

TITLE AND PURPOSE

AN ORDINANCE PERTAINING TO TRAFFIC
INFRACTIONS WITHIN THE TOWN OF LA JARA,
COLORADO.

WHEREAS, pursuant to Colo. Rev. Stat. §42-4-1501(1), The General Assembly of the State of Colorado has declared that it is a traffic infraction for any person to violate any of the provisions of Articles 1 to 4 of Title 42 of the Colorado Revised Statutes unless such violation is, by Articles 1 to 4 of said Title, or by any other law of the State of Colorado, declared to be a felony, misdemeanor, or a misdemeanor traffic offense, and that such traffic infractions are now to be considered as civil matters rather than civil offenses, and,

WHEREAS, pursuant to Colo. Rev. Stat. §42-4-108 (5), the General Assembly has further declared that it was not its intent to create a conflict between the provisions of Article 4 of Title 42 and municipal ordinances covering the same subject matter as in said Article, nor was it its intent to require or prohibit the decriminalization of municipal ordinances covering the same subject matter as in said Articles, and that municipalities may continue to enforce violations of such ordinances through municipal court even though similar state offenses are enforced through the referee system established pursuant to said Article, and,

WHEREAS, the Board of Trustees of the Town of La Jara finds and determines that it is the best interest of the Town and the general public that its enforcement of municipal ordinances with respect to traffic violations be consistent with general, state-wide practice, and,

WHEREAS, the Board of Trustees finds and determines that the decriminalization of municipal traffic ordinances is also in the best interest of the citizens of the Town and the general public.

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

Section One. It is a traffic infraction for any person to violate any of the provisions of the La Jara Model Traffic Code unless such violation is, by Articles 1 to 4 of Title 42 of Colorado Revised Statutes or by any other law of this state, or by the La Jara Model Traffic Code declared to be a felony, misdemeanor, or misdemeanor traffic offense. Such traffic infractions shall now constitute a civil matter.

Section Two. The Colorado Rules for Traffic Infractions appearing in Chapter 29.7 of Volume 7B, 1984 Replacement Volume, of the Colorado Revised Statutes shall govern practice and procedures for the handling of noncriminal traffic infractions, and for this purpose, the rules shall apply concepts of both civil and criminal law, as deemed appropriate, to establish informal hearing procedures in the municipal court.

Section Three. Any traffic infraction or misdemeanor traffic offense defined by law or by the La Jara Model Traffic Code to be outside of Articles 1 to 4 of Title 42, Colo. Rev. Stat., shall be punishable as provided in the statute defining it or as otherwise provided by law.

Section Four -- Plea Bargain Arrangements. Except as may otherwise be provided by law, nothing in this ordinance shall prohibit the police officers of the Town of La Jara, its prosecuting attorney, or its municipal judge, as the case may be, in the exercise of their discretion, to enter into and accept plea bargain arrangements, such to include, but not limited to, deferred sentences, deferred judgements, a plea to a lesser included offense, and other similar case disposition arrangement.

Section Five -- Validity. If any part or parts of this ordinance are for any reason held to be invalid, such a 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 any part or parts thereof irrespective of the fact that any one part or parts should be declared invalid.

Section Six -- Publication. The Town Clerk shall certify to the passage of this ordinance and shall cause notice of its contents and passage to be published and recorded with such offices or agencies as prescribed by law.

Section Seven -- Effective Date. This ordinance shall be in full force and effect 30 days after its final passage and publication as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AND SIGNED THIS 9th day of March, 1988.

TOWN OF LA JARA

By: 
Vic E. Thomas, Mayor

(S E A L)

Attest:


Helen J. Hutchins,
La Jara Town Clerk

Date of Publication: March 17, 1988.



THE CONEJOS COUNTY
CITIZEN

P.O. Box 79
La Jara, CO. 81140

STATE OF COLORADO
COUNTY OF CONEJOS

I, Cynthia Haynes, do solemnly swear that I am Publisher of THE CITIZEN; that the same is a weekly newspaper printed, in whole or in part, and published in the County of Conejos, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Conejos for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of ...9...9... consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated ...3-17-1988... A.D. 1988.

and that the last publication of said notice was in the issue of said newspaper dated ...3-17-1988... A.D. 1988.

Cynthia Haynes

Subscribed and sworn to before me, a notary public in and for the State of Colorado, this 17th day of March

A.D. 1988.

Walter L. Dickel
Notary Public

My Commission expires October 30th, 1990

Traffic ordinance

ORDINANCE NO. 1988- 1
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TOWN OF LA JARA
By: *Vic E. Thomas*
Vic E. Thomas, Mayor

(S E A L)

Attest:

Helen J. Hutchins

Helen J. Hutchins,

La Jara Town Clerk Date of Publication: March 17, 1988.