section 4. VALIDITY If any part or parts of this ordinance are for any reasons held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance. The Town Board 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 5. REPEAL Existing ordinances or parts of ordinances (identifying ordinance numbers may be cited) covering the same matters as embraced in this ordinance are hereby repealed and all o^{rdinances} ces

or parts of ordinances inconsistent with the provisions of 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 6. INTERPRETATION This ordinance shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. 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 7. SHORT TITLE This ordinance may be known and cited as the Municipal Traffic Ordinance.

Section 8. PUBLICATION The Town Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be published or posted, and make not less than three copies of the adopted Code and the related Traffic Control Devices Manual available for inspection by the public during regular business hours.

Section 9. EFFECTIVE DATE It is hereby declared that an emergency exists and this Ordinance is necessary for the immediate preservation of public health, peace and safety and therefore, shall take effect five days after its passage and final publication as provided by law.

Section 9. EFFECTIVE DATE This ordinance shall take effect from and after the _____ day of _____, 19____.

PASSED BY THE BOARD OF TRUSTEES AFTER PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____, 19____.

Mayor

TOWN OF CREEDE

(SEAL)

ATTEST:

Town Clerk