

ORDINANCE NO. 107

AN ORDINANCE CONCERNING PUBLIC HEALTH AND SANITATION IN
THE TOWN OF LA JARA, COLORADO

Be it ordained by the Board of Trustees of the Town of La Jara:

Sub-Division I. Town Health Officer

Sec. 1. It is hereby created the office of Town Health Officer whose duties shall be as herein after described. He shall be appointed by the Board of Trustees in the same manner as are other town officers and shall be under the direction of the Health and Sanitation Committee of said Board and under the control of the Board of Trustees of the Town of La Jara. Before entering upon the duties of his office, he shall file in the office of the Town Clerk his oath and a Surety Bond in the sum of One Thousand (\$1,000.00) Dollars, to be approved by the Board of Trustees, conditioned upon the faithful discharge of his duties.

Sec. 2. The Town Health Officer shall be a veterinarian or a doctor of medicine licensed to practice in the State of Colorado, or a person who is a graduate of a accredited college with specialized training which shall qualify him to perform the duties assigned to said Town Health Officer.

He shall have full and complete police power in all matters pertaining to the enforcement of ordinances now in effect, and which may hereafter be passed, affecting health and sanitation, and handling and processing of food stuffs, sewage, slaughtering of animals, disposal of wastes, and such other matters that are specifically referred to him by ordinances. He shall have power to arrest and bring before the police magistrate any offender against any of the provisions of the Town ordinances to be enforced by him. He shall have power and authority to enter and search any slaughter house, restaurant, bar, store, or other place of business at any time, and may also, when provided with a proper Search Warrant, enter any residence for purpose of performing his duties. He may request samples of any meats

of any meats or food stuffs in quantities sufficient for analysis and examination.

Sub-Division 2. Inspection of Meats and Meat Products

- Sec. 3. No carcass, or any part thereof, of any slaughtered cattle, sheep, goat, rabbit, or swine shall be sold or offered for sale, or held within the possession of any person for the purpose of sale for human food, within the limits of the Town of La Jara which does not bear the meat inspection brand or other mark of identification of the Town Health Officer, or of the United States Department of Agriculture, or of any other municipality where meat inspection is maintained and which have been approved by the Health Department of the State of Colorado.
- Sec. 4. No carcass, or any part thereof, of any slaughtered cattle, sheep, goats, rabbits, or swine shall be branded and otherwise marked for identification by the Town Health Officer for sale as human food within the Town of La Jara until it has been carefully inspected and passed for food, and said animal shall have been slaughtered under the direction of the Town Health Officer.
- Sec. 5. No cattle, sheep, goats, rabbits, or swine shall be slaughtered within the limits of the Town of La Jara for the purpose of being sold or offered for sale for human consumption.
- Sec. 6. No person shall bring into the town or sell or offer to sell within the town any cattle, sheep, goats, rabbits, or swine that are diseased, injured, crippled, immature, under weight, or emaciated, or unfit for human food in any way, without receiving the prior written consent of the town Health Officers.
- Sec. 7. No person shall bring into the town or sell or offer to sell within the town any meat, meat products, poultry, game, fish or oysters, that are diseased, adulterated, unshod, unwholesome or in any manner unfit for human consumption except as provided in Section 6. All such articles and foods shall be seized and destroyed

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by the Town Health Officer by saturating them with kerosene or indelible dye so they may not be sold or otherwise disposed of for human food.

Sub-Division 3. Inspection Permits

Sec. 8. It shall be unlawful for any person to operate any place of business where fresh meats are offered for sale without complying with the provisions of this ordinance and without an Inspection Permit thereof from the Town Clerk, countersigned by the Town Health Officer.

No Inspection Permit shall be issued to any such place of business until the premises have been inspected by the Town Health Officers and certified to meet the sanitation requirements herein set forth. A yearly fee in the amount of \$1 shall be paid in advance for each calendar year or fraction thereof for said Inspection Permit. Said permits shall be for a calendar year or fraction thereof and shall expire on December 31 of the year of issuance and shall not be transferred or assigned.

Any such Inspection Permit may be revoked by the Town Health Officer, subject to appeal, if the premises are not kept in a sanitary condition as prescribed hereafter, or if meats unfit for human food are offered for sale as hereinbefore described, or if any provisions of this ordinance are not fully complied with.

Sec. 9. All fresh meats which are offered or kept for sale shall be kept in a clean and sanitary manner, properly protected from flies, rodents, and vermin, or from handling by any customers. Said meats shall be kept in refrigerated storage or show cases except when they are in the process of being cut into retail cuts. No meats shall be offered for sale until they have been properly cooled after slaughtering.

The premises where fresh meats are stored, handled, or offered for sale shall be kept in a clean wholesome condition, and all tools, utensils, and containers must be clean and sanitary. All persons

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handling said meats shall be clean and shall wear clean aprons when actually handling meats.

Sec. 10. It shall be unlawful for any person, firm, or corporation in the Town of La Jara to keep, sell, or to offer for sale, any unsound, stale, putrid, or diseased meats.

Sub-Division 4. Slaughter Houses

Sec. 11. Any animal slaughtered and dressed for the purpose of offering for sale or consumption within the Town of La Jara or in any way subject to inspection as provided in this ordinance, must be slaughtered in a duly inspected slaughter house. No animal shall be inspected unless slaughtered as above provided.

Sec. 12. All houses or places in which animals are slaughtered, or the meat and meat products are prepared, cured, packed, stored, handled, or sold shall be suitably lighted, ventilated, made fly-tight by suitable screening, and maintained in a sanitary condition and shall have an abundance of both hot and cold water from an uncontaminated source which may be supplied with adequate pressure through a hose to any part of the room or rooms used for slaughtering or preparing of meats for food. All work in such establishments shall be performed in a clean and sanitary manner and shall meet the following sanitary requirements:

1. Ceilings, side walls, pillars, etc., shall be frequently painted, or, where this is impracticable, they shall, when necessary be washed, scraped, or otherwise rendered sanitary. All floors shall be made of cement or tile laid in cement, brick or other material which can be flushed and washed clean with water. Floor drains shall be provided to carry waste water to suitable disposal systems and no waste water shall be disposed of on the ground. All floors upon which meats are piled while curing shall be so constructed that they can be kept in a clean and sanitary condition, and such meats shall also be kept clean.

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2. All trucks, trays, and receptacles, all chutes, platforms, racks, tables, etc., and all knives, saws, cleavers and other tools, and all equipment used in moving, handling, or processing said meats, shall be thoroughly cleansed daily, if used.

3. The aprons, smocks, or other outer clothing of employees who handle meat in contact with such clothing shall be made of material which is readily cleansed and made sanitary, and shall be cleansed daily, if used. Employees who handle meat or meat food products shall be required to keep their hands clean.

4. All toilet rooms, urinals and dressing rooms shall be entirely separated from compartments in which carcasses are dressed, or meat or meat food products are cured, stored, packed, handled, prepared or sold. They shall be sufficient in number, ample in size, and fitted with modern lavatory accommodations, including toilet paper, soap, running water, towels, etc. They shall be properly lighted, suitably ventilated, and kept in a sanitary condition.

5. The rooms or compartments in which meats or meat food products are prepared, cured, stored, packed, or otherwise handled, shall be properly lighted and ventilated, and shall be so located that odors from toilet rooms, catch basins, casing departments, tank rooms, hide cellars, etc., do not penetrate them. All rooms or compartments shall be provided with cuspidors, which employees who expectorate shall be required to use.

6. All slaughter houses that are not served by municipal sewage disposal, shall construct their own disposal system subject to approval by the Colorado State Health Department.

7. All slaughter houses shall make arrangements to dispose of offal, etc., daily by means of rendering or incineration or burial.

8. Premises shall be kept in a clean and sanitary manner and shall be kept free of vermin, rodents, etc., at all times.

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Sec. 13. Ante-Mortem and Post Mortem Inspection-hours And Regulation
for Slaughtering.

The slaughtering in slaughter houses under the inspection of the Town Health Officer of the Town of La Jara shall be done between the hours of 8:00 o'clock in the morning and 6:00 o'clock in the afternoon. All animals slaughtered or to be slaughtered shall be subjected to ante-mortem examination and inspection by the Town Health Officer and no meat shall be slaughtered within the places herein prescribed, unless an ante-mortem inspection shall have been made, and after said animal shall have been slaughtered the carcasses thereof shall be subjected to a post-mortem examination by the Town Health Officer, and said carcasses shall be duly stamped or tagged by said Town Health Officer, if the same shall appear to him to be proper for food and consumption; and if said carcass shall not be deemed by said Officer to be proper for human food, then the same may be condemned, as otherwise provided in this ordinance.

Sec. 14. No slaughtering of live stock shall be done at any slaughter house subject to inspection under this ordinance on any legal holiday or on any Sunday unless prior permission is obtained from the Town Health Officer.

Sec. 15. Communicable Diseases. Persons affected with tuberculosis or any other communicable disease shall not be knowingly employed in any of the departments of establishments where carcasses are dressed, meatshandled or meat food products prepared, and any employee suspected of being so affected shall be so reported by the Town Health Officer to the manager and to the Town Health and Sanitation Committee.

Sec. 16. No use incompatible with proper sanitation shall be made of any part of the premises on which a slaughter house is located. All yards, fences, pens, chutes, alleys, etc., belonging to the premises of such establishments shall whether they are used or not, be maintained in a sanitary condition.

Sec. 17. Butchers. Butchers who dress diseased carcasses shall cleanse their hands of all grease and then immerse them in a prescribed disinfectant and rinse them in clear water before engaging again in dressing or handling healthy carcasses. All butchers' implements used in dressing diseased carcasses shall be cleansed of all grease and then sterilized either in boiling water or by immersion in a prescribed disinfectant, and rinsed in clear water before being used again in dressing healthy carcasses. Facilities for such cleansing and disinfection approved by the Town Health Officer shall be provided by the establishment. Separate trucks etc., shall be furnished for handling diseased carcasses and parts.

Sec. 18. Meats and meat products intended for rendering into edible products must be prevented from falling on the floor, while being emptied into the tanks, by use of some appropriate device.

Sec. 19. Butchers who dress carcasses are prohibited from holding in their mouths skewers to be used in such dressing.

Sec. 20. No slaughter house or any part thereof shall be used or occupied as a residence or lodging place for any person; and no slaughtering of live stock shall be permitted in any house, building or other place used as a residence or lodging place for human beings.

Sec. 21. No veal calf at the time of slaughter shall be dressed with the skin left on the carcass, unless such skin is clean and the feet are removed.

Sec. 22. No cattle shall be kept in any place in which the water and ventilation are insufficient for the preservation of their health, and the safe condition and wholesomeness of food. All animals kept in yards attached to the slaughter houses shall be treated in a humane manner, and if kept there over twelve hours shall be fed and watered and no animal shall be killed while such an animal is in an over-heated, feverish or diseased condition.

Sec. 23. No dressed carcass, or any part thereof, of any slaughtered cattle, calf, sheep, goat, or swine to be used for human food within the Town of La Jara, shall be removed from any slaughter house before it has been branded or otherwise marked for identification

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cation by the Town Health Officer, by the inspectors of the United States Department of Agriculture, or by inspectors from other municipalities having inspection of meats approved by the State Health Department.

Sec. 24. No meat or meat product shall be transported in any wagon or other vehicle in the town unless fully protected from moisture, soot, dust and flies, by the use of covered vehicles, with the front and back closed, or by the use of clean white cloths spread over the meat or meat products. All delivery trucks and other vehicles, together with boxes, barrels, and other containers used in transporting meats in the town shall be kept perfectly clean; and no burlap or other dirty clothes shall be used in contact with meat.

Sub-Division 5. Restaurants and Bakeries

Sec. 25. The following definition shall apply in the interpretation and enforcement of this subdivision.

(a) "Restaurants" shall mean an establishment provided with space and accommodation wherein, in consideration of payment, meals are habitually furnished to patrons.

(b) "Itinerant restaurant" shall mean one operating in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

(c) "Employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

(d) "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.

(e) "Food" shall mean any substance used, or intended to be used for human consumption upon the premises where sold, which, among other things, shall include all meat, fish, vegetables, bread and condiments, whether simple, mixed or compounded, but shall

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not include soft drinks, ice cream or ices, and confections.

(f) The term "bakery" referred to in the following regulations shall mean the premises of any place where bread ~~and/or~~ other products commonly known as bakery goods are prepared for sale for human consumption.

Sec. 26. All Restaurants and Bakeries shall comply with all of the following items of sanitation:

A. The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

B. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which foods or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

C. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

D. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

E. All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

F. Every restaurant shall be provided with adequate and conveniently located toilet facilities conforming with the laws, rules, and regulations of the Colorado State Board of Health, and such toilet facilities shall be located in the building wherein the restaurant is located. Restaurants serving beer, wine or liquor shall provide separate toilet facilities for each sex for use by the public. In restaurants hereafter constructed, toilet rooms shall not open directly into any room in which food, drink, or

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utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees.

G. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality. Each sink shall have available hot and cold running water at all times.

H. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

I. All multi-use utensils and all show and display cases or windows, counter, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used; provided, that solder containing lead may be used for jointing.

J. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material, all cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

No No article, polish, or other substances containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

K. After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

L. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner not to become a nuisance.

M. All readily perishable food and drink shall be kept at or below 50 degrees F., except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

N. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Pasteurized milk and milk products shall be used. Ice served in foods or drinks shall be from an approved source and so handled as to avoid contamination.

O. All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

P. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

Q. The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

R. The health officer should approve an itinerant restaurant only if it complies with the following sanitation requirements:

It shall be located in clean surroundings and kept in a clean and sanitary condition. It shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to insects or to dust or other contamination. Only food and drink which is clean, wholesome, and free from adulteration shall be sold or served. An adequate supply of water of safe, sanitary quality shall be easily available and used for drinking and for cleaning utensils and equipment. If multi-use utensils are used in the serving of food or drink, they shall be thoroughly washed with hot water and a satisfactory detergent and effectively subjected to an approved bactericidal process after each use and so handled and kept as to be protected from contamination. Adequate provision shall be made for refrigeration of perishable food and drink. Ice used in or with food or drink shall be from a source approved by the health officer and so handled as to avoid contamination.

Garbage and refuse shall be kept in tightly covered, water-tight containers until removed and shall be disposed of in a place and manner approved by the health officer. Dishwasher and other liquid wastes shall be so disposed of as not to create a nuisance.

No person suffering from any disease transmissible by contact or through food or drink or who is a carrier of the germs of such a disease shall be employed in any capacity. Adequate and satisfactory toilet and hand-washing facilities shall be readily accessible to employees. No person engaged in the handling or serving of food or

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drink shall return to his work, after using the toilet without first thoroughly washing his hands.

S. No person who is effected with any disease in a communicable form, including the common cold accompanied by nasal discharge or persistent coughing or sneezing, or who is a carrier of any such disease, or who has open sores or lesions on any part of his body shall work in a restaurant and no restaurant operator shall employ for work in a restaurant any such person or any person suspected of being affected with any disease in a communicable form or being a carrier of such disease.

Sub-Division 6. Dwelling Health and Sanitation:

Sec. 27. No cattle, horses, mules, donkeys, swine, sheep, or goats shall be housed or maintained within the limits of the Town of La Jara, nor within a distance of 50 feet from the limits of said town.

Sec. 28. All poultry and rabbits kept within the limits of the town of La Jara shall be properly housed in clean well ventilated pens or houses free from vermin or disease. No poultry or rabbits shall be permitted to run at large within the limits of the Town of La Jara.

Sec. 29. No outdoor toilets or privies shall be hereafter constructed within the Limits of the Town of La Jara. No outdoor toilet or privies shall be maintained or kept within 40 feet of any dwelling within said town. All outdoor toilets or privies now in existance shall be rendered fly-tight by covering all cracks and holes with some solid material or wire screen. All toilet seats shall be provided with well fitted covers which shall be kept in place at all times when such toilets or privies shall not be in use. All toilets shall be painted or whitewashed inside so as to be easily kept clean and said toilets shall be kept clean and sanitary at all times. All waste in said toilets or privies shall be covered with quick lime or ashes in a manner sufficient to prevent odors or the attraction of flies.

Sec. 30. No cess pools shall be maintained or used in any portion of the Town of La Jara where town sewage facilities are available. All cess pools shall be properly and safely covered. No waste water from any dwelling, laundry, or place of business shall be drained into any open ditch or pool. All waters from storms, etc., that shall collect in pools or in ditches shall be drained as soon as reasonably possible. Any such waters from storms that shall collect in places where it cannot be drained shall be covered with oil to prevent the breeding of flies or mosquitos.

Sec. 31. All garbage, trash, and refuse liable to be infested by flies or mosquitos shall be kept in tightly closed container. Garbage, trash, refuse, or manure shall not be allowed to collect in an unsanitary manner, but must be burned, buried, or otherwise disposed of. No slops or garbage of any kind shall be disposed of by throwing or emptying said materials upon the surface of the ground.

Sec. 32. No dead animals, putrid meats, spoiled foods, or other unwholesome or offensive matter shall be kept or maintained within the Town of La Jara but said materials must be buried or burned or otherwise disposed of immediately.

Sec. 33. Any person who shall contract any contagious disease within the Town of La Jara shall remain at home, unless said person be transferred to a hospital and shall avoid all public gatherings or public places. Upon advice of a Doctor, the Town Health Officer may quarantine any family within the town for such period as may be necessary for any contagious disease and it shall be unlawful for any person within said family to leave said home during the period of quarantine. Proper signs shall be posted by the Town Health Officer upon the quarantining of any home as provided, and it shall be unlawful for any persons to remove or deface said signs other than the Town Health Officer.

Sec 34. No common ragweed shall be allowed to grow within the limits of the Town of La Jara and all persons shall remove or destroy any ragweed found growing upon their property. If it comes to the attention of the Town Health Officer that ragweed exists upon any property

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within the Town of La Jara, the owner of said property shall be so advised and notified to remove and destroy all said ragweed immediately. Upon his failure to do so within a period of five days, the town may enter said property and remove and destroy said ragweed and the costs of such operation shall be chargeable to the owner of said property.

Sec. 35. The Town Health Officer is hereby authorized to enter upon any property to inspect health and sanitation conditions as are set out in this Article, and to enter any dwelling house in which he reasonably believes that the health and sanitation conditions provided for in this ordinance are being violated when provided with a proper Search warrant and may issue summons and make arrests for violation of the provisions of this ordinance.

Sec. 36. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined in a sum of not less than Two (\$2.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each and every offense.

Sec. 37. That if any of the provisions of this ordinance shall be unconstitutional or shall conflict with or be inconsistent with the laws of the United States or of the State of Colorado, said provisions shall not affect the validity or the invalidity of any other of the provisions of this ordinance.

Sec. 38. All ordinances or parts of ordinances in conflict with any portion of this ordinance are hereby repealed.

Passed, adopted, and approved this 7th day of September, 1954.

JPW Braiden
Mayor

Attest:

Ronnie J. Sullivan
Town Clerk and Recorder

ORDINANCE NO. 109

AN ORDINANCE REGULATING TRAFFIC AND ADOPTING BY REFERENCE THE MODEL TRAFFIC ORDINANCE FOR COLORADO MUNICIPALITIES AS ADOPTED BY THE OFFICIAL COMMITTEE OF THE COLORADO HIGHWAY SAFETY COUNCIL DURING ITS OFFICIAL MEETING ON JANUARY 15, 1952.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA IN THE STATE OF COLORADO:

That the Model Traffic Ordinance for Colorado Municipalities as officially adopted and approved by the Colorado Highway Safety Council at its official meeting on January 15, 1952 is hereby adopted by reference and its penalty provisions are set out in full as follows:

Section 133a. PARTIES. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be in violation of the ordinances of this municipality, whether individually, or in connection with one or more other persons, or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this ordinance is likewise guilty of such offense.

Section 134a. OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES. Neither the owner, or any person, employing or otherwise directing the driver of any vehicle, shall require or knowingly permit the operation of such vehicle upon a street of this municipality in any manner contrary to law.

Section 135a. PENALTIES. Unless another penalty is expressly provided herein, every person found guilty of a violation of any provision of this ordinance, may be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days.

Section 136a. FORMS AND NOTICES OF CITATIONS, ARREST OR APPEARANCE. The municipality shall provide in triplicate, suitable serially numbered forms for notifying alleged violators to appear and answer to charges of violating traffic ordinances. Such forms shall be issued to and receipted for by the chief of police or other person acting for him. The municipal clerk shall each month report to the police magistrate the disposition made by the police of all triplicate forms issued to them. For this purpose

the municipal clerk or his representative, shall have access to the necessary records of the police department, of this municipality, and the traffic violations bureau. These reports shall be public records.

Section 138a. FAILURE TO OBEY NOTICE OR SUMMONS. (a) The violation of a written promise to appear, given to an officer upon arrest or issuance of a traffic citation for any traffic violation, shall constitute a violation of this ordinance regardless of the disposition of the original charge.

(b) A written promise to appear in court may be complied with by an appearance by counsel.

(c) The foregoing provisions of this ordinance shall govern all police officers in making arrests without a warrant for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Section 139a. NOTICE ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without driver is found parked, stopped, or standing, in violation of any of the restrictions imposed by ordinance of this municipality, the officer finding such vehicle shall take its registration number, and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such a vehicle a traffic citation or notice in writing, on a form provided by the municipal clerk, for the driver to answer the charge against him within 7 days, during the hours and at a place specified in the notice. The officer shall send one copy of such notice to the police department, and one copy to the police magistrate or to the traffic violations bureau.

Section 140a. FAILURE TO COMPLY WITH NOTICE ATTACHED TO PARKED VEHICLE. If a violator of the restrictions on stopping, standing, or parking under these ordinances does not appear in response to a notice or citation affixed to such motor vehicle within a period of 7 days the municipal clerk or the traffic violations bureau shall send the owner of the motor vehicle to which the notice or citation was affixed, a letter informing him of the violation, and warning him that in the event such letter is disregarded for a period of 5 days a warrant of arrest will be issued.

Section 141a. PRESUMPTION IN REFERENCE TO ILLEGAL PARKING, OPERATING, STOPPING, ETC.

(a) In any prosecution charging a violation of any ordinance governing the stopping, standing, parking, or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, stood, parked, or operated such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 139 and 140 has been followed.

Section 142a. WHEN WARRANT IS TO BE ISSUED.

(a) In the event any person fails to comply with a notice given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the Police Magistrate's Court or the traffic violations bureau, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the municipal clerk or a clerk of the traffic violations bureau shall forthwith secure and issue and have served a warrant for his arrest.

Section 143a. DISPOSITION OF TRAFFIC FINES AND FORFEITURES.

(a) All fines or forfeitures collected upon a finding of violation of ordinance, or upon the forfeiture of bail of any person charged with violation of any of the provisions of this ordinance, shall be paid into the municipal treasury and deposited in the general fund.

(b) The police magistrate or magistrates are hereby authorized to suspend the payment of any costs, or fine, or penalty, and to remit any costs or fine or penalty assessed for any violation of any provision of this ordinance, and to suspend any jail sentence imposed for a violation of any provision of this ordinance.

Section 144a. OFFICIAL MISCONDUCT. Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in said fund, to comply with the provisions of Section 143 shall constitute misconduct in office and shall be grounds for removal therefrom.

Section 145a. AUTHORITY TO IMPOUND VEHICLES.

(a) Members of the police department are hereby authorized to remove a vehicle from a street to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or by this municipality, under the circumstances hereinafter enumerated:

(1) When any vehicle is left unattended upon any bridge, causeway, or viaduct, or in any subway, where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.

(3) When a vehicle is found being driven upon the streets and is not in proper condition to be driven.

(4) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(5) When any vehicle is left unattended upon a street continuously for more than 72 hours and may be presumed to be abandoned.

(6) When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street.

(7) When removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency reason.

(8) No vehicle impounded in an authorized garage as herein provided shall be released therefrom until the charges for towing such vehicle into the garage, and storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be fixed by the police magistrate, such charges to be based upon a computation of all actual expenses entering into the current cost of such services. Such charge or charges shall be posted for public inspection in the office of the municipal clerk or the traffic violations bureau, and in any authorized garage.

Section 146a. NOTICE OF IMPOUNDING.

(a) Whenever an officer removes a vehicle from a street as authorized

in this section, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, and the reasons therefor, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.

(b) Whenever an officer removes a vehicle from a street under this section, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the Motor Vehicle Division of the State Department of Revenue, and shall file copy of such notice with the proprietor of any authorized garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

Introduced, read, passed, adopted, signed and approved this ____ day of _____, A.D. 1954.

 P. W. Baird
Mayor

Attest: _____, Clerk