

APPENDIX A

Traffic infractions classified - penalties and schedule:

(1) It is a traffic infraction for any person to violate any of the provisions stated or adopted by this Ordinance unless such violation is, by any of the provisions stated or adopted by this Ordinance or by any other law of this state, declared to be a felony, misdemeanor, petty offense, or misdemeanor traffic offense.

(2) (a) For the purposes of this part 17, "judge" shall include any Municipal Court Judge who hears traffic infraction matters, but no person charged with a traffic violation other than a traffic infraction or class 2 misdemeanor traffic offense shall be taken before a Municipal Court Judge.

(2) (b) For the purposes of this part 17, "magistrate" shall include any Municipal Court Judge who is acting as a Municipal Court Judge in traffic infraction and class 2 misdemeanor traffic offense matters.

(3) (a) (I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

(3) (a) (II) (A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), subsections (4) and (5) of this section, and sections 42-4-1301 (7), 42-4-1301.3, and 42-4-1301.4, C.R.S., or the section creating the offense, misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both

(3)(a)(II)(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense shall be required to pay restitution as required by article 18.5 of title 16, C.R.S., and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 18-1.3-507, C.R.S.

(3) (b) Any traffic infraction or misdemeanor traffic offense defined by law outside of articles 1 to 4 of the Model Traffic Code shall be punishable as provided in the statute defining it or as otherwise provided by law.

(4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of the Model Traffic Code to which paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, thereon pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be Twenty Two dollars. These penalties shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by the Municipal Court Judge.

Penalties for violating specific sections shall be as follows:

Section Violated	Penalty
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(A) Drivers' license violations:

101 (1) or (4)	\$ 46.00
101 (2), (3), or (5)	22.00
103	22.00
105	81.00
105.5 (4)	76.00
106	81.00
116 (6) (a)	37.00
119	22.00
134	46.00
136	46.00
139	46.00
140	46.00
141	35.00

(B) Registration and taxation violations:

103	\$ 67.00
113	22.00
202	22.00
116	76.00
121 (1)(a)	100.00
121 (1)(c)	46.00
121 (1)(f), (1)(g), and (1)(h)	100.00
304 to 306	76.00

(C) Traffic regulation generally:

1412	\$ 22.00
109 (13)(a)	22.00
109 (13)(b)	116.00
1211	37.00
1405	22.00

(D) Equipment violations:

201	\$ 46.00
202	46.00
204	22.00
205	22.00
206	22.00
207	22.00
208	22.00
209	22.00
210	22.00
211	22.00
212	22.00
213	22.00
214	22.00
215	22.00
216	22.00
217	22.00
218	22.00
219	22.00
220	22.00
221	22.00
222 (1)	22.00
223	22.00
224	22.00
225 (1)	22.00
226	22.00
227 (1)	77.00
227 (2)	22.00
228 (1), (2), (3),(5), or (6)	22.00
229	22.00
230	22.00
231	22.00
232	22.00
233	100.00

234	22.00
235	67.00
236	82.00
237	72.00
1411	22.00
1412	22.00
1901	46.00 5

(E) Emissions inspections:

313 (3)(c)	\$ 46.00
313 (3)(d)	22.00

(F) Size, weight, and load violations:

502	\$ 100.00
503	22.00
504	100.00
505	100.00
506	22.00
509	76.00
510 (12)(a)	46.00
106 (1), (3), (4), (6), or (7)	46.00
106 (5)(a)(I)	133.00
106 (5)(a)(II)	657.00
106 (5)(a)(III)	579.00
106 (5)(a)(IV)	1157.00
512	100.00
105 (1) to (5)	77.00
106	77.00

(G) Signals, signs, and markings violations:

603	\$ 111.00
604	111.00
605	81.00
606	22.00
607 (1)	77.00
607 (2)(a)	133.00
608 (1)	77.00
608 (2)	22.00
609	22.00
610	22.00
612	81.00
613	46.00

(H) Rights-of-way violations:

701	\$ 81.00
702	81.00
703	81.00
704	81.00
705	87.00
706	81.00
707	81.00
708	46.00
709	81.00
710	81.00
711	111.00
712	81.00

(I) Pedestrian violations:

801	\$ 22.00
802 (1)	37.00
802 (3)	22.00
802 (4)	37.00
802 (5)	37.00
803	22.00
805	22.00
806	81.00
807	81.00
808	81.00

(J) Turning and stopping violations:

901	\$ 81.00
902	81.00
903	81.00

(K) Driving, overtaking, and passing violations:

1001	\$ 81.00
1002	111.00
1003	111.00
1004	111.00
1005	111.00
1006	81.00
1007	111.00
1008	111.00
1009	81.00
1010	81.00

1011	233.00		
1012 (3)(a)	65.00	1012 (3)(b)	125.00
1013	100.00		

(L) Speeding violations:

1101 (1) or (8) (b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	\$ 52.00
1101 (1) or (8) (b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	91.00
1101 (1) or (8) (b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	167
1101 (1) or (8) (b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	248.00
1101 (8) (g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	57.00
1101 (8) (g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	91.00
1101 (8) (g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	132.00
1101 (3)	126.00
1103	77.00
1104	52.00

(M) Parking violations:

1201	\$ 37.00
1202	37.00

1204	22.00
1205	22.00
1206	22.00
1207	22.00
1208(2),(6)(5),(10) <u>Class B Traffic Infraction</u>	
	\$383 – 1000
Second Offense	\$633.00 – 1000
Third Offense A <u>Misdemeanor</u>	
	\$1033 – 5033
Up to 10 hours of community service	
If committed by a commercial carrier, double the above fines	

1208(7) A Misdemeanor

	\$383.00 – 1033
Second Offense	\$633.00 – 1033
Third Offense	\$1000-\$5000
Up to 10 hours of community service	

1208(9) \$150 for both employee and Director of the Agency

1208(11)(a) A Misdemeanor
 Criminal Penalties provided under C.R.S. 42-6-139(3) and (4)
1208 (11)(b) Twice the Above Penalties
1208(15)(d) Class B Traffic Infraction
1208(16)(a)(b) Class B Traffic Infraction

(N) Other offenses:

1301 (2)(a.5)	\$ 117.00
1305	77.00
1402	177.00
1403	47.00
1404	22.00
1406	46.00
1407 (3)(a)	46.00
1407 (3)(b)	131.00
1407 (3)(c)	701.00
314	46.00
1408	22.00
1414 (2)(a)	657.00
1414 (2)(b)	1313.00
1414 (2)(c)	6561.00
C.R.S. 42-20-109 (2)	317.00

(O) Motorcycle violations:

1502 (1), (2), (3), or (4)	\$ 47.00
1502 (4.5)	107.00
1503	37.00
1504	37.00

(P) Offenses by persons controlling vehicles:

239 (5)(a)	\$ 57.00
239 (5)(b)	107.00
1704	22.00

(4)(a)(II) (A) A person convicted of violating section 507 or 508 shall be fined pursuant to this sub-subparagraph (A), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by the Municipal Court Judge. A person who violates section 507 or 508 shall be punished by a fine as follows:

Excess Weight - Pounds	Penalty
1 - 1,000	\$ 35.00
1,001 - 3,000	40.00
3,001 - 5,000 0.03 per pound overweight rounded to the nearest dollar	48.00
5,001 - 7,000 0.05 per pound overweight rounded to the nearest dollar	108.00
7,001 - 10,000 0.07 per pound overweight rounded to the nearest dollar	384.00
10,001 - 15,000 0.10 per pound overweight rounded to the nearest dollar	1,892.00
15,001 - 19,750 0.15 per pound rounded to the nearest dollar	2,438.00
Over 19,750 0.25 per pound rounded to the nearest dollar for each 250 pounds	28.00
additional overweight, plus	\$ 492.00

(4)(a)(II)(B) The Town of Hotchkiss issuing a citation that results in the assessment of the penalties in sub-subparagraph (A) of this subparagraph (II) may retain and distribute the following amount of the penalty according to the law of the jurisdiction that assesses the penalty, but the remainder of the penalty shall be transmitted to the state treasurer, who shall credit the moneys to the commercial vehicle enterprise tax fund created in section 42-1-225 C.R.S.:

Excess Weight - Pounds	Penalty Retained
1 - 3,000	\$ 15.00
3,001 - 4,250	25.00

4,251 - 4,500	50.00
4,501 - 4,750	55.00
4,751 - 5,000	60.00
5,001 - 5,250	65.00
5,251 - 5,500	75.00
5,501 - 5,750	85.00
5,751 - 6,000	95.00
6,001 - 6,250	105.00
6,251 - 6,500	125.00
6,501 - 6,750	145.00
6,751 - 7,000	165.00
7,001 - 7,250	185.00
7,251 - 7,500	215.00
7,501 - 7,750	245.00
7,751 - 8,000	275.00
8,001 - 8,250	305.00
8,251 - 8,500	345.00
8,501 - 8,750	385.00
8,751 - 9,000	425.00
9,001 - 9,250	465.00
9,251 - 9,500	515.00
9,501 - 9,750	565.00
9,751 - 10,000	615.00
10,001 - 10,250	665.00
for each 250 pounds plus	\$ 665.00

(4)(a)(III) Any person convicted of violating any of the rules promulgated pursuant to section 510, except section 510 (2) (b) (IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by the Municipal Court Judge:

(A) Except as provided in sub-subparagraph (D) of this subparagraph (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by a fine as follows:

Excess Weight Above Maximum Permitted Weight - Pounds	Penalty
1 - 2,500	\$ 97.00
2,501 - 5,000	197.00
5,001 - 7,500	393.00
7,501 - 10,000	785.00
Over 10,000	\$295.00
for each 1,000 pounds additional overweight, plus	\$ 697.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(D) The fines for a person who violates the maximum permitted weight on an axle or on gross weight under a permit issued pursuant to section 510 (1) (b) (II) shall be doubled.

(4)(a)(IV) (A) Any person convicted of violating section 114 who has not been convicted of a violation of section 114 in the twelve months preceding such conviction shall be fined as follows, whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by the Municipal Court Judge:

Number of days beyond renewal period that registration has been expired	Penalty
1 - 29	\$ 46.00
30 - 59	63.00
60 and over	94.00

(B) Any person convicted of violating section 114 who has been convicted of violating said section within the twelve months preceding such conviction shall be fined pursuant to subparagraph (I) of paragraph (a) of subsection (3) of this section.

(4)(a)(V) Any person convicted of violating section 204 (2) shall be fined twenty-five dollars, whether the violator acknowledges guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by the Municipal Court Judge.

(B) Repealed.

(4)(a)(VII) The penalties for a second or subsequent violation of section 42-20-109 (2) C.R.S. within twelve months shall be doubled.

(4)(b) (I) The schedule in subparagraph (I) of paragraph (a) of this subsection (4) shall not apply when the provisions of paragraph (c) of subsection (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(4)(b)(II) The schedules in subparagraphs (II) and (III) of paragraph (a) of this subsection (4) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(4)(c) (I) The penalties imposed for speeding violations under subsection (4) (a) (I) (L) of this section shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614 (1) (a) or the Public Works Director pursuant to section 614 (1) (b); except that the penalty for violating section 1101 (1) or (8) (b) by twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.

(4)(c)(II) (A) The penalties imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 42-4-614 (1) (a) C.R.S, section 614 (1)(a) or by the Public Works Director pursuant to section 614 (1)(b).; except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (II).

(4)(c)(II)(B) Deleted.

(4)(c)(II)(C) If a fine is doubled under subparagraph (I) or (II) of this paragraph (c), one-half of the fine allocated to the state by sections 42-1-217 and 43-4-205, C.R.S., shall be transferred to the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund to be continuously appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

(4)(c)(II)(D) Deleted.

(4)(c)(III) Deleted

(4)(c)(IV) Deleted.

(4)(d) The penalty imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a school zone pursuant to section 615.

(4)(d.5) (I) The penalty imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a wildlife crossing zone pursuant to section 616.

(4)(d.5)(II) (A) Deleted.

(B) If a penalty are doubled pursuant to subparagraph (I) of this paragraph (d.5), one-half of the penalty allocated to the state by sections 42-1-217 and 43-4-205, C.R.S., shall be transferred to

the state treasurer, who shall deposit the moneys in the wildlife crossing zones safety account within the highway users tax fund to be continuously appropriated to the department of transportation for wildlife crossing zones signs and law enforcement.

(4)(f)(II) Deleted

(4)(f)(III) This paragraph (f) is repealed, effective July 1, 2016, unless the Colorado general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117, C.R.S.

(5) (a) (I) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1709. The fine or penalty specified in subsection (4) of this section for the violation charged thereon may be paid at the office of the Town of Hotchkiss, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant. The Town of Hotchkiss shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. Except as otherwise provided in subparagraph (II) of this paragraph (a), in the case of a violation other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127 C.R.S. Except as otherwise provided in section 1710 (1) (b), acceptance of a penalty assessment notice and payment of the prescribed fine or penalty thereon to the Town of Hotchkiss shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the Town of Hotchkiss and on which payment is received by the Town of Hotchkiss shall be deemed sufficient receipt.

(II) In the case of a violation other than a traffic infraction that involves a minor under the age of eighteen years, the officer shall proceed in accordance with the provisions of section 1706 (2) or 42-4-1707 (1) (b) or (3) (a.5) C.R.S.. In no case may an officer issue a penalty assessment notice to a minor under the age of eighteen years and require or offer that the minor consent to be taken by the officer to the nearest mailbox to mail the amount of the fine or penalty thereon to the department.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the peace officer shall proceed in accordance with section 42-4-1705 or 42-4-1707 C.R.S. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty thereon within twenty days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the department of revenue as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty thereon within twenty days thereafter, and should the Town of Hotchkiss not accept payment for such penalty as evidenced by receipt, the defendant shall be allowed to pay such penalty thereon and the docket fee in the amount set forth in section 1710 (4) to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two business days prior to the time for appearance as specified in the notice. If the penalty for a misdemeanor, misdemeanor traffic offense, or a petty offense thereon is not timely paid, the case shall thereafter be heard in the Municipal Court prescribed on the penalty assessment notice in the same manner as is provided by law for prosecutions of the misdemeanors not specified in subsection (4) of this section. If the penalty for a traffic infraction thereon is not timely paid, the case shall thereafter be heard in the Municipal Court prescribed on the penalty assessment notice in the manner provided for in this article for the prosecution of traffic infractions. In either case, the maximum penalty that may be imposed shall not exceed the penalty set forth in the applicable penalty schedule in subsection (4) of this section.

(b.5) The provisions of section 1710 (1) (b) shall govern any case described in paragraph (b) of this subsection (5) in which a minor under the age of eighteen years submits timely payment for an infraction or offense in a penalty assessment notice but such payment is not accompanied by the penalty assessment notice signed and notarized in the manner required by section 42-4-1707 (3) (a.5) C.R.S. or 1709 (1.5).

(c) (I) The penalty schedules of subsection (4) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting misdemeanors, petty offenses, or misdemeanor traffic offenses not specified in said subsection (4) of this section, nor shall they apply to the violations constituting misdemeanors, petty offenses, misdemeanor traffic offenses, or traffic infractions specified in said subsection (4) of this section when it appears that:

(A) (Deleted by amendment, L. 96, p. 580, § 4, effective May 25, 1996.)

(B) In a violation of section 1101 (1) or (8) (b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of seventy-five miles per hour by more than twenty-four miles per hour;

(C) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(D) The defendant has, in the course of the same transaction, violated one of the provisions of this title specified in the penalty schedules in subsection (4) of this section and has also violated

one or more provisions of this title not so specified, and the peace officer charges such defendant with two or more violations, any one of which is not specified in the penalty schedules in subsection (4) of this section.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall be inapplicable; except that the penalty provided in the schedule contained in subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (4) of this section for any violation of section 42-3-121 (1) (a) C.R.S. shall always apply to such a violation. In all cases where the penalty schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section is inapplicable, the provisions of subsection (3) of this section shall apply.

(d) In addition to any other cases governed by this section, the penalty schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall apply in the following cases:

(I) In all cases in which a peace officer was authorized by the provisions of this subsection (5) to offer a penalty assessment notice for the commission of a misdemeanor, petty offense, or misdemeanor traffic offense but such peace officer chose not to offer such penalty assessment notice;

(II) In all cases involving the commission of a misdemeanor, petty offense, or misdemeanor traffic offense in which a penalty assessment notice was offered by a peace officer but such penalty assessment notice was refused by the defendant.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section thereon pursuant to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1), C.R.S., to the Town of Hotchkiss within ten days. If the penalty assessment thereon is not paid within ten days of the issuance of the notice, the Town shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment thereon within twenty days from the issuance of the notice. If the penalty assessment thereon is not paid within the twenty days from the date of mailing of such notice, the town shall request the police officer who issued the original penalty assessment notice to file a complaint with the Municipal Court and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other violations or infractions.

(7) Notwithstanding the provisions of paragraph (b) of subsection (5) of this section, receipt of payment by mail by the Town of Hotchkiss or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.

**TOWN OF HOTCHKISS ORDINANCE NO.
2020-07 APPENDIX A - PENALTIES TO 2020
MODEL TRAFFIC CODE**

WHEREAS the Town of Hotchkiss (the “Town”) is a statutory Town and municipal corporation in Delta County, Colorado, governed by and through its Board of Trustees (the “Board”); and

WHEREAS, the regulation of Town streets is a local concern; and

WHEREAS, pursuant to the passage of Ordinance No. 2020-03 the Town adopted the 2020 Model Traffic Code; and

WHEREAS, for the preservation of the public peace, safety, or welfare, the Board of Trustees may adopt an emergency ordinance; and

WHEREAS, with the adoption of the 2020 Model Traffic Code, the Town wishes to adopt the following fee and penalty schedule.

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

1. **Adoption of Revised Penalties and Fee Schedule.** The Attached Appendix A is adopted and incorporated as a penalty schedule to supplement Section 17.26.040 of the Town Municipal Code.

2. **Penalties and Fee Schedule available for Public Inspection.** Three copies of Appendix A shall be on file with the Town Clerk’s office.

3. **Repeal.** All other ordinances or parts of ordinances in conflict herein with are hereby repealed.

4. **Interpretation.** This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State’s uniform system for regulation of vehicles and traffic. Section Headings of this Ordinance and Section and Title Headings of the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner effect the scope, meaning or extent of the provisions of any article or section thereof.

5. **Effective Date.** This Ordinance shall take effect immediately.

HEARD AND FINALLY ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOTCHKISS, COLORADO THIS 10TH DAY OF DECEMBER, 2020.

TOWN OF HOTCHKISS

By: Larry B. Wilkening
Larry Wilkening, Mayor

ATTEST:

Ginger R. Redden
Ginger Redden, Town Clerk

Approved as to Form:

BO JAMES NERLIN, Town Attorney