

ORDINANCE NO. 09-2025

AN ORDINANCE AMENDING CHAPTER 8 – VEHICLES AND TRAFFIC, ARTICLE 1 - MODEL TRAFFIC CODE, SEC. 8-1-30 – ADDITIONS OR MODIFICATIONS, THE SAID MODEL TRAFFIC CODE, AS ADOPTED, IS SUBJECT TO THE FOLLOWING ADDITIONS OR MODIFICATIONS AND SEC. 8-1-40 - PENALTIES

WHEREAS, the Board of Trustees adopted the 2024 edition of the Model Traffic Code for Colorado on March 4, 2025; and

WHEREAS, the Board of Trustees has determined amendments need to be made to said adoption, specifically “Sec. 8-1-30. Additions or modifications, the said model traffic code, as adopted, is subject to the following additions or modifications” and “Sec. 8-1-40 Penalties”.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO AS FOLLOWS:

Section 1. Amendment of Article 1 – Model Traffic Code - Section 8-1-30. Additions or modifications, the said model traffic code, as adopted, is subject to the following additions or modifications: of the Garden City Municipal Code is hereby modified by amending Part 17(4) that currently reads:

- (4) Fines for violations under the Model Traffic Code, as adopted by the Town of Garden City, shall be set by the municipal court presiding judge. However, the maximum fine that may be imposed for any single violation shall not be more than one thousand dollars (\$1,000.00), court cost and surcharges excepted. The presiding judge shall publish an order establishing a continuing violations bureau and establishing a schedule of fines and a common bond amount.

Shall be replaced with the following:

- (4) Fines for violations under the Model Traffic Code, as adopted by the Town of Garden City, shall be set by the municipal court presiding judge. However, the maximum fine that may be imposed for any single violation shall not be more than \$2,650.00, court cost and surcharges excepted. The presiding judge shall publish an order establishing a continuing violations bureau and establishing a schedule of fines and a common bond amount.
- (5) Except as set forth herein, it is a traffic infraction for any person to violate any of the provisions of this Code. Such a traffic infraction shall constitute a civil matter. The Colorado Rules of Municipal Procedure shall apply to traffic infraction proceedings, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal

traffic infraction and the defendant's driver's license is issued by the State of Colorado or any other state which participates in the Interstate Nonresident Violator Compact, as codified at C.R.S. Section 24-60-201. Instead, the court may enter a judgment of liability by default against the defendant for failure to appear, assess any penalty and costs established by law and report the judgment to the appropriate state motor vehicle department which may assess points against the defendant's driver's license and may take appropriate action to ensure that the judgment is satisfied. There is no right to a trial by jury for any noncriminal traffic infraction.

Section 2. Amendment of Article 1 – Model Traffic Code - Section 8-1-40. Penalties: of the Garden City Municipal Code is hereby modified by amending the following that currently reads:

The following penalties, herewith set forth in full, shall apply to this Article:

Fines for violations under the Model Traffic Code, as adopted by the Town of Garden City, shall be set by the municipal court presiding judge. However, the maximum fine that may be imposed for any single violation shall not be more than \$1,000.00, court cost and surcharges excepted. The presiding judge shall publish an order establishing a continuing violations bureau and establishing a schedule of fines and a common bond amount.

It is unlawful for any person to violate any of the provisions adopted in this Article.

Every person convicted of a violation of any provision of this Article shall be punished by a surcharge in accordance with 42-4-1701 (4)(e)(II), C.R.S.

Shall be replaced with the following:

The following penalties, herewith set forth in full, shall apply to this Article:

Fines for violations under the Model Traffic Code, as adopted by the Town of Garden City, shall be set by the municipal court presiding judge. However, the maximum fine that may be imposed for any single violation shall not be more than \$2,650.00, court cost and surcharges excepted. The presiding judge shall publish an order establishing a continuing violations bureau and establishing a schedule of fines and a common bond amount.

It is unlawful for any person to violate any of the provisions adopted in this Article.

Section 3. Severability. Should any section, clause, sentence or part of this ordinance be adjudged by a court of competent jurisdiction to be unconstitutional, and or invalid, such adjudication shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication as required by law.

PASSED, ADOPTED AND APPROVED THIS 1st DAY OF JULY, 2025.

TOWN OF GARDEN CITY

By: _____

Mayor

ATTEST:

Deputy Town Clerk