

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Traffic

Sec. 8-1. Certain traffic ordinances and provisions not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect:

(1) Any ordinance or provision by the Town Council prescribing traffic regulations on specific streets or highways in the Town, such as, but not limited to, ordinances or provisions prescribing speed limits, establishing areas or spaces where parking is prohibited or limited, or designating one-way streets or alleys or intersections for the control of traffic by signs or signals; and

(2) Ordinance No. 114, adopted on May 5, 1968, and Ordinance No. 133, adopted on February 14, 1966, amending Ordinance No. 114, both related to state highways, particularly State Highway 60;

(b) All such ordinances or provisions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. (Prior code 24-1)

Sec. 8-2. Title.

This Chapter may be known and cited as the Municipal Traffic Ordinance. (Prior code 24-2)

Secs. 8-3—8-20. Reserved.

ARTICLE II

Model Traffic Code

Sec. 8-21. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk, and may be inspected during regular business hours. (Ord. 2004-711 §1)

Sec. 8-22. Deletions.

The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections, which are declared to be inapplicable to this municipality and are therefore expressly deleted:

- (1) Section 511;
- (2) Section 1705. (Ord. 2004-711 §1)

Sec. 8-23. Amendments.

The said adopted code is subject to the following additions or modifications:

- (1) Section 604(1)(c)(I)(A) is hereby amended to read as follows:

"(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their respective jurisdictions have prohibited any such right turn by erecting an official sign at each intersection where such right turn is prohibited."

- (2) Section 1415 is hereby added to read as follows:

"Section 1415. Driving while license denied, suspended, or revoked.

"(1) It shall be unlawful for any person to drive a motor vehicle or off-highway vehicle upon any street or roadway in this Town with knowledge that such person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason.

"(2) For the purpose of this section, the following definitions shall apply:

"(a) 'Knowledge' means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint. "Knowledge" does not mean knowledge of a particular restraint or knowledge of the duration of restraint.

"(b) 'Restraint' or 'restrained' means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in this State, or any combination of denials, revocations, or suspensions.

"(3) In any trial for a violation of this section, a duly authenticated copy of the record of the defendant's former convictions and judgments and alcohol-related driving offenses pursuant to Section 42-4-1301(1) or (2), C.R.S., from any court of record or certified copy of the record of any denial or revocation of a defendant's driving privilege under Section 42-2-126(2)(a), C.R.S., from the State of Colorado Department of Motor Vehicles shall be prima facie evidence of such convictions, judgments, denial, or revocations and may be used in evidence against such defendant.

"(4) In any prosecution for a violation of this Section, the fact of the restraint may be established by certification that a notice was mailed by first-class mail pursuant to Section 42-2-119(2), C.R.S., to the known address of the defendant, or by delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant."

- (3) Section 1416 is hereby added to read as follows:

"Section 1416. Permitting unauthorized person to drive.

"(1) No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any street or highway within the Town by any person who has not been issued a current valid driver's, minor driver's, or provisional driver's license or an instruction permit or shall cause or knowingly permit such a person to drive a motor vehicle upon any street or highway in violation of the conditions or restrictions contained in a license or permit which has been issued to such other person."

(4) Section 1417 is hereby added to read as follows:

"Section 1417. Expired license plates/registrations/temporary permit.

"(1) Pursuant to state law (Section 42-3-124, C.R.S.), every vehicle registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, by the payment of the fees required by law, not later than thirty days after the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operating on any street or highway within the Town.

"(2) No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof.

"(3) A temporary vehicle registration may not be used on any vehicle after the expiration of the period for which the permit was issued."

(Ord. 2004-711 §1)

Sec. 8-24. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402 and 1413 and Part 16 of the adopted Model Traffic Code, respectively, concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout the Town. (Ord. 2004-711 §1)

Sec. 8-25. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 2004-711 §1)

Sec. 8-26. Penalties.

The following penalties, herewith set forth in full, shall apply to this Chapter:

(1) It is unlawful for any person to violate any of the provisions adopted in this Chapter.

(2) Every person convicted of a violation of any of the provisions stated or adopted in this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), with the exception that the following sections of the Model Traffic Code may be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year or by both such fine and imprisonment:

a. Section 1105, Speed contest;

b. Section 1401, Reckless driving;

c. Section 1413, Eluding or attempting to elude a police officer. (Ord. 2004-711 §1; Ord. 2006-760 §1)

Secs. 8-27—8-40. Reserved.

ARTICLE III

Parking Regulations

Sec. 8-41. Purpose.

The purpose of this Article is to impose restrictions on the parking of certain vehicles within the Town limits. (Prior code 24-4)

Sec. 8-42. Parking restricted.

No person shall park or allow to be parked any truck-tractor/semitrailer vehicle or combination vehicle with a length of thirty-five (35) feet or more and/or a weight of twenty thousand (20,000) pounds or more on any property, streets or alleys located within the SF-1, SF-2, PD-M or CBD zoning districts, except when such parking is reasonably necessary to actively render services to the property where parked. (Prior code 24-4)

Sec. 8-43. Reserved.

Sec. 8-44. Idling.

Motor vehicles that weigh more than ten thousand (10,000) pounds (mostly trucks) are hereby forbidden from idling longer than fifteen (15) minutes in any hour unless stopped due to traffic congestion. Moreover, said vehicles shall not idle within one hundred (100) feet of a residential area from 10:00 p.m. to 7:00 a.m. unless parked in the designated area. (Prior code 24-4)

Sec. 8-45. Exemptions.

The restrictions hereby shall not be applicable to pickup trucks with campers, camper trailers or recreational vehicles. (Prior code 24-4)

Sec. 8-46. Violation; penalty.

Failure to comply with the provisions hereof shall be unlawful, and any person who shall be convicted of a violation hereunder shall be penalized for each offense as provided in Section 1-62 of this Code. (Prior code 24-4)

Sec. 8-47. Restricted parking of trailers, campers and boats on streets.

(a) Detached trailers, pickup campers and boats. For purposes of this Section, *trailer* means any wheeled vehicle without motive power and designed to be drawn by a motor vehicle. A *pickup camper* means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

(1) No trailer shall be detached from a towing vehicle and left standing in any public right-of-way.

(2) No pickup camper shall be unloaded from a pickup truck and left standing in any public right-of-way.

(3) No boat, whether standing on a trailer or standing by itself, shall be left standing on any public right-of-way unless attached physically to a motor vehicle.

(b) Parking of oversized vehicles. For the purpose of this Section, *oversized private vehicle* means any vehicle registered, licensed or used for private purposes including but not limited to buses, motorized mobile homes and motorized recreational coaches, and exceeding thirty-four (34) feet in length or eight (8) feet or more in width. Oversized vehicles are prohibited from parking in any area of the Town, either on the street, traveled road or public right-of-way, except:

(1) Temporary parking of vehicles used for loading or unloading of personal goods or property for a period not to exceed twenty-four (24) hours;

(2) Temporary parking of passenger vehicles, such as automobiles and pickup trucks, with attached trailers, campers or boats for a period not to exceed twenty-four (24) hours;

(3) Temporary parking of oversized private vehicles by nonresident visitors pursuant to a permit issued by the Chief of Police. Such permits shall be issued only to the owner or regular driver of such vehicle and shall not be transferred or assigned to another owner, driver or location. Such permits shall not exceed fourteen (14) days and may be renewed for not to exceed fourteen (14) days. Such permits shall be limited to one (1) street location.

(c) Measurements. Measurements made in the enforcement of this Section shall be made as follows:

(1) The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle, including loads or any projections attached thereto with the exception of radio antennae, exhaust pipes and vents.

(2) The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.

(d) Application. This Section shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, public place or public parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate.

(e) Penalties. Failure to comply with the provisions hereof shall be unlawful, and any person who shall be convicted of a violation hereunder shall be penalized for each offense as provided in Section 1-62 of this Code. (Ord. 98-579 §1)

Secs. 8-48—8-60. Reserved.

ARTICLE IV

Abandoned and Junked Vehicles

Sec. 8-61. Definitions.

For purposes of this Article, the following terms shall have the meanings ascribed to them:

(1) *Inoperable* means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

(2) *Vehicle* means any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time. (Prior code 16-46)

Sec. 8-62. Disabled vehicles on premises prohibited; exceptions.

(a) Except as otherwise provided in this Article, it shall be unlawful for any person or his or her agent, either as owner, lessee, tenant or occupant of any lot or land within the Town, to park, store, deposit or permit to be parked, stored or deposited thereon, an inoperable vehicle unless it is enclosed in a garage or other building.

(b) The provisions of this Article shall not apply to any person or his or her agent with one (1) vehicle inoperable for a period of thirty (30) consecutive days or less.

(c) The provisions of this Article shall not apply to any person or his or her agent who is conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; provided, however, that nothing in this Article shall authorize the maintenance of a public nuisance. (Prior code 16-47)

Sec. 8-63. Presumption that vehicle is inoperable.

Any of the following conditions shall raise the presumption that a vehicle is inoperable under the provisions of this Article:

- (1) Absence of an effective registration plate or current emissions sticker upon such vehicle.
- (2) Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.
- (3) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways. (Prior code 16-48)

Sec. 8-64. Administrative procedure for removal.

Whenever an informal complaint is made to the Chief of Police or to any other appropriate Town official or member of the Board of Trustees regarding an alleged violation of Section 8-62 or whenever any police officer or sanitation officer observes an apparent violation of Section 8-62, a police officer or sanitation officer shall within seven (7) days thereafter cause a written notice to be served upon the person in possession or the owner of the real property upon which such inoperable vehicle is located. Such notice shall inform such person of the violation and direct that he or she take action, within seven (7) days after receipt of such notice, to comply with Section 8-62 or prosecution will be commenced for violation thereof. If compliance is not made as directed, prosecution proceedings against the responsible person shall be commenced. (Prior code 16-49)

Secs. 8-65—8-80. Reserved.

ARTICLE V

Traffic Safety Regulations

Sec. 8-81. Compulsory proof of insurance.

(a) Definitions. The applicable definitions set forth in Section 10-4-703, C.R.S., are incorporated herein by reference.

(b) No person shall operate a motor vehicle on a public street or highway within the Town without possession of proof being carried on his or her person or within the motor vehicle being operated that a complying policy or certificate of self-insurance is in full force and effect as required by Title 10, Article 4, Part 7, C.R.S.

(c) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a police officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(d) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a police officer, shall constitute prima facie evidence, at a trial concerning a violation charged under Subsections (b) and (c) above, that such owner or operator of a motor vehicle violated Subsection (b) or (c) above.

(e) No person charged with violating Subsection (b) or (c) above shall be convicted if he or she produces in court a bona fide complying policy or certificate of self-insurance which was in full force

and effect, as required by Sections 10-4-705 and 10-4-716, C.R.S., at the time of the alleged violation of this Section.

(f) Penalties. It shall be unlawful to violate any provision of this Section and, upon conviction, the guilty party may be sentenced to a three-hundred-dollar fine, ninety (90) days in jail or both such fine and imprisonment. The minimum fine for a conviction of the violation of this Section shall be one hundred dollars (\$100.00). (Ord. 480, 1993)

Sec. 8-82. Mandatory use of safety belt.

(a) As used in this Section:

(1) *Motor vehicle* means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes and pickups. The term does not include motorcycles, motorscooters, motorbicycles, motorized bicycles, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(2) *Safety belt system* means a system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(b) Unless exempted pursuant to Subsection (c) below, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway within the limits of the Town.

(c) The requirement of Subsection (b) above shall not apply to the following:

(1) A child required by Section 42-4-235, C.R.S., to be restrained by a child restraint system;

(2) A member of an ambulance team, other than the driver, while involved in patient care;

(3) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate:

(4) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(5) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and

(6) A person operating a motor vehicle for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(d) It is unlawful for any person to operate a motor vehicle while he or she or any passenger is in violation of the requirements of Subsection (b) of this Section.

(e) No driver or passenger in a motor vehicle shall be cited for a violation of Subsection (b) of this Section unless the driver was stopped by a law enforcement officer for an alleged violation of any Town ordinance other than a violation of this Section.

(f) Testimony at a trial for a violation charged pursuant to Subsection (d) of this Section may include:

(1) Testimony by a law enforcement officer that he or she observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirements of Subsection (b) of this Section; or

(2) Evidence that the driver removed the safety belts, or knowingly drove the vehicle from which the safety belts had been removed.

(g) It shall be unlawful to violate any provision of this Section and, upon conviction, the guilty party may be sentenced to a three-hundred-dollar fine, ninety (90) days in jail or both such fine and imprisonment. (Ord. 482, 1993)

Sec. 8-83. Mandatory routes for overweight trucks.

(a) All trucks weighing over seven thousand (7,000) pounds empty weight are prohibited from traveling on all streets, alleys, viaducts, bridges or other public ways in the Town except on designated truck routes. Trucks of larger sizes may use the prohibited streets to make deliveries on such streets or nearby streets, provided that such trucks use the shortest route between an established truck route and point of delivery. Violations are subject to the penalties provided under Article IV of Chapter 1 of this Code, except the minimum fine for a conviction of a violation of this Section shall be five hundred dollars (\$500.00).

(b) Exceptions. The Town Council may, under appropriate circumstances for which this Article was not intended, such as the application to local farmers who have a necessity for transporting their farm products through traditional routes, provide for, by resolution, those exceptions, rules and regulations governing the same. (Ord. 2008-807 §1)

Secs. 8-84—8-100. Reserved.