

ORDINANCE NO. 2011-2

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE
TOWN OF SAGUACHE, COLORADO; ADOPTING BY REFERENCE THE SAGUACHE
"MODEL TRAFFIC CODE", REPEALING ALL ORDINANCES IN CONFLICT
THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES, OF THE TOWN OF SAGUACHE,
COLORADO:

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 the Saguache Model Traffic Code, promulgated and published as such by the Town of Saguache, P. O. Box 417, Saguache, CO 81149, in May 2011. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town of Saguache. 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. Three (3) copies of the Saguache Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Saguache, Colorado, and may be inspected during regular business hours.

Section 2. Penalties.

The following penalties designated by code section, herewith set forth in full, shall apply to this Ordinance:

(a) It is unlawful for any person to violate any of the provisions of this Code for which no specific penalty has been provided or for which the sole penalty provided is a fine, which violations are hereby deemed traffic infractions. All provisions of the Saguache Model Traffic Code which have been deemed "traffic infractions" in identical substantive provisions of Title 42, C.R.S., are hereby deemed traffic infractions under this Code and are thereby "decriminalized." A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available, and for which a penalty assessment notice shall be issued. Every person who is convicted of a traffic infraction is subject to a penalty of at least ten dollars (\$10.00), but not more than three hundred dollars (\$300.00), exclusive of any court costs and surcharges.

(b) For any violation of any provision of this Code which is a traffic infraction, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear or to pay, no privilege against self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters.

(c) For any violation of any provision of this Code which is a traffic infraction, the Municipal Court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalty, together with such court costs and surcharges, as are established by law. The Municipal Court may establish, by written order, rules and regulations for the administration of any violation of this Code which is a traffic infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance as a supplement to the schedule set forth in this Ordinance. The Municipal Court and the Police Chief of the Town will utilize Colorado State Procedures for any penalty assessment notice which constitutes a traffic infraction and as may be printed upon any notice. Any penalty assessment notice which is paid within twenty (20) days of issuance of said notice shall result in the following reduction in points:

- (1) A four-point or three-point violation will be reduced to a two-point violation.
- (2) A two-point violation will be reduced to a one-point violation.
- (3) A one point violation will be reduced to a zero-point violation.

(d) It is unlawful for any person to violate any of the provisions of this Code that are specified by its terms or otherwise as traffic offenses. Every person convicted of a traffic offense shall be punished by a fine not exceeding three hundred dollars (\$300.00), exclusive of any court costs and surcharges, or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

(e) The violation of the following provisions are deemed traffic offenses:

- (1) Section 107, Obedience to Police Officers.
- (2) Section 1101, Where the Speed as Driven is Twenty (20) Miles per Hour or More over the Lawful Speed.
- (3) Section 1103, Minimum Speed Regulation.
- (4) Section 1105, Speed Contest.
- (5) Section 1401, Reckless Driving.
- (6) Section 1402, Careless Driving.
- (7) Section 1409, No Insurance.
- (8) Section 1413, Eluding or attempting to elude a police officer.
- (9) Section 1903, Stopping for School Buses.
- (10) Any Injury Accident.
- (11) Any Single Offense over Four (4) points.
- (12) Non-injury Accidents Where Estimated Damage Exceeds Two Thousand Dollars (\$2,000.00).
- (13) Any Section that by its Terms states that a Violation is a Traffic Offense

(f) Each day of continued violation of this Code shall be considered a separate offense.

Sec. 1702. Penalty and Surcharge Schedule.
(May be increased or decreased by the Municipal Court)

Section Violated	Penalty	Surcharge
109	35.00	25.00
109.5	35.00	25.00
109.6	35.00	25.00
116	50.00	25.00
117	50.00	25.00
201	70.00	25.00
202	70.00	25.00
204	70.00	25.00
205	55.00	25.00
206	55.00	25.00
207	55.00	25.00
208	55.00	25.00
209	55.00	25.00
210	15.00	25.00
211	55.00	25.00
212	55.00	25.00
213	70.00	25.00
214	70.00	25.00
215	55.00	25.00
216	55.00	25.00
217	70.00	25.00
218	55.00	25.00
219	55.00	25.00
220	30.00	25.00
221	35.00	25.00
222(1)	55.00	25.00
223	55.00	25.00
224	55.00	25.00
225(1)	55.00	25.00
226	55.00	25.00
227	70.00	25.00
228	50.00	25.00
229	55.00	25.00
230	55.00	25.00
231	70.00	25.00
232	60.00	25.00
234	55.00	25.00
236	80.00	25.00

237	65.00	25.00
239(5)(a)	50.00	25.00
239(5)(b)	100.00	25.00
240	35.00	25.00
501	70.00	25.00
502	70.00	25.00
503	70.00	25.00
504	75.00	25.00
505	75.00	25.00
506	70.00	25.00
512	70.00	25.00
603(3)	100.00	25.00
604	100.00	25.00
605	70.00	25.00
606	70.00	25.00
607(1)	50.00	25.00
607(2)(a)	100.00	25.00
608	70.00	25.00
609	70.00	25.00
610	55.00	25.00
612	70.00	25.00
614	double penalty	25.00
615	double penalty	25.00
701	70.00	25.00
702	70.00	25.00
703	70.00	25.00
704	70.00	25.00
705(1)	70.00	25.00
706	70.00	25.00
707	100.00	25.00
708	70.00	25.00
709	70.00	25.00
710	70.00	25.00
712	70.00	25.00
801	20.00	25.00
802	30.00	25.00
803	20.00	25.00
805	20.00	25.00
806	70.00	25.00
807	70.00	25.00
901	70.00	25.00
902	70.00	25.00
903	70.00	25.00

1001	70.00	25.00
1002	100.00	25.00
1003	100.00	25.00
1004	100.00	25.00
1005	100.00	25.00
1006	70.00	25.00
1007	100.00	25.00
1008	100.00	25.00
1009	70.00	25.00
1010	70.00	25.00
1101 (1) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit)	70.00	25.00
1101 (1) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit)	70.00	25.00
1101 (1) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of)	135.00	25.00
1101 (1) (20 miles (and over) per hour over the reasonable and prudent speed or over the maximum lawful speed limit) (Traffic Offense)	200.00	25.00
1101 (8) (g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	50.00	25.00
1101 (8) (g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	75.00	25.00

1101 (8) (g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	100.00	25.00
1101(3)	100.00	25.00
1104	70.00	25.00
1201	70.00	25.00
1202	30.00	25.00
1204	15.00	25.00
1205	15.00	25.00
1206	15.00	25.00
1207	15.00	25.00
1208(6),(7),(9)	100.00	25.00
1211	70.00	25.00
1403	70.00	25.00
1404	70.00	25.00
1405	70.00	25.00
1406(5)	70.00	25.00
1407(3)(a)	35.00	25.00
1407(3)(b)	100.00	25.00
1407.5	55.00	25.00
1411	55.00	25.00
1414(2)(a)	500.00	25.00
1414(2)(b)	increased penalty	25.00
1414(2)(c)	increased penalty	25.00
1502(4.5)	100.00	25.00
1503	60.00	25.00
1504	60.00	25.00
1811	100.00	25.00

(II) Any person convicted of violating section 507 or 508 shall be fined pursuant to this subparagraph (II), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction. Any violation of section 507 or 508 shall be punished by a fine and surcharge as follows:

Excess Weight - Pounds	Penalty	Surcharge
1 - 3,000	15.00	25.00
3,001 - 4,250	25.00	25.00
4,251 - 4,500	50.00	25.00

4,501 - 4,750	55.00	25.00
4,751 - 5,000	60.00	25.00
5,001 - 5,250	65.00	25.00
5,251 - 5,500	75.00	25.00
5,501 - 5,750	85.00	25.00
5,751 - 6,000	95.00	25.00
6,001 - 6,250	105.00	25.00
6,251 - 6,500	125.00	25.00
6,501 - 6,750	145.00	25.00

Section 3. 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 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 4. 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 5. Repeal.

Existing or parts of Ordinance No. 2009-5 relating to the adoption of the 2009 Edition of the Model Traffic Code, Ordinance 2010-1, and violations and penalties thereunder, covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances 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 conform with the State's uniform system for the regulation of vehicles and traffic. Code and Section headings of the Ordinance and adopted Saguache 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 Code or section thereof.

Section 7. Certification.

The Town Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AFTER A PUBLIC HEARING AND SIGNED THIS 20th DAY OF JUNE, 2011.

Milton Jones, Mayor

ATTEST:

Therese Garcia, Town Clerk

READINGS

Approved and passed First Reading: May 16, 2011.

Passed Second and Final Reading: June 20, 2011.

Publication: _____.

CERTIFICATION

I hereby certify that the within Ordinance was first introduced and read at a regular meeting of the Board of Trustees on May 16, 2011, That Notice of Hearing for consideration of adoption was published in the Saguache Crescent, a legal newspaper of the Town of Saguache on June 2, 2011, and was again published on June 9, 2011. A Public Hearing was held before the Board of Trustees on June 20, 2011, prior to adoption of said Ordinance; that said Ordinance was published in full in said Saguache Crescent on _____, 2011.

Therese Garcia, Town Clerk

Approved as to form:

Eugene L. Farish, Town Attorney