

**TOWN OF SEDGWICK
ORDINANCE #01-2011**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO FOR THE REGULATION OF TRAFFIC WITHIN THE TOWN OF SEDGWICK, COLORADO BY ADOPTING THE 2010 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Model Traffic Code for Colorado, published by the Colorado Department of Transportation and revised in 2010, embodies the rules of the road and vehicle requirements as set forth in Article 4 of Title 42 of the Colorado Revised Statutes; and

WHEREAS, §42-4-110(1) of the Colorado Revised Statutes authorizes local authorities to adopt by reference all or any part of the Model Traffic Code for Colorado; and

WHEREAS, §42-4-110 and §42-4-111 of the Colorado Revised Statutes authorizes local authorities to enact and enforce traffic regulations on roads and streets anywhere within their jurisdiction; and

WHEREAS, the Board of Trustees of the Town of Sedgwick, Colorado is authorized, pursuant to §31-15-702(1)(a)(VII) of the Colorado Revised Statutes, to adopt Ordinances which control and regulate the movement and parking of vehicles on public property; and

WHEREAS, the Board of Trustees of the Town of Sedgwick finds that the publication and notice of this Ordinance was or will be performed in accordance Colorado Law; and

WHEREAS, the Sedgwick County Sheriff's Office is the appropriate enforcement agency to enforce this Ordinance; and

WHEREAS, the Board of Trustees of the Town of Sedgwick hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants of and visitors to the Town;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, AS FOLLOWS:

Section 1: Adoption of the *Model Traffic Code for Colorado, 2010 edition*
Pursuant to Parts 1 and 2 of Article 16 of Title 31 of the Colorado Revised Statutes, there is hereby adopted by reference Parts 1 through 19 and Appendix I (Definitions), inclusive, of the 2010 edition of the *Model Traffic Code for Colorado* promulgated and published as such by the Colorado Department of

Section 6: Enforcement

- (1) This Ordinance shall be enforced by the Sheriff of Sedgwick County and deputies of the Sheriff of Sedgwick County, pursuant to a valid Intergovernmental Agreement ("IGA") between the Town and the Sedgwick County Sheriff's Office.

Section 7: Penalty Assessment Procedure & Penalty Schedule

- (1) Any person who violates any of the provisions of this Ordinance or the Sedgwick Traffic Code commits a traffic infraction unless expressly defined otherwise.
- (2) Except as set forth in subsection (4), below, violations of the Sedgwick Traffic Code are hereby deemed non-criminal traffic infractions. Traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

- (3) For any violation of the Sedgwick Traffic Code as adopted that is a traffic infraction, no trial by jury shall be available, no arrest warrant shall issue for failure to appear or to pay, no privilege of self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters. For any violation which is a traffic infraction, the court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalties, together with such court costs and surcharges, as are established by law.
- (4) Any violation of the Sedgwick Traffic Code declared by such Code or by this ordinance to be a misdemeanor shall be a misdemeanor traffic offense. Misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Penalty	Maximum Penalty
1	Ten days imprisonment or \$300 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment or \$150 fine, or both	90 days imprisonment, or \$500 fine, or both

- (5) Any person convicted of a class 1 or class 2 misdemeanor traffic offense may be required to pay court costs and surcharges as established by law, restitution as required by Article 18.5 of Title 16, C.R.S. and may be sentenced to perform a certain number of hours of community service or useful public service in addition to any other sentence.
- (6) Any traffic infraction or misdemeanor traffic offense defined by law outside of the Model Traffic Code shall be punishable as provided in the statute defining it or as otherwise provided by law.

- (7) The penalty assessment procedure in §16-2-201 Colorado Revised Statutes shall be followed by the arresting officer for violations of the Sedgwick Traffic Code, except that references to “county” shall be replaced with the term “municipal” and except as otherwise expressly defined in this Section 7.
- (A) When a penalty assessment notice is left on an unattended vehicle, it shall be a rebuttable presumption that the registered owner of such vehicle was the driver / offender.
- (B) Tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon by the due date listed.
- (8) The Sedgwick Traffic Code adopts as the assessed points reported to the Colorado Department of Revenue, either by Sedgwick County Sheriff’s Office or by the Clerk of the Court, the point system set forth in §42-2-127(5) of the Colorado Revised Statutes, as that section may be amended at the time of the issuance of the penalty assessment, adopted by reference, inasmuch as those points correspond to the sections of the Sedgwick Traffic Code, for all offenses where the defendant acknowledges guilt or liability, is found guilty by a court of competent jurisdiction, or has a judgment entered against him.
- (A) In accordance with the provisions of §42-2-127(5.5), if a person receives a penalty assessment notice for a violation of the Sedgwick Traffic Code, and such person acknowledges guilt by paying the fine and surcharge on the notice before the due date on the notice, the points assessed against the person’s Colorado driver’s license and / or Colorado driving privilege will be reduced.
- (I) For violations having an assessment of three points or more, the points assessed shall be reduced by two points.
- (II) For violations having an assessment of two points, the points assessed shall be reduced by one point.
- (B) The judge shall have no authority to assess any points under C.R.S. § 42-2-127 upon entry of judgment for any Class B traffic infraction.

Section 8: Validity

- (1) 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 of the Town of Sedgwick 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 9: Repeal

- (1) 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 10: Certification

- (1) 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, VOTED ON ADOPTED AND APPROVED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO FOLLOWING A PUBLIC HEARING HELD THIS 10TH DAY OF JANUARY 2011 AND IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY" IN COMPLIANCE WITH ORDINANCE #01-2006 AND SHALL BECOME EFFECTIVE THIRTY(30) DAYS FOLLOWING PUBLICATION OF SUCH.



Alan G. Otsuka, Mayor



Attest:

Rhonda K. Jones, Town Clerk

SEAL