

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, CORRECTING TYPOGRAPHICAL ERRORS IN THE CITY'S ADOPTION OF THE MODEL TRAFFIC CODE

WHEREAS, it has come to the attention of the City that certain typographically errors were made when it adopted the 2010 Model Traffic Code in Ordinance No. 0214; and

WHEREAS, City Council finds it is the best interest of the City to correct these errors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 10.04.010 of the Manitou Springs Municipal Code is hereby amended by the following revisions:

Pursuant to Section 5.11 of the City Charter, there is hereby adopted by reference the 2010 Edition of the "Model Traffic Code" promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222, as amended by Section 10.04.020. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Chapter is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. One copy of the 2010 Edition of the Model Traffic Code adopted herein shall be filed in the office of the City Clerk and may be inspected during regular business hours.

Section 2: Section 10.04.020 of the Manitou Springs Municipal Code is hereby amended by the revisions of the following subsections:

6. In Section 229(4), the reference to section 219 is modified to read "C.R.S. 42-12-401."

27. Section 1105(7)(c) modified to read as follows: "The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an 'abandoned motor vehicle' as defined in section 1802(1)(d) and C.R.S. § 42-4-2102(1)(d) and subject to the provision of Part 18 of this Code and Part 21 of Article 4 of Title 42, C.R.S., whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection

(7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or C.R.S. § 42-4-1208(2)(a.5).”

41. Section 1701 is deleted in its entirety. Any reference to section 1701 in the Model Traffic Code shall be deemed to refer to Section 1.16.010 of the Manitou Springs Municipal Code.

Section 3: 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 City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on first reading and Ordered Published this 14th day of April, 2015.

/s/Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the May 5, 2015 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: April 16, 2015 (in full)
City's Official Website and in City Hall

Passed on Second Reading and Ordered Published this 5th day of May, 2015.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: May 7, 2015 (in full)
City's Official Website and City Hall