

TOWN OF HOT SULPHUR SPRINGS, COLORADO
ORDINANCE NO. 2008-9-2/360

AN ORDINANCE ADOPTING AN AMENDMENT TO THE 2003 EDITION OF THE
MODEL TRAFFIC CODE AS PREVIOUSLY ADOPTED BY ORDINANCE 353 AND
SETTING THE SPEED LIMIT ON ALL TOWN STREETS AND ROADWAYS AT
TWENTY (20) MILES PER HOUR EXCEPT AS OTHERWISE POSTED

WHEREAS, by Ordinance 353, as codified at Section 6-1-3 of Chapter 1 of Title 6 of the Hot Sulphur Springs Town Code, the Town previously adopted by reference articles I and II, inclusive, of the 2003 Edition of the "Model Traffic Code for Colorado Municipalities", promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222 ("Model Traffic Code"); and

WHEREAS, the Town of Hot Sulphur Springs, Colorado, is authorized pursuant to C.R.S. § 31-15-103 to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

WHEREAS, pursuant to C.R.S. § 31-15-701(1)(a)(1), the City has the authority to regulate the use of streets within the City; and

WHEREAS, the condition, width and use of the streets and roadways within the Town necessitate a slower speed to ensure the public health and safety with exceptions; and

WHEREAS, the Town Board of Trustees finds that it is in the best interest of the residents, taxpayers, and visitors of the Town to adopt an amendment to the Model Traffic Code to provide that the speed limit upon all Town streets and rights-of-way shall not exceed 20 miles per hour, unless otherwise posted; and

WHEREAS, the Town Board of Trustees finds and determines that the penalty provisions previously set forth in Section 6-1-6 of the Town Code remain appropriate and are not amended by the adoption of this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, THAT:**

SECTION 1: Sections 6-1-3 of Chapter 1 of Title 6 of the Hot Sulphur Springs Town Code is hereby amended by the addition of a new subsection (E), which subsection amends the 2003 Edition of the Model Traffic Code by adding the following:

6-1-3: ADDITIONS OR MODIFICATIONS TO CODE.

(E) Section 1101 of the Model Traffic Code is hereby amended by deleting subsection (2) and replacing it in its entirety with the following:

Pursuant to subsection (7) of this Section 1101, and notwithstanding the provisions of subsections 1101 (4) and (5), it is hereby determined that, under the best operating conditions when applied to the highways within the Town, as "highway" is defined in Section Article II, Section 102 of this Model Traffic Code; and except when a special hazard exists that requires a lower speed or as otherwise posted with an official traffic control device, twenty (20) miles per hour shall be lawful on all highways or portion thereof within the Town, and any speed in excess thereof shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

No summons and complaint nor penalty assessment notice shall be issued to anyone who exceeds such prima facie speed until notice thereof is given by erection of appropriate signs at the entrances to the Town and along said streets or roadways or portions thereof or, in the case of privately maintained streets or highways in mobile home parks or recreational vehicle parks, at the entrances to such streets or highways.

SECTION 2. Repealer. All ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution or revive any ordinance or resolution.

SECTION 3. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

SECTION 4. Effective Date. This ordinance shall take effect and be in force thirty days after publication following adoption.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 4th DAY OF SEPTEMBER, 2008 BY A VOTE OF 4 IN FAVOR, 1 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: 
Hershah Deputy, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of September 4th, 2008, and ordered published one time by *Middle Park Times* newspaper on September 18th, 2008.

ATTEST

By: 
Sandy White, Town Clerk

SEAL

Publication Date: September 18th, 2008
Effective Date: October 17th, 2008 (30 days after publication)

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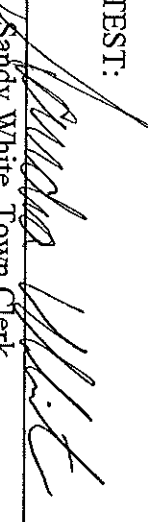
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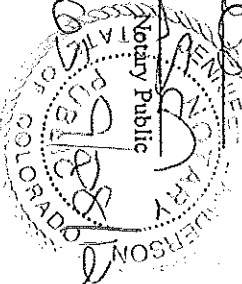
I, Kimberly S. Burner, do solemnly swear that I am the publisher of the Sky-Hi News, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterrupted in said County of Grand 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 mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment 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 of advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of one consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated Oct, 23, A.D. 2008 and that the last publication of said notice was in the issue of newspaper dated Oct, 23, A.D. 2008

In witness whereof I have hereunto set my hand this Oct, 29, A.D. 2008 day of October, 29, A.D. 2008
Kimberly S Burner, Publisher.
Subscribed and sworn to before me, a notary public in and for the

County of Grand, State of Colorado this 29 day of

Oct, 29, A.D. 2008
Janif W. A. ...

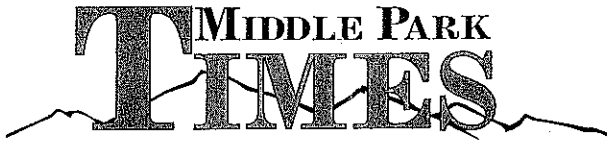


My Commission Expires 10/23/10

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PROOF OF PUBLICATION



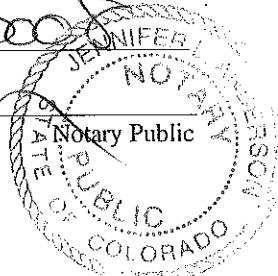
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That the annexed legal notice of advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of ONE consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated Sept. 18, A.D. 2008, and that the last publication of said notice was in the issue of newspaper dated Sept. 18, A.D. 2008

In witness whereof I have hereunto set my hand this day of Sept. 18, A.D. 2008
Kimberly S. Burner, Publisher.

Subscribed and sworn to before me, a notary public in and for the County of Grand, State of Colorado, this 18 day of Sept., A.D. 2008
Jenny Anderson

My Commission Expires Sept. 28, 2008



Leg. NO. 611
TOWN OF HOT SULPHUR SPRINGS, COLO-
RADO
ORDINANCE NO. 2008-9:1
AN ORDINANCE AUTHORIZING THE TOWN
BOARD OF TRUSTEES
TO ESTABLISH RATES AND CHARGES FOR
WATER AND SEWER SERVICES WITHIN THE
TOWN BY RESOLUTION
TOWN OF HOT SULPHUR SPRINGS, COLO-
RADO
ORDINANCE NO. 2008-9:2
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