

ORDINANCE # 3
1974
FOR ADOPTING MODEL TRAFFIC CODE BY REFERENCE

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF FLEMING, COLORADO FOR THE PURPOSE OF PROVIDING A SYSTEM OF TRAFFIC REGULATIONS CONSISTENT WITH STATE LAW AND GENERALLY CONFORMING TO SIMILAR REGULATIONS THROUGHOUT THE STATE AND THE NATION: ADOPTING BY REFERENCE THE 1973 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES": REPEALING ALL ORDINANCES IN CONFLICT THEREWITH: AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF FLEMING, COLORADO:

Section 1. Adoption.- Pursuant to Chapter 139, Article 43, C.R.S 1963 as amended, there is hereby adopted by reference Articles 1 to XXVI, inclusive, of the "Model Traffic Code for Colorado Municipalities," officially approved, adopted, and published in 1973 as such by the State Department of Highways, Denver, Colorado, of which three (3) copies are now filed in the office of the Clerk of the Town of Fleming, Colorado and may be inspected during regular business hours, the same being adopted as if set out at length save and except the following articles and/or section which are declared to be inapplicable to this municipality and are therefore expressly deleted:

Section 2. Additions or Modifications: none

Section 3. Penalties.-The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance.

(b) Every person convicted of a violation of any provision stated or 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.

Section 4. Application.-This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way 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 5-1, 5-2, 15-12 and 23-3 of the adopted Model Traffic Code respectively concerning careless driving, reckless driving, unauthorized devices, and accident investigation shall apply not only to public places and ways but also throughout this municipality.

Section 5. 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 6. Repeal.-Existing ordinances or parts of ordinances covering 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 7. Interpretation.- This ordinance shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner effect the scope, meaning or extent of the provisions of any article or section thereof.

Section 8. Publication.- The Town Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be posted, and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 9. Effective Date.- Whereas, in the opinion of the Board of Trustees, an emergency exists and this ordinance is necessary for the immediate preservation of the public peace, health, and safety, therefore this ordinance shall be in full force and effect upon the expiration of five days from and after passage and publication.

Introduced and adopted this 4th day of March 1974

Attest: *Alberta Reiff* Clerk
Town of Fleming, Colorado

Mayor *Ralph A. Deane*