

ORDINANCE NO. 6
(Series 2004)

AN ORDINANCE FOR THE REGULATION OF TRAFFIC IN THE TOWN OF LAKE CITY COLORADO, ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE" AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE 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 Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code" 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 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. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk of the Town of Lake City, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 2003 edition of the Model Traffic Code is adopted as if set out at length without any deletions.

Section 3. Additions or Modifications. The said adopted Code is subject to the following additions and/or modifications:

a. The following errors in the Code, as published, are hereby corrected:

i. In Section 614(2): the ninth word in the fourth sentence is hereby corrected from "sing" to "sign".

ii. In Section 615(3): the word "apply" is hereby inserted between the words "not" and "if".

b. The following provisions are added and codified as Section 1203 of the MTC:

"1203. The following provisions shall apply to parking of motor vehicles upon all public ways within the Town of Lake City:

i. 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 and under such circumstances as to cause such vehicle reasonably to appear to be have been abandoned.

ii. 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, highway, or easement within the Town.

iii. No Parking Restricting Winter Maintenance. From November 1 of each year through March 30 of the following year, no person shall park any vehicle upon any public street, road, alley or way within the Town's Central Business District in such a manner as to restrict snow removal by Town authorities. Such restriction shall apply only when and where there is an accumulation of snow in excess of four (4) inches.

iv. Removal of vehicles from public ways. Any vehicle parked, left, or abandoned in violation of this section shall be deemed a nuisance subject to abatement and may be removed by the Town to a secure location within Hinsdale County, Colorado, if the owner fails to remove the same within 3 days after written notice of the violation is given. The Town shall make reasonable efforts to identify the true owner of the vehicle through records of the Motor Vehicle Division of the Colorado Department of Revenue and shall use reasonable means

to contact that owner before initiating any vehicle removal action. The owner of an impounded vehicle shall be entitled to reclaim the same upon payment of all impound charges including towing and storage charges incurred by the Town. In the event of a snow or weather emergency in which immediate removal of a vehicle is necessary to facilitate snow removal or the repair of any public street, road, or way, the Town may impound the vehicle without prior notice. In the event that the Town is unable to identify or locate the owner of the offending vehicle after the exercise of reasonable diligence, notice of the impound may be given by one publication in a newspaper of general circulation within the Town of Lake City, together with mailing to the last known address of the owner if available. Such notice shall be complete upon the mailing of such notice or the date of publication, whichever occurs last. A vehicle not claimed by its owner within 30 days of notice of impoundment may be disposed of by the Town by sale or otherwise. These remedial provisions are in addition to penal remedies otherwise provided in this Code."

Section 4. Traffic Control Devices. In accordance with the provision of Section 104 of the Code, the Board of Trustees may, from time to time, by resolution, authorize and direct the erection and maintenance of stop signs, yield signs, speed limit signs and other official traffic control devices for the regulation of specific streets, alleys, highways and public ways within the Town of Lake City, all in conformance with the provisions of the Model Traffic Code including, without limitation, the provisions of Section 703 relating to the designations of through streets and the designation of intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction, Section 901(c) relating to the designation of left-hand turn lanes, and Section 1101 concerning speed limits.

Section 5. Penalties. The following maximum penalty provisions shall apply to this ordinance, but shall not otherwise affect the authority of the Municipal Court Judge to adopt fine schedules under MTC Section 1701:

- a. It is unlawful for any person to violate any of the provisions adopted in this ordinance.
- b. Every person convicted of a violation of any provision 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.
- c. The provisions of C.R.S. 42-2-127 (5.5 and 5.6) shall apply, under which penalty points assessed for any traffic violations shall be reduced for early payment of the associated fine to Town authorities (i.e. a reduction of two points for early fine payment on any violation having an assessment of three or more points, and a reduction of one point for early fine payment on any violation having an assessment of two points).

Section 6. 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 all other areas of this municipality.

Section 7. Enforcement by Law Enforcement Officers. Unless and until a local police department is established in Lake City by the Town's Board of Trustees, any duly elected or appointed Sheriff, Deputy Sheriff and/or other law enforcement officers of Hinsdale County and any officers of the Colorado State Patrol shall have authority to act on behalf of the Town of Lake City to enforce the MTC in the Town of Lake City by summons and complaint to the Lake City Municipal Court or other court with proper jurisdiction in the premises.

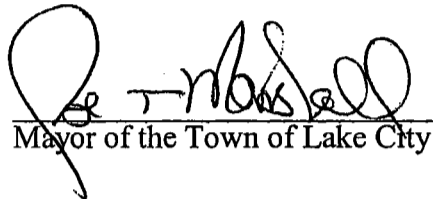
Section 8. Validity. If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 9. Repeal. All prior Town ordinances covering the same matters as embraced within 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 10. 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 11. 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.

INTRODUCED, READ AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AFTER A PUBLIC HEARING AND SIGNED THIS 6th DAY OF October, 2004.



Mayor of the Town of Lake City

ATTEST:



Town Clerk