

ORDINANCE NO. 463

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF HOLLY, COLORADO; ADOPTING BY REFERENCE THE 2009 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH (MOST SPECIFICALLY ORDINANCE NO. 352); AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY, COLORADO:

Section 1. Adoption. Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, 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 Holly, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 2009 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: NONE

Section 3. Additions or Modifications. The said adopted Code is subject to the following additions or modifications: None

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 One Thousand dollars (\$1,000.00).

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 provision of Sections 1401, 1402, 1413, and part of 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.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY THIS 2ND DAY OF SEPTEMBER, 2009.

ATTEST: /s/ Mary Rushton, Town Clerk/Treasurer

/s/ W. Bruce Roup, Mayor

APPROVED AND ADOPTED THIS 7TH DAY OF OCTOBER, 2009.

ATTEST: /s/ Mary Rushton, Town Clerk/Treasurer

/s/ W. Bruce Roup, Mayor