

**An Ordinance Supplementing Ordinance 284, 275, 311 and 312 of the City of Las Animas And Amending Certain Sections thereof, Creating A Traffic Violations Bureau And Establishing Penalties For Violation Of Traffic Rules And The Provisions Of This Ordinance.**

BE IT ORDAINED by the council of the city of Las Animas, Colorado.

Section 1. Section 7 of Ordinance 275 is hereby amended and as amended shall read as follows:

Section 7. Speed—reckless driving. Every person operating a motor vehicle on the streets of Las Animas shall drive the same in a careful and prudent manner, at a rate of speed no greater than is reasonable and safe, having regard for the width, grade, curves, corners, traffic and use of the streets and all other attendant circumstances, so as not to endanger the life or limb of any person. In any event, vehicles shall not be driven at a greater speed than twenty-five (25) miles per hour except on streets designated by the State Highway Department as state highway, connecting links and other higher speed limits are fixed by the State Highway Department.

Every person who violates the above provisions of this section in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property shall be guilty of reckless driving and upon the first conviction thereof shall be punished by a fine of not less than Twenty-five Dollars nor more than Three Hundred Dollars; upon a second or subsequent violation such person shall be punished by a fine of not less than Fifty Dollars nor more than Three Hundred Dollars.

Every person who shall negligently violate any of the above provisions shall be guilty of careless driving and upon conviction thereof shall be punished by a fine of not more than Three Hundred Dollars.

Section 2. Section 11 of Ordinance 275 is hereby amended and as amended shall read as follows:

Section 11. Moving Vehicles. All vehicles shall be driven on the right and on the right half of the street except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction;

2. When the right half of the street is closed to traffic while under construction or repairs;

3. Upon a street divided into three lanes of traffic under the rules applicable to the same;

4. Upon a street designated and sign posted for one way traffic.

A vehicle overtaking another vehicle proceeding in the same direction shall be driven to the left thereof at a safe distance and shall not again drive to the right side of the road until safely clear of the overtaken vehicle. The driver of the overtaken vehicle shall give way to the right in the favor of the overtaking vehicle on audible signal; he shall not increase the speed of his vehicle until completely passed by the overtaken vehicle. The overtaking vehicle shall not pass to the left in any intersection unless upon visible signal from the driver of the forward vehicle of intention to make a right turn. Only when a left turn is signaled by the driver of a leading vehicle may a following vehicle overtake and pass upon the right of the vehicle making the left turn.

Section 3. Driver Interference. No motor vehicle shall be operated on the streets of Las Animas with more than three persons in the front seat thereof. Every driver of a motor vehicle shall pay attention to driving. Any interference by the passengers of a motor vehicle resulting in the distraction of the driver's attention from his driving shall render passengers and drivers guilty of careless driving and subject to the penalties provided thereof.

Section 4. Operator and chauffeurs must be licensed.

1. No person, except those herein expressly exempted shall drive a motor vehicle on the streets of Las Animas, unless such person has a valid license as operator or chauffeur as provided by the statute of the State of Colorado.

No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. Any person holding a valid chauffeur's license need not procure an operator's license.

2. The following persons shall be exempt from the requirement of possessing such licenses:

- Any person while operating a motor vehicle in service of the army, navy or the marine Corps of the United States.
- Any person while driving or operating any road machinery or farm tractor or implement of husbandry while temporarily operated or moved on the streets.

3. The following persons shall not operate a motor vehicle on the streets of Las Animas:

- Any person as operator under the age of 16 years;
- Any person as a chauffeur under the age of 17 years;
- Any person whose operator's or chauffeur's license has been suspended, revoked and not re-instated;
- Any person who is an habi-

tual drunkard or is addicted to the use of narcotic drugs;

e. Any person who has been judged mentally incompetent.

f. Any person who has failed to meet the requirements for drivers set out by state law.

4. Every Licensee shall have his operator or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand; no person charged with violating this section shall be convicted if he produces in court an operator's license or chauffeur's license theretofore issued to him and valid at the time of his arrest.

5. Unlawful use of License.

a. It shall be unlawful to display or cause to be displayed or to have in his possession any cancelled or revoked or suspended, fictitious or fraudulently altered operators' or chauffeurs' license;

b. To lend his operator's or chauffeur's license to any person or knowingly permit the use thereof by another;

c. To display or represent as one's own any operator's or chauffeur's license not issued to him;

d. To permit any unlawful use of an operator's or chauffeur's license.

e. A person whose operator's or chauffeur's license or driving privilege either as a resident or non-resident has been cancelled, suspended or revoked and who shall drive any motor vehicle on the streets of this city.

f. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street of Las Animas by any person who is not an authorized operator or chauffeur under the provisions of this section or in violation of any of the provisions of this ordinance.

**Section 5. MOTOR VEHICLE EQUIPMENT.**

Any and all motor vehicles operated on the streets of Las Animas shall be equipped with all structural and safety appliances required by the statutes of the State of Colorado, and no motor vehicle shall be operated on the streets of Las Animas without a brake and light sticker required by the statute of the state of Colorado.

**Section 6. PEDESTRIANS—Right of Way.**

Pedestrians moving in crosswalks shall have the right of way over all vehicles when moving with traffic signals at intersections marked by traffic signals and at all times at all other intersections.

**Section 7. TRAFFIC VIOLATION BUREAU.**

There is hereby created and established a Traffic Violation Bureau under the direction and supervision of the Chief of Police.

**Section 8. DUTIES OF TRAFFIC VIOLATION BUREAU.**

1. The Traffic Violations Bureau shall accept designated fines, appearance and hearing bonds, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney to enter a plea of guilty on the violation charged.

2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket and file a resting affidavit and witnesses, if any, to be present.

3. It shall keep an easily accessible record of all violations of which each person has been guilty in the preceding twelve months, whether such guilt was established in court or in the Traffic Violation Bureau.

**Section 9. Keeping of Records.**

The Traffic Violation Bureau shall keep records and submit summarized monthly reports to the city council of all notices issued, arrests made, and violations of the traffic laws and ordinances in this city and of all fines collected by the Traffic Violation Bureau and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and totals of each.

**Section 10. Additional Duties.**

The Traffic Violation Bureau shall follow such procedure as may be prescribed by the traffic ordinances of this city or be required by any laws of this state.

**Section 11. Alleged Violator to Elect.**

(1) Any persons charged with an offense for which payment of a fine may be made to the Traffic Violation Bureau shall have the option of paying such fine within the time specified upon the notice of arrest upon entering a plea of guilty and upon waiving appearance in court or he may have the option of depositing the required lawful bail and upon a plea of not guilty shall be entitled, upon appearance at the time specified for trial to a return of the bond posted and to trial as authorized by law.

(2) The payment of a fine to the bureau shall be deemed in acknowledgment of the conviction of the alleged violation and the bureau upon accepting the prescribed fine shall issue a receipt to the violator acknowledging the payment thereof.

**Section 12. Specified Offenses as Designated Fines.**

The Traffic Violation Bureau may accept fines for the following viola-

tions and in the amounts set opposite such violations as follows, to-wit:

- Exceeding the speed limit by less than 10 miles per hour \$8
- Improper registration \$5
- No Operator's license \$2
- No Chauffeur's license \$2
- Driving for hire \$3
- Making U-turns where prohibited \$2
- Operation interference \$3
- Failure to stop at stop sign \$3
- Failure to observe signal lights \$3
- Failure to give right-of-way to emergency vehicles \$5
- Failure to dim lights \$3
- Failure to give right-of-way to pedestrians at cross walks \$2
- Insufficient lights \$2
- No stop light \$1
- No windshield wiper \$1
- Improper use of split light \$3
- Improper parking \$1
- Parking on Cross walk \$2
- Parking on wrong side of street \$1
- Parking overtime \$1
- Parking in lane of traffic \$1
- Double parking \$1
- Parking in alley \$1
- Parking in no parking zone \$1
- Angle parking of vehicles of more than 20 feet in length \$2
- Improper backing from and to curb \$1
- Defective muffler \$2
- Defective brakes \$2
- Improper passing \$2
- Left turns into alleys in business district \$1
- Left turns from alleys in business district \$1
- Improper use of horns \$2
- Spilling loads on streets \$2
- Driving over fire hose \$5
- Following fire apparatus closer than 500 feet \$3

The appearance notices covering the above specified offenses shall be construed to be summons as for a charge of misdemeanor under this section in the event that the violator fails or refuses to pay the designated fine herein prescribed within five days from the date of arrest to the clerk of the Traffic Violation Bureau and such notice shall be in such form as prescribed by law and to conform to this act so as to show the nature of the charge and the venue of the court in which said charge shall be heard in the event that the designated fine prescribed herein is not paid the prosecution as for a misdemeanor shall thereafter be heard in such court.

**Section 13. Police Magistrate May Extend Provisions.**

The Police Magistrate who hears traffic cases may specify by suitable schedule fines for additional traffic violations in respect to which the traffic violation bureau may accept fines under the provisions of this ordinance within the limits declared by law or ordinance and shall further specify what number of offenses shall require appearance before the Magistrate.

**Section 14. Procedure Upon Arrest.**

Except when authorized or directed under state law to immediately take a person arrested for a violation of any traffic laws before a magistrate, any police officer, upon making an arrest for violation of the traffic ordinances of this City, shall take name, address, and operators license number of the alleged violator and the registered number of the motor vehicle involved and shall issue to him in writing on a form provided by the City a notice to answer to the charge against him at a place and at a time specified in such notice. The officer, upon receiving the written promise of the alleged violator to answer as specified in the notice, shall release such person from custody.

**Section 15. Failure to Obey Notice or Summons who Violates.**

Any person who violates his written promise to appear given to an officer upon an arrest for any traffic violation is guilty of a misdemeanor regardless of the disposition of the charge of which he was originally arrested.

Section 16. When person arrested must be taken immediately before the proper court.

(a) When person arrested demands an immediate appearance before a magistrate.

(b) When person is arrested and charged with an offense under this part of causing or contributing to an accident resulting in injury or death to any person.

(c) When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs.

(d) When the person is arrested upon a charge or failure to stop in the event of an accident causing death, personal injuries, or damage to property.

(e) In any other event when the person arrested refuses to give his written promise to appear in court as hereinbefore provided.

**Section 17. Parties to Traffic Violation.**

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be a traffic violation, whether individually or in connection with one or more other persons or as principal, agent or accessory, for-

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cibly, or wilfully induces, causes, coerces, requires, permits or directs another to violate any provision of this part is likewise guilty of such offense.

Section 18. Notice on Illegally Parked Vehicles

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this City, 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 vehicle a notice in writing, on a form provided by the City, for the driver to answer to the charge against him within five days during the hours and at a place specified in the notice.

Section 19. Failure to Comply With Notices Attached to Parked Vehicle.

If a violator of the restrictions on stopping, standing, or parking under the traffic ordinances does not appear in response to a notice affixed to such motor vehicle within a period of five days, the traffic violations bureau shall send to the owner of the motor vehicle to which the notice was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a complaint will be filed and warrant of arrest issued.

Section 20. When Complaint to be Issued

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 Magistrate court or Traffic Violation Bureau or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the Chief of Police shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest.

Section 21. Presumption in Reference to Illegal Parking

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking 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 parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Section 22. Authority to Impound Vehicles

Members of the Police Department are hereby authorized to remove a vehicle from a street or alley to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by this City under the circumstances hereinafter enumerated.

(1) When any vehicle is left unattended in any location where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a street is so disabled to constitute an obstruction to traffic and 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 or removal.

(3) 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.

(b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given to such owner notice of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed.

(c) 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 hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three 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 State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public 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 reason for such removal, and name of the garage or place where the vehicle is stored.

Section 23. In all cases wherein any person charged with a traffic violation shall elect to waive trial and enter a plea of guilty through the Traffic Violations Bureau in accordance with the provisions of this ordinance or the orders of the Police Magistrate made in accordance therewith, he shall be relieved of all costs of such proceeding.

Section 24. 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 to comply with the foregoing provisions of this ordinance shall constitute misconduct in office and shall be grounds for removal therefrom.

Section 25. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than Three Hundred (\$300.00) Dollars or by imprisonment for not more than One Hundred Eighty (180) days or by both such fines and imprisonment.

Section 26. Repealing clause. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall be in effect from and after five days after the date of the last publication.

Adopted and approved on third and final reading and ordered published this 18th day of July, 1950, at a special meeting of the city council duly called for the purpose of considering said ordinance.

ATTEST: D. A. McAFEE, Clerk  
APPROVED: E. A. THAXTON, Mayor  
Published in Las Animas Leader, July 20, 1950.

STATE OF COLORADO )  
COUNTY OF BENT ) ss.  
CITY OF LAS ANIMAS )

I, D. A. McAfee, City Clerk of the City of Las Animas, Colorado do hereby certify that the foregoing Ordinance No. 313 was read in full and passed on its first reading and ordered published at a regular meeting of the City Council of the City of Las Animas, held on Monday, 2nd day, 1950, and it was published in the Las Animas Leader, a newspaper of general circulation, published in Las Animas, Colorado, on the 7th day of July, 1950.

I further certify that said Ordinance was placed on its second reading and final passage at a regular meeting of the City Council held on Tuesday, the 18th day of July, 1950, more than ten days after the first publication thereof; that at said meeting said ordinance was read in full, finally passed, adopted and approved and ordered published in the Las Animas Leader.

Witness my hand and seal of the City of Las Animas, this 18th day of July, A. D. 1950.

(S) D. A. McAfee  
City Clerk  
(SEAL)  
Date of Publication July 20, 1950.

Attest  
D. A. McAfee  
City Clerk

E. A. Thaxton  
Mayor