

**TOWN OF TIMNATH, COLORADO**

**ORDINANCE NO. 36, SERIES 2008**

**AN ORDINANCE REPEALING SECTIONS 8.1.7 AND 8.1.8 OF THE TIMNATH MUNICIPAL CODE AND ADOPTING A NEW SUBSECTION 8.1.2 (D) AMENDING MODEL TRAFFIC CODE SECTION 615 REGULATING TRAFFIC IN SCHOOL ZONES WITHIN THE TOWN LIMITS**

**WHEREAS**, pursuant to C.R.S. § 31-15-702 and the Charter, the Town Council (the "Council") of the Town of Timnath (the "Town") is empowered to regulate traffic; and

**WHEREAS**, pursuant to this power, the Council has previously enacted Chapter 8, Article I of the Timnath Municipal Code ("Code"), concerning vehicles and traffic; and

**WHEREAS**, Sections 8.1.1 and 8.1.2 of the Code provide for the adoption of the 2003 edition of the Model Traffic Code ("MTC") and the modification of the same; and

**WHEREAS**, Sections 8.1.7 and 8.1.8 of the Code provide for the regulation of traffic within school zones within the Town limits; and

**WHEREAS**, the Council has determined that Section 615 of the MTC, entitled "School zones" may conflict with Sections 8.1.7 and 8.1.8; and

**WHEREAS**, the Council desires to delete Sections 8.1.7 and 8.1.8 of the Code and adopting a new Subsection 8.1.2 (D) amending MTC Section 615 in order to uniformly regulate traffic control in school zones existing within Town limits; and

**WHEREAS**, the Council finds that doubling of penalties for moving violations within school zones are necessary for the continued protection and safety of the Town's school children.

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:**

**Section 1.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Council.

**Section 2.** Chapter 8, Article I, Section 8.1.2 of the Code is hereby amended by the addition of a new subsection D to read:

Section 615 of the Model Traffic Code is hereby amended to read in full:



**615. School Zones.** (1) For purposes of this section, "school zone" means an area that is designated by official traffic control devices and signs as a school zone and has appropriate signs posted indicating that penalties will be doubled.

(2) No posted speed limit for a school zone shall be less than twenty (20) miles per hour on any street or roadway.

(3) Any person who commits a moving traffic violation in a school zone is subject the increased penalties imposed by section 1701 of this Code which shall include a fine of at least double the fine set for the same violation occurring outside of a school zone.

(4) This section shall not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 of this Code because such violation also occurred within a highway maintenance, repair or construction zone.

(5) This section shall not apply when the official traffic control devices are not operating or when school is not in official session.

**Section 3.** Chapter 8, Article I, Sections 8.1.7 and 8.1.8 of the Code are hereby repealed.

**Section 4. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.


**Section 5. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 6. Effective Date.** This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, READ, AND PASSED ON 1<sup>ST</sup> READING AND SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON AUGUST 6, 2008 AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 16TH DAY OF JULY, 2008.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 6, 2008.

TOWN OF TIMNATH, COLORADO

  
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Donna Benson, Mayor

ATTEST:

  
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Linda Salas, Town Clerk