

ORDINANCE NO. 2000 - 3

TITLE AND PURPOSE:

AN ORDINANCE IMPOSING A SURCHARGE UPON VIOLATION OF THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES AS ADOPTED BY THE TOWN OF LA JARA OR VIOLATION OF OTHER TOWN ORDINANCES RESULTING IN A CONVICTION OR IN A DEFERRED JUDGMENT AND SENTENCE AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Board of Trustees of the Town of La Jara, Colorado, finds and determines that, in the interest of preserving the public peace, health, safety and welfare within the incorporated limits of the Town, it is necessary and appropriate that an Ordinance should be enacted setting forth the surcharges to be imposed upon the conviction of a violation of any provision of the Model Traffic Code for Colorado Municipalities as adopted by the Town or the violation of any other Town Ordinances providing penalties for the violation thereof as such ordinances may be amended from time-to-time.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

SECTION 1 - DEFINITIONS: For purposes of this Ordinance, the following terms shall have the meaning set forth below, unless the context otherwise indicated. The word "shall" is mandatory and not merely directory or discretionary.

- (1) "Model Traffic Code for Colorado Municipalities" means the edition of the Model Traffic Code for Colorado Municipalities as promulgated by the Colorado Department of Transportation, State of Colorado, last adopted by the Board of Trustees of the Town of La Jara.
- (2) "Town Ordinance" means any ordinance of the Town of La Jara, the violation of which provides, upon conviction thereof, fines or penalties and/or imprisonment.

SECTION 2 - SURCHARGES: A surcharge equal to ____ percent of the fine imposed is hereby levied on each Model-Traffic-Code-for-Colorado-Municipalities offense resulting in a conviction or a deferred judgment and sentence, which Municipal Court action is charged pursuant to Summons and Complaint issued by the La Jara Police Department. These surcharges shall be paid to the Clerk of the La Jara Municipal Court by the defendant, and such sums paid shall be added to the General Fund of the Town of La Jara.

SECTION 3 - SURCHARGES FOR VIOLATION OF ANY AND ALL OTHER ORDINANCES OF THE TOWN OF LA JARA NOT OTHERWISE SET FORTH IN SECTION 2 ABOVE: A surcharge equal to thirty-five percent of the fine imposed is hereby levied on each offense with respect to the violation of any ordinance of the Town of La Jara providing fines and penalties for the violation thereof resulting in a conviction or a deferred judgment and sentence, which Municipal Court action is charged pursuant to Summons and Complaint issued by the La Jara Police Department. These surcharges shall be paid to the Clerk of the La Jara Municipal Court by the defendant, and such sums paid shall be added to the General Fund of the Town of La Jara.

SECTION 4 - SEVERABILITY: If any section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and every section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase thereof irrespective of the fact that any one or more of the

other, sections, subsections, parts, subparts, paragraphs, subparagraphs, sentences, clauses, words, or phrases thereof be declared invalid or unconstitutional.

SECTION 5 - EMERGENCY ENACTMENT - EFFECTIVE DATE: Whereas, for the reasons set forth in the Preamble of this Ordinance, the Board of Trustees finds, determines, and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health and safety and the same shall be in full force and effect immediately upon adoption and the publication thereof as by law provided.

INTRODUCED, READ, APPROVED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AT A REGULARLY-SCHEDULED MEETING OF THE BOARD AT WHICH A MAJORITY OF THE BOARD WAS PRESENT THIS 9TH DAY OF MARCH, 2000.

THE BOARD OF TRUSTEES OF THE
TOWN OF LA JARA

(TOWN SEAL)

By: Larry Bühr
Larry Bühr, Mayor

ATTEST:

Helen J. Hutchins
Helen J. Hutchins, La Jara
Town Clerk

Date of Publication: March, 2000