

ORDINANCE NO. 5

Series 1998

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 7 OF THE BRECKENRIDGE TOWN CODE; ADOPTING BY REFERENCE THE DECEMBER 1997 EDITION OF THE TOWN OF BRECKENRIDGE TRAFFIC CODE; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the Town of Breckenridge has previously adopted by reference the 1977 Edition of the Model Traffic Code For Colorado Municipalities, which adopting Ordinance is codified as Chapter 1 of Title 7 of the Breckenridge Town Code; and

WHEREAS, the Town has determined to publish its own traffic code; and

WHEREAS, Section 5.13 of the Breckenridge Town Charter authorizes the Town to adopt published codes by reference, including codes published by any Colorado municipality, and sets forth the procedures to be followed in connection therewith; and

WHEREAS, the Town Council of the Town of Breckenridge finds and determines that the December 1997 Edition of the Town of Breckenridge Traffic Code should be adopted as the traffic code for the Town; and

WHEREAS, the form and content of the December 1997 Town of Breckenridge Traffic Code has been approved by the Colorado Department of Transportation as required by §43-2-135(1)(g), C.R.S.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Chapter 1 of Title 7 of the Breckenridge Town Code, entitled "Traffic Code", is hereby amended so as to read in its entirety as follows:

CHAPTER 1

TRAFFIC CODE

SECTION:

- 7-1-1: Adoption of Code
- 7-1-2: Additions or Modifications
- 7-1-3: Deletions
- 7-1-4: Application
- 7-1-5: Copy of Code on File
- 7-1-6: Penalties

7-1-1: Adoption of Code: Pursuant to Section 5.13 of the Breckenridge Town Charter there is hereby adopted by reference as the traffic code of the Town the December 1997 edition of the Town of Breckenridge Traffic Code, promulgated and published by the Town of Breckenridge, 150 Ski Hill Road, Breckenridge, CO 80424. The subject matter of the Town of Breckenridge Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Chapter and the Code adopted by reference herein is to provide for the Town a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

7-1-2: Additions or Modifications: The December 1997 edition of the Town of Breckenridge Traffic Code is adopted as if set out at length, without any additions or modifications.

7-1-3: Deletions: There are no deletions from the December 1997 edition of the Town of Breckenridge Traffic Code.

7-1-4: Application: This Chapter, and the Code adopted by reference herein, 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, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, and 1413 of the adopted Town of Breckenridge 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 this municipality. The provisions of Section 1211, dealing with limitations on backing, and Section 1208, dealing with parking privileges for the disabled, shall apply to both public and private property as provided therein.

7-1-5: Copy of Code on File: At least one (1) copy of the Town of Breckenridge Traffic Code adopted

herein is now filed in the office of the Town Clerk, and may be inspected by any interested person between the hours of 8 a.m. and 5 p.m., Monday through Friday, holidays excepted. The Code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

7-1-6: Penalties: The following penalties, herewith set forth in full, shall apply to this Chapter and the Town of Breckenridge Traffic Code adopted by reference herein:

A. It is unlawful for any person to violate any of the provisions adopted in this Chapter, or the Town of Breckenridge Traffic Code adopted by reference herein.

B. Except where a specific punishment is provided in the Town Of Breckenridge Traffic Code, every person convicted of a violation of any provision adopted in this Chapter, or the Town of Breckenridge Traffic Code adopted by reference herein, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment not exceeding one hundred eighty (180) days, or by both such fine and imprisonment, all as provided in, and subject to the provisions and limitations of, Chapter 4 of Title 1 of the Breckenridge Town Code, entitled "General Penalty."

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The repeal and readoption of Chapter 1 of Title 7 of the Breckenridge Town Code, as provided for in this Ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of the 1977 Edition of the Model Traffic Code For Colorado Municipalities prior to the taking effect of this Ordinance.

Section 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to Section 5.13 of the Breckenridge Town Charter.

Section 6. This Ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter and shall become effective March 1, 1998.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of January, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of January, 1998, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town. Copies of the Code to be adopted by reference pursuant to this Ordinance are available for inspection at the office of the Town Clerk during normal business hours.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk

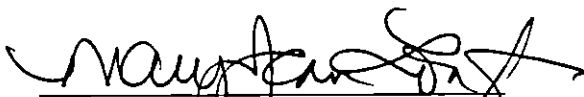

Stephen C. West, Mayor


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS this 27th day of January, 1998.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

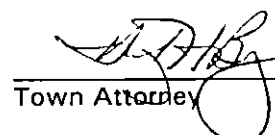
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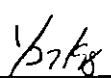
TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM:


Town Attorney


Date

This Ordinance was published by title with amendments in The Summit County Journal a newspaper of general circulation within the Town of Breckenridge, February 5, 1998.