

ORDINANCE NO. 739

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF BERTHOUD, COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 1. Adoption.

Pursuant to part 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive of the 1995 edition of the "Model Traffic Code for Colorado Municipalities", promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, CO 80222. 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 Clerk of the Town of Berthoud, Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 1995 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

- a. Section 203 (3) and (4).
- b. Section 1401 (2).
- c. Section 1705 (1)(a), (b), (e), (f), and (g).

Section 3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

a. Section 224(2) The first sentence of this section shall be: No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section.

b. Section 1101(2)(b) shall be modified to read: Thirty miles per hour in any business district, as defined in Section 42-1-102(11), C.R.S.

Section 4. 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 adopted in this ordinance.

b. Every person convicted of a violation of any provision 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 5. 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 this municipality, the use of which this municipality 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 throughout this municipality.

Section 6. 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 7. Repeal.

Existing or parts of ordinances 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 8. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State'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 9. Certification.

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

Section 10. Effective Date.

The Board of Trustees of the Town of Berthoud herewith finds, determines, and designates that this ordinance shall take effect and be in force thirty (30) days after publication.

This ordinance was introduced and read and a public hearing set for March 12, 1996, by the Board of Trustees of the Town of Berthoud at its meeting held this 23rd day of January, 1996. After a public hearing, this ordinance was read, passed and ordered published by the Board of Trustees of the Town of Berthoud at its meeting this 12th day of March, 1996.

TOWN OF BERTHOUD:

ATTEST:

Mary Cowdin

Mary Cowdin  
Town Clerk

Richard D. Strachan

Richard Strachan  
Mayor

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