

ORDINANCE No. 3
Series 1965

AN ORDINANCE FOR THE REGULATION OF TRAFFIC UPON THE PUBLIC STREETS OF THE TOWN OF BRECKENRIDGE, ADOPTING BY REFERENCE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES AS AMENDED HEREIN, AND REPEALING ORDINANCE No. 5, PASSED AND ADOPTED 10 NOVEMBER 1959 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF BRECKENRIDGE, COLORADO:

SECTION I. Pursuant to the authority conferred by Article 34, Chapter 139, Colorado Revised Statutes (1963), there is hereby adopted as the traffic ordinance for the Town of Breckenridge, "Model Traffic Code for Colorado Municipalities", with the exception of the following sections of the said Code which are not so adopted and which are expressly deleted, namely: Section 123, Section 168, Section 169, Section 172, Section 175, Section 176, Section 177, Section 178, Section 179, Section 180, and Section 181.

SECTION II. "Model Traffic Code for Colorado Municipalities" is published by the Colorado Safety Council, State Capitol Building, Denver, Colorado for the purpose of providing uniform traffic laws for municipalities throughout the State of Colorado. The model traffic code includes comprehensive provisions covering: Part A - Rules of the Road, including rules for drivers, pedestrians and operators of bicycles; Part B - Enforcement and Violation, including the enforcement of obedience to all traffic

regulations and procedure upon arrest; and Part C - Administration, including the establishment of a Traffic Violations Bureau and traffic administration. It was published in 1962.

SECTION III. At least three certified copies of the model ordinance are on file in the office of the Town Clerk, and may be inspected during regular business hours. In addition, copies are available for distribution and sale to the public at a price not to exceed \$0.66 per copy.

SECTION IV. The following sections of "Model Traffic Code for Colorado Municipalities" are hereby amended to read:

Section 3.--Vehicles Entering Through Street, Stop, or Yield Intersections.--(a) The driver of a vehicle shall stop or yield as required by this Ordinance at the entrance to a through street, as established by the traffic engineer, pursuant to Section 144 hereof, and shall yield the right-of-way to other vehicles which have entered the intersection from said through street or which are approaching so closely on said through street as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through street shall yield the right-of-way to the vehicle so proceeding into or across the through street.

Section 57.--Parking Prohibited at All Times on Certain Streets.--When signs are erected giving notice thereof, no person shall

park a vehicle at any time upon any of the streets so designated by the traffic engineer, pursuant to Section 144 hereof.

Section 58.--Stopping, Standing, or Parking Prohibited During Certain Hours on Certain Streets.--When signs are erected in each block of a district giving notice thereof, no person shall stop, stand, or park a vehicle between the hours designated by the traffic engineer, pursuant to Section 144 hereof, of any day except Sundays and holidays upon any of the streets or parts of streets in the district described and so designated by said traffic engineer, pursuant to Section 144 hereof.

Section 59.--Parking Time Limited on Certain Streets.--When signs are erected in each block of a district giving notice thereof, no person shall stop, stand or park a vehicle for longer than the time designated by said signs at any time between those hours so stated by said signs of any day except Sundays and holidays upon any of the streets or parts of streets in the district described and so designated by the traffic engineer, pursuant to Section 144 hereof.

Section 60.--Metered Parking Zones.--(a) When parking meters are erected giving notice thereof, no person shall stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by said parking meters upon the deposit of a coin of U. S. currency of the designated denomination on any day except Sundays and holidays upon any of the streets so designated by the traffic engineer pursuant to Section 144 hereof.

Section 109.--Height, Length and Width of Vehicle.--(a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any roadway any vehicle or vehicles of a size or weight exceeding the limitations stated and designated by the traffic engineer, pursuant to Section 144 hereof.

Section 110.--Restrictions on Farm Tractors, Trailers, Trucks and Commercial Vehicles Upon Use of Streets.--When signs are erected giving notice thereof, no person shall operate or stop, stand, or park any farm tractor, trailer, truck or commercial vehicle with gross weight in excess of the amount specified by the traffic engineer, pursuant to Section 144 hereof, at any time upon any of the streets or parts of streets designated by the traffic engineer, pursuant to Section 144 hereof.

Section 122.--Traffic Violations Bureau Created.--

- (a) There is hereby created and established a Traffic Violations Bureau to assist the municipal court with the clerical work of traffic cases. The town clerk's office is hereby designated as the said Traffic Violations Bureau. The bureau shall be in the charge of the town clerk, and shall be open on week days during hours designated by the Board of Trustees.
- (b) As to traffic violations specified in Subsection (e) of this Section, they may be handled in the following manner: At the discretion of the arresting officer, the officer making an arrest for such violations may give a

Traffic Violation Citation at the time of the arrest to the person arrested, which Traffic Violation Citation shall be in the form of a penalty assessment, if the person arrested elects forthwith at the time of such arrest by signing the said Traffic Violation Citation to accept and agrees to pay such penalty assessment in lieu of further proceedings or defense of such violation in court. Acceptance and payment of the prescribed penalty assessment set forth in Subsection (e) of this section shall be deemed a complete satisfaction for the violation and the violator shall be given a receipt which so states when such penalty assessment is paid in currency or other form of legal tender. Such penalty assessment in the amount specified in Subsection (e) hereof must be paid to the Traffic Violations Bureau in person or registered mail within five days from the date of the arrest.

- (c) If such penalty assessment be not so paid, said violator shall be proceeded against as by law provided for the violation of the Traffic Ordinance, and said violator shall be subject to all fines, jail sentences or other penalties set forth in the Traffic Ordinance when said violator is found guilty of a violation by the Municipal Court. Upon the failure or refusal of said violator to pay the penalty assessment herein prescribed within five days from the date of the arrest to the Traffic Violations Bureau, the municipal judge shall issue

a summons requiring the appearance of said violator in the Municipal Court at the place, date and time shown on the said Traffic Violation Citation, and the prosecution as for a violation of the Traffic Ordinance shall be thereafter heard in such court. In the event that a prosecution shall be so had hereunder, the violator shall be privileged to answer the charge made against him in the manner and in the time and subject to the other provisions of said Traffic Ordinance relating to prosecution for violations thereof.

- (d) (i) Any person charged with an offense for which, at the discretion of the arresting officer, payment of a fine may be made to the Traffic Violations Bureau shall have the option of: (1) agreeing to payment of the said penalty assessment by signing his name in the space provided on the said Traffic Violation Citation and paying the fine provided within five days from the date of said Traffic Violation Citation, entering a plea of guilty and waiving appearance in court; or (2) forthwith appearing before the municipal court or at the Traffic Violations Bureau and depositing bail in double the amount of the penalty assessment or assessments provided on said Traffic Violation Citation when, upon a plea of not guilty, he shall be entitled to a trial as authorized by law.

(ii) The payment of a penalty assessment and/or fine to said Traffic Violations Bureau shall be deemed an acknowledgment of violation of the designated ordinance and said bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

(e) The penalty assessment and the nature of the violation for which said penalty assessment may be made by the arresting officer and accepted and paid by the violator under the privileges of this section shall be as herein set forth, to-wit:

Speeding	\$10.00
Careless driving	10.00
On wrong side of street or in improper lane	10.00
Improper passing	8.00
Failure to yield right-of-way . . .	8.00
Illegal load (except by permit) . .	8.00
Damage to street	8.00
Improper registration	5.00
Spilling loads on street	5.00
No emergency lighting equipment . .	5.00
Failure to use emergency lighting equipment	5.00
Failure to stop at stop sign	3.00
Improper turning	3.00
Following too closely	3.00

Failure to dim lights	\$ 3.00
Improper lighting	3.00
No chauffeur's license	3.00
No operator's license	3.00
Failure to comply with inspection law	3.00
Improper parking	3.00
Swinging chains	3.00
Driver operation interference	3.00
Improper equipment (horn, muffler, rear vision mirror, windshield wiper, brakes and others)	2.00
Improper or insufficient reflectors	1.00

(f) The schedule defined and set forth in Subsection (e) above shall not apply to any violation of said ordinance which is tried in any court.

(g) The municipal judge (or judges) is hereby authorized to suspend the payment of any costs or fine or penalty and to remit any costs or fine or penalty assessed for any violation of any provision or section of this ordinance and to suspend any jail sentence imposed for violation of any provision or section of this ordinance.

(h) Each Traffic Violation Citation shall be made out in serially numbered sets of four copies each, to be distributed as follows by the officer:

- 1st copy Police Department files
- 2nd copy Defendant-violator
- 3rd & 4th copies Municipal judge

The second copy, given to the defendant-violator must be mailed and/or surrendered to the Traffic Violations Bureau upon payment of the penalty assessment, if such penalty assessment is applicable.

Section 124.--Duties of Traffic Violations Bureau.--The following duties are hereby imposed upon the Traffic Violations Bureau in reference to traffic offenses:

- (a) It shall accept designated fines for all penalty assessment Traffic Violation Citations received by it, keeping a record of same, and depositing any and all monies so received by it into the general fund of the Town of Breckenridge.
- (b) It shall keep and maintain in a safe place all second copies of all Traffic Violation Citations surrendered to it by defendant-violators.
- (c) It shall prepare receipts in triplicate regarding all fines and penalty assessments and the amounts received for bail paid to it, for distribution as follows:

1st copy - To defendant-violator paying fine and/or paying the assessment and/or bail,

2nd copy - To the municipal judge, and

3rd copy - To the town clerk's files for attachment to the traffic violation citation to which it pertains, when applicable.

Section 125.--Duties of the Municipal Judge.--

- (a) The municipal judge shall keep records and submit summarized monthly reports to the Board of Trustees of all notices and citations issued and arrests made for violation of the traffic laws and ordinances in this municipality, and of all fines and/or penalty assessments and amounts of bail collected by the Traffic Violations Bureau and/or the Municipal Court, and of the final disposition or present status of every case of violation of the provisions of said ordinance. Such record shall be so maintained as to show all types of violations and the total of each. Said records shall be public records. Any and all monies collected from fines, penalty assessments, bail forfeitures, or otherwise, shall be transmitted to the Board of Trustees each month with said monthly report, for deposit to the general fund of the Town of Breckenridge.
- (b) The municipal judge shall keep and maintain records of all Traffic Violation Citations issued and all receipts issued by the town clerk for fines and/or penalty assessments and amounts for bail collected. For any Traffic Violation Citation which has been issued for which a receipt in payment of the applicable fine and/or penalty assessment and/or bail amount has not been received by the municipal judge within ten days from the date of issuance of said Traffic Violation Citation, the municipal judge shall issue a summons utilizing copies 3

and 4 of the Traffic Violation Citation previously transmitted to the municipal judge by the police officer, causing said copy 4 to be served in the usual manner provided by law for the service of a summons, and retaining said copy 3. The person serving the said summons shall make his return which shall be noted on said copy 3, and thereafter trial shall be had on the matter in the manner provided by law.

Section 126.--Additional Duties of the Municipal Judge.--

The municipal judge shall follow such procedures as may be prescribed by the traffic ordinances of this municipality or as may be required by any laws of the State of Colorado.

Section 132.--Failure to Comply with Traffic Violation Citation Attached to Parked Vehicle.--If a violator of the restrictions on stopping, standing or parking under these ordinances does not appear in response to a notice or citation affixed to such motor vehicle within a period of seven days, the municipal judge shall send the owner of the motor vehicle to which the traffic violation citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

SECTION V. The following provision is an addition to this ordinance and is set forth in full, identified by section number as Section 14A:

It is a violation of this ordinance for any person who is under the influence of intoxicating liquor or beverage, or narcotics or other drugs, to drive any vehicle within the limits of the Town of Breckenridge.

SECTION VI. The penalty clause of this ordinance is set forth in full, identified by section number as Section 182:

- (a) It is unlawful for any person to violate any of the provisions of this ordinance, and such violations shall be punishable as is herein provided.
- (b) Every person convicted of a violation of any of the provisions of this ordinance shall be subject to a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

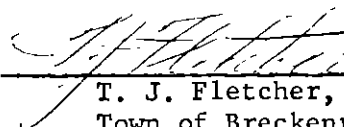
SECTION VII. Ordinance No. 5, duly passed and adopted on the 10th day of November, 1959, and all other former traffic ordinances of the Town of Breckenridge are hereby repealed, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any persons for any act done or committed in violation of any ordinances hereby repealed prior to the taking effect of this ordinance.

SECTION VIII. If any provisions of this ordinance or the

application thereof to any person, situation, or circumstance be held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, and the provisions of this ordinance are declared to be severable, the Board of Trustees expressly declaring that it would have passed this ordinance and every section, subsection, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, phrases or words thereof may be declared invalid.

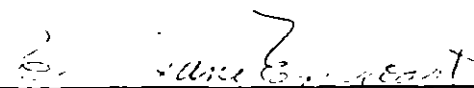
SECTION IX. It is declared that an emergency exists and that this ordinance is necessary to the immediate preservation of the public peace, health, safety and general welfare, and shall be in force and effect five days after final passage and publication.

INTRODUCED, read and passed on first reading this 13th day of July, A.D. 1965.



T. J. Fletcher, Mayor
Town of Breckenridge

Attest:

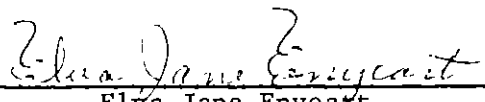


Elva Jane Enyeart
Town Clerk

STATE OF COLORADO)
) ss
County of Summit)

I, ELVA JANE ENYEART, Town Clerk of the Town of Breckenridge, Colorado, do hereby certify that the foregoing is a true copy of a certain proposed ordinance introduced and read before the Board of Trustees of the Town of Breckenridge at a regular meeting thereof held on the 13th day of July, A.D. 1965, and ordered by the said Board of Trustees to be published as the law provides.

Attest:



Elva Jane Enyeart
Town Clerk of the Town
of Breckenridge, Colorado

(Seal)