

ORDINANCE NUMBER 274

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO, TO REGULATE TRAFFIC WITHIN THE TOWN BOUNDARIES BY ADOPTING, BY REFERENCE, THE 2020 EDITION OF THE "MODEL TRAFFIC CODE"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Whereas, Colorado Revised Statutes, 42-4-110(1)(b) states that all local authorities may, in the manner prescribed by statute, adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in the state statutes and such other additional regulations as are provided for in section 42-4-111, provided that any state roads traveling through the municipality require the approval of the adopted Model Traffic Code by the Colorado Department of Transportation; and

Whereas, the Town of Hugo, hereinafter referred to as the "Town", has enforced an early version of the Model Traffic Code (1995), and wishes to adopt the 2020 edition of the Model Traffic Code, as that Code contains needed updates; and

Whereas adoption of the updated 2020 version of the Model Traffic Code will promote consistency with the statewide enforcement of the rules of the road;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, 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 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W. Howard Place, Denver, Colorado 80204. 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 Hugo Town Clerk and may be inspected during regular business hours.

SECTION 2. PENALTIES.

The following penalties, herewith set forth in full, shall apply to this Ordinance and the adopted Model Traffic Code:

A. It is unlawful for any person to violate any of the provisions adopted in this Ordinance and the adopted Model Traffic Code.

B. Every person convicted of a violation of any provision adopted in this Ordinance, through the adopted Model Traffic Code, shall be punished by a surcharge set by the Town of Hugo in accordance with 42-4-1701(4)(e)(II), C.R.S., which surcharge may be amended, by statute, from time to time.

C. Every person convicted of a violation of any provision adopted in this Ordinance, through the adopted Model Traffic Code, shall be punished by a fine not exceeding Two Thousand Six Hundred Fifty Dollars (\$2,650.00) A schedule of Fines shall be posted in accordance with the Colorado Municipal Court Rules of Procedure.

D. Court costs shall be established pursuant to state statute.

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 the Town of Hugo, the use of which the Town of Hugo 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 through the Town of Hugo.

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 of the Town of Hugo 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 Ordinances, including the Ordinance No. 209, which adopted the 1995 version of the Model Traffic Code, and / or covering the same matters as embraced in this Ordinance are, upon the adoption of this Ordinance, 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 of Colorado’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 7. CERTIFICATION.

The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Model Traffic Code, 2020 version, available for inspection by the public during regular business hours.

ADOPTED AND PASSED BY THE TOWN OF HUGO BOARD OF TRUSTEES AFTER THE REQUIRED PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____, 2021.

MAYOR

(S E A L)

ATTEST:

TOWN CLERK

