

**TOWN OF LAKE CITY, COLORADO  
ORDINANCE NO. 2017-05**

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, ADOPTING BY REFERENCE THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, INCLUDING BUT NOT LIMITED TO ORDINANCE 2004-6, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Board of Trustees of the Town of Lake City finds that this ordinance is necessary and proper to improve the morals, order, comfort, and convenience of the Town of Lake City and the inhabitants thereof;

WHEREAS, this ordinance is adopted pursuant to C.R.S. § 31-16-202 and C.R.S. § 42-4-110.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Lake City, Colorado, as follows:

Section 1:

Adoption. Pursuant to C.R.S. § 31-16-202 and C.R.S. § 42-4-110, there is hereby adopted by reference the 2010 edition of the Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation. 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 2010 edition of the Model Traffic Code is adopted as if set forth verbatim without any deletions.

Section 3:

Additions or Modifications. The following modifications are hereby made as additions to the 2010 edition of the Model Traffic Code:

**PART 2 - EQUIPMENT**

**241. Off-Highway Vehicles.**

The operation of off-highway vehicles is allowed within the Town of Lake City in accordance with Ordinance 2016-02, and subject to the safety equipment and operational requirements set forth in Ordinance 2017-02.

**PART 12 - PARKING**

**1202. Parking or abandonment of vehicles.**

(3) 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 have been abandoned.

(4) No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street, highway, or easement within the Town.

(5) 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 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.

(6) 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 three (3) days after written notice of the violation has been 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 not able 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 thirty (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:

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 Part 17 of the Model Traffic Code:

- 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 shall apply, under which penalty points assessed for any traffic violations shall be reduced for early payment of the associated fine to Town.

Section 5:

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, and 1413, of the Model Traffic Code, respectively concerning reckless driving, careless driving, and eluding a police officer, shall apply not only to public places and ways but also throughout all other areas of this municipality.

Section 6:

Enforcement. 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 Model Traffic Code 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 7:

This ordinance shall become effective on the thirty-first day following publication, pursuant to C.R.S. §31-16-105.

Section 8:

Ordinance 2004-6, of the Town of Lake City Municipal Code, is hereby repealed on the date this ordinance becomes effective.

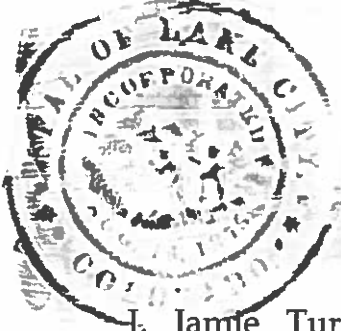
Section 9:

The repeal and amendment of various provisions of the Town of Lake City Municipal Code by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

Section 10:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

INTRODUCED by the Board of Trustees of the Town of Lake City, Colorado, this 5<sup>th</sup> day of July, 2017.



TOWN OF LAKE CITY, COLORADO

Bruce Vierheller  
Bruce Vierheller, Mayor

I, Jamie Turrentine, certify and attest that Ordinance 2017-05 was introduced by the Board of Trustees for the Town of Lake City at the regular meeting on the 5<sup>th</sup> day of July, 2017.

ATTEST:

Jamie L. Turrentine  
Jamie L. Turrentine, Town Clerk

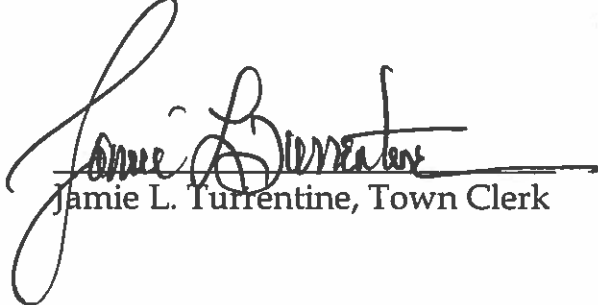
ADOPTED by the Board of Trustees of the Town of Lake City, Colorado,  
this 2<sup>nd</sup> day of August, 2017.

TOWN OF LAKE CITY, COLORADO

  
Bruce Vierheller, Mayor

I, Jamie Turrentine, certify and attest that Ordinance 2017-05 was adopted  
by the Board of Trustees for the Town of Lake City at the regular meeting on the  
2<sup>nd</sup> day of August, 2017.

ATTEST:

  
Jamie L. Turrentine, Town Clerk

