

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1152**

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING CHAPTER 1, "GENERAL PROVISIONS," ARTICLE IV, "GENERAL PENALTIES," SECTION 1-72(b) "FINES AND PENALTIES," OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; REPEALING AND RE-ENACTING CHAPTER 8, "VEHICLES AND TRAFFIC," ARTICLE I, "MODEL TRAFFIC CODE" SECTION 8-7(3)a, "PENALTIES," OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; REPEALING AND RE-ENACTING CHAPTER 8, "VEHICLES AND TRAFFIC," ARTICLE I, "MODEL TRAFFIC CODE" SECTION 8-8, "PENALTIES; OVERWEIGHT VEHICLE VIOLATIONS," OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, House Bill 13-1060 modified C.R.S. 13-10-113 by increasing the maximum fine that may be imposed upon conviction in any municipal court from \$1,000.00 to \$2,650.00; the House Bill was signed by the governor on April 18, 2013 and became effective immediately; and

WHEREAS, the Board of Trustees of the Town of Frederick believes it is in the best interest of the Town to amend the Town of Frederick Municipal Code as set forth herein below, and that such an amendment is necessary for the preservation of the public property, health, safety, and welfare of the Town.

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

Section 1. Chapter 1, "General Provisions," Article IV, "General Penalties," Section 1-72(b) of the Municipal Code of the Town of Frederick, entitled "Fines and Penalties," is hereby repealed and re-enacted to read as follows:

Sec. 1-72. Fines and penalties

(b) Any person convicted of a criminal violation, as designated in Section 10-7(d) of this Code, may be incarcerated for a period not to exceed one (1) year or fined by an amount not to exceed \$2,650.00, or both.

Section 2. Chapter 8, "Vehicles and Traffic," Article I, "Model Traffic Code," Section 8-7(3)a of the Municipal Code of the Town of Frederick, entitled "Penalties," is hereby repealed and re-enacted to read as follows:

Sec. 8-7. Penalties.

The following penalties shall apply to this Article.

(3) Penalties for noncivil traffic offenses.

a. Upon conviction, entry of a guilty plea or a plea of nolo contendere to a traffic offense as set forth in Subparagraph c. below, any adult (person age eighteen [18] years or older) may be fined by an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), or incarcerated for a period not to exceed one (1) year, or both.

Section 3. Chapter 8, "Vehicles and Traffic," Article I, "Model Traffic Code," Section 8-8 of the Municipal Code of the Town of Frederick, entitled "Penalties; overweight vehicle violations," is hereby repealed and re-enacted to read as follows:

Sec. 8-8. Penalties; overweight vehicle violations.

Upon conviction, entry of a guilty plea or a plea of nolo contendere to an overweight vehicle violation as established at Sections 507 and 508, Model Traffic Code, as amended, the Court may impose a fine not to exceed two thousand six hundred fifty dollars (\$2,650.00) per count. As a guide, penalties may be imposed at one hundred dollars (\$100.00) for every one thousand (1,000) pounds the vehicle is overweight.

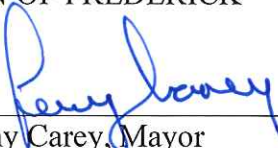
Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

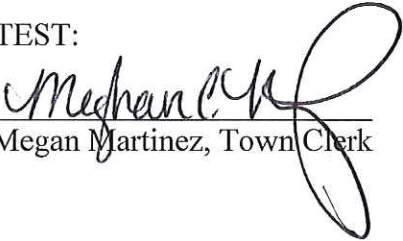
Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

24th INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
day of September, 2013.

TOWN OF FREDERICK

By: 
Tony Carey, Mayor

ATTEST:

By 
Megan Martinez, Town Clerk