

ORDINANCE NO. 5

(Series 2020)

**AN ORDINANCE ADOPTING BY REFERENCE THE 2020 MODEL TRAFFIC CODE;
PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND MAKING
CONFORMING AMENDMENTS TO THE GEORGETOWN MUNICIPAL CODE**

WHEREAS, the Town of Georgetown (“Town”) is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

WHEREAS, the Georgetown Board of Selectmen (“Board”) is authorized by the Territorial Charter and the Colorado Revised Statutes to enact and enforce all ordinances for the preservation of the public health, safety, and welfare; and

WHEREAS, pursuant to that authority, the Board has previously enacted Chapter 10.04 of Title 10 of the Georgetown Municipal Code (the “Code”) regarding Vehicles and Traffic, and the Traffic Code; and

WHEREAS, the Colorado Department of Transportation, Safety and Traffic Engineering Branch has prepared and published 2020 edition of the Model Traffic Code for Colorado; and

WHEREAS, the Board recognizes the value of the Model Traffic Code for Colorado, as providing commonly adopted uniform standards for traffic regulations; and

WHEREAS, a public hearing on this Ordinance at second reading, and proper notice thereof, was provided in accordance with Colorado Revised Statutes section 31-16-203; and

WHEREAS, penalties for violating the Model Traffic Code adopted hereby are set forth in full in this Ordinance and shall be published in full after final adoption in accordance with C.R.S. § 31-16-204; and

WHEREAS, certified copies of the Code adopted hereby were filed with the Town Clerk at least fifteen (15) days prior to public hearing on this Ordinance and such codes remain open to public inspection and purchase; and

WHEREAS, the Board therefore desires to adopt by reference the 2020 edition of the Model Traffic Code for Colorado specifically referenced herein, provide penalties for violating the same, and make conforming amendments to the Georgetown Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:

Section 1. Code Section 10.04.010 amended. The Georgetown Municipal Code section 10.04.010, concerning the adoption of the Model Traffic Code, is hereby amended as follows:

10.04.010 - Model Traffic Code adopted.

Pursuant to Part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the ~~2015~~ **2018 2020** Model Traffic Code for Colorado, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Chapter and the code is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. One (1) copy of the Model Traffic Code shall be maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of the code may also be purchased through the Clerk's office at a reasonable price.

Section 2. Penalty Clause; Amended. The penalty clause applicable to violations of the Model Traffic Code adopted by reference by this Ordinance is as set forth in Code Section 10.04.070 and is amended to read as follows:

10.04.070 - Penalties.

(a) It is unlawful for any person to violate any of the provisions of the Model Traffic Code for Colorado Municipalities (MTC), as amended by Section 10.04.020 above, or the traffic and vehicle ordinances contained in this Chapter. The penalties set forth below shall apply to such violations. Fines and surcharges shall be paid to the Clerk of the Municipal Court.

(b) Minimum mandatory fine. Any person convicted of or found liable for any violation under the MTC or the traffic and vehicle ordinances in this Chapter shall be punished by a fine of not less than the amount of the penalty assessment as set forth in Section 10.04.080 (c) for each violation for which the person is convicted. If no penalty assessment is set forth in 10.04.080 (c) for a violation, then the minimum fine and surcharge for such violation shall be one hundred twenty dollars (\$120.00) and eighteen dollars (\$18.00), respectively. Minimum fines and surcharges are mandatory and shall not be suspended or reduced by any court, unless the court finds that extenuating circumstances and justice manifestly so require. The court may also stay the execution of any minimum mandatory fine and surcharge for no longer than ninety (90) days, or pending an appeal or a rehearing.

(c) Maximum penalty.

(1) In criminal traffic offense actions, the maximum penalty for each conviction shall be a fine not to exceed Two Thousand Six Hundred Fifty dollars (\$2,650.00) or a term of imprisonment not to exceed one (1) year, or both such fine and imprisonment.

(2) In civil traffic infraction actions, the maximum penalty for each violation shall be a monetary fine not to exceed Two Thousand Six Hundred Fifty dollars (\$2,650.00).

(d) Discretion within minimum and maximum penalties. For each violation of the MTC or a traffic or vehicle ordinance for which a defendant is found liable or convicted, the court may set a fine, or for criminal violations, a fine and imprisonment, so long as the fine is not less than the minimum set in Subsection (b) of this Section. The court may suspend any part of a term of imprisonment, as well as that part of a fine which exceeds the minimum set in Subsection (b) of

this Section. Whenever a conviction or finding of liability after a trial is for a violation for which a penalty assessment is available under the schedule in Subsection 10.04.080(c), it is the policy of the Board of Selectmen that the penalty imposed by the court for that violation be no less severe than the twenty-day penalty assessment figure for that violation, unless extenuating circumstances and justice manifestly so require. The reason for this policy is to save judicial and administrative expenses by encouraging defendants to elect to pay penalty assessments.

(e) Double penalties and surcharge. Penalties and surcharges imposed for speeding violations shall be doubled if the violation occurs within a maintenance, repair or construction area designated in accordance with the provisions of the Model Traffic Code. Additionally, penalties and surcharges shall be doubled for any moving violation occurring within a school zone.

Section 3. The Town Clerk shall cause at least one certified copy of the Code adopted by reference by this Ordinance to be on file in her office at least fifteen (15) days prior to the public hearing on this Ordinance and, after adoption, shall maintain a reasonable supply of copies of such Cods available for purchase by the public at a moderate price.

Section 4. Effective date. This ordinance shall take effect upon final adoption as provided by Section 5.26 of the Territorial Charter.

INTRODUCED, READ, APPROVED AND ORDERED POSTED IN FULL ON FIRST READING on the 24 day of November, 2020

INTRODUCED ON SECOND READING, FINALLY ADOPTED AND ORDERED POSTED AFTER PUBLIC HEARING on the _____ day of _____, 2020.

TOWN OF GEORGETOWN

By: _____

Lynette Kelsey, Police Judge

ATTEST:

Jennifer Yobski, Town Clerk

Posted up in full on the Town’s website and at Town Hall and two (2) other designated posting locations within the limits of the Town after final adoption, in accordance with Section 5.26 of the Territorial Charter.

Jennifer Yobski, Town Clerk

Date: _____

