

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1. Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is adopted by reference as if set forth verbatim Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code for Colorado" (Model Traffic Code), promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. 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 nation. A copy of the Model Traffic Code adopted herein will be available either in the office of the Town Clerk or online, accessible through the website for the Colorado Department of Transportation. (Prior code 64-1; Ord. 22, 1996; Ord. 06 §B2, 2005)

Sec. 8-2. Amendments.

Said adopted code is subject to the following additions or modifications:

- (1) Part 7 of the Model Traffic Code is amended by the addition of a Section 713 as follows:

"Section 713. Funeral processions.

"(a) A funeral procession shall be identified by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be required by the traffic or police authority of this municipality.

"(b) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

"(c) No driver of a vehicle shall drive between the vehicles comprising a funeral procession while said vehicles are in motion and when said vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by signals or police officers."

- (2) Part 12, Section 1212 is added to the Model Traffic Code as follows:

"Engine Idling.

"(a) Except as hereinafter provided, it shall be unlawful for any person to idle or permit the idling of the motor of any stationary motor vehicle for a prolonged or unreasonable period of time determined herein to be ten minutes.

"(b) This section shall not apply when the engine of a motor vehicle must be operated in the idle mode for safety reasons including, but not limited to, the operation of cranes and fork lifts.

"(c) The time required by a diesel-powered motor vehicle while operating in a stationary position to achieve a temperature of one hundred twenty (120) degrees Fahrenheit and an air pressure of one hundred (100) pounds per square inch, shall not be included in the computation of the ten minutes determined herein to be a prolonged or unreasonable period of time. The temperature and air pressure as indicated on the vehicle's gauges may be used for determining the diesel engine's temperature and air pressure and may dictate idling time for both warm up and cool down.

"(d) The time during which transportation vehicles are actively loading or discharging passengers shall not be included in the computation of the ten minutes determined herein to be a prolonged or unreasonable period of time. A transportation vehicle shall be defined for purposes of this section to mean motor vehicles designed to transport a minimum of sixteen (16) persons.

"(e) Emergency vehicles are exempt from the above engine idling restrictions."

(3) Section 1213 of the Model Traffic Code as adopted by the Town is hereby added as follows:

"Sec. 1213. Time Parking Zones. The parking of vehicles in those parking spaces on the North side of Midland avenue from the address of 137 Midland Avenue to 201 Midland Avenue and the South side of Midland Ave from 132 Midland Avenue to 220 Midland Avenue shall be limited to two hours between the hours of 9 a.m. and 5 p.m. on Monday through Friday. No person shall park for a period in excess of 2 hours in such locations. Upon conviction of a violation of this section, such person shall be punished by a fine in the amount of \$20.00 for each offense. A new violation shall occur each additional day (which day commences at 9 a.m. the next day) that the vehicle remains in the parking space. In the event that the vehicle remains in said parking space for a period in excess of 24 hours the Town may remove said vehicle and the owner thereof be liable for the costs of removal and storage."

(4) Section 1412 of the Model Traffic Code is hereby amended by the addition of the following:

"(12) It shall be unlawful for any person to ride or operate a bicycle, tricycle, scooter, roller skates, skateboard or other wheeled or roller skate vehicle on any of the following sidewalks in the Town; provided, however, that this shall not apply to any handicapped person operating a wheeled vehicle for transportation, nor shall this apply to any vehicle used to transport infant children:

<u>"Name of Street</u>	<u>Portion Affected</u>
Midland Avenue	From the easterly property line of the lot at 132 Midland Avenue to the easterly property line of the lot at 214 Midland Avenue.
Midland Avenue	From the westerly property line of the lot at 149 Midland Avenue to the easterly property line of the lot at 211 Midland Avenue.

"(13) Unauthorized Devices. No person upon roller skates, or riding in or by means of any bicycle, unicycle, tricycle, coaster, toy vehicle, skateboard or similar device shall go upon any roadway or sidewalk in this municipality where signs are posted prohibiting such activities."

(5) Part 17 of the Model Traffic Code is amended by the addition of a Section 1718 as follows:

"1718. Penalties. The penalties for every person convicted of a violation of any provision stated or adopted in this Town Code shall be in an amount approved by the Town Council pursuant to Section 2-381, et seq. The provisions of Section 1-82 of the Basalt Municipal Code shall not apply with regard to violations of the Model Traffic Code."

(6) Part 8 Section 508 is added to the Model Traffic Code as follows:

"Vehicle Weight

"(a) The use of vehicles on Two Rivers Road in Basalt, Colorado, from Midland Avenue west to State Highway 82, shall be restricted on commercial vehicles having no more than a Gross Vehicle Weight Rating (GVWR) of 10,000 (ten-thousand) pounds.

"(b) In order to enforce the provisions of this section, the Town shall provide and post signs in locations as are visible to provide notice to motorists of this weight restriction. This restriction shall be in effect after the effective date of this ordinance and the installation of said signs."

(7) Section 1701 of the Model Traffic Code, as adopted by the Town, is hereby amended by adding the following Subsection (5):

"Penalty Point Reduction

"(5) If a person receives a penalty assessment notice for a violation for which points are assessed under § 42-4-1701(5), C.R.S., 1973, as amended, and such person pays the fine and surcharges for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

"1. For a violation having an assessment of three points or more, the points shall be reduced by two points.

"2. For a violation having two points, the points shall be reduced by one point."

(8) Part 12 Section 1204 of the Model Traffic Code, as adopted by the Town, is hereby amended by adding the following Subsection (5):

"Long Term Parking Prohibited

"(5) No vehicle shall remain parked along any roadway in Town without moving for any consecutive period of seventy-two hours or more."

(Prior code 64-2, 64-3; Ord. 18 §§1-6, 1991; Ord. 22, 1996; Ord. 16 §1, 2000; Ord. 1 §B1, 2003; Ord. 12 §B28, 2003; Ord. 14 §B, 2004; Ord. 07 §B1, 2005; Ord. 1 §3, 2007)

Sec. 8-3. Certification by Town Clerk; copy available for public inspection.

The Town Clerk shall certify to the passage of this Chapter and make not less than one (1) copy of the adopted code available for inspection by the public during regular business hours. (Prior code 64-7; Ord. 22, 1996)

Sec. 8-4. Schedules.

The following traffic control schedules, made pursuant to Article I of the Model Traffic Code, and in lieu of the records described in Section 105 of the same code, are the official records of those local regulations that must be made known by official traffic control devices:

Schedule I. Through Streets.

In accordance with the provisions of Section 2-1 and when official signs are erected giving notice thereof, drivers of vehicles shall stop or yield as required by said signs at every intersection before entering the street or parts of street.

Schedule II. Special Hazards.

The speeds specified are the lawful speeds and shall be controlling except when a special hazard material (for example, snow or rain) exists that requires a lower speed or when there is an official sign placed that specifies legal speeds that are different from that below. Unless a sign is posted with a different legal speed limit, all residential streets shall have a maximum speed limit of fifteen (15) mph.

<i>Town of Basalt Streets</i>	<i>M.P.H.</i>	<i>Parking Restrictions</i>
Basalt Avenue	25	No parking either side entire length
Cedar Drive	15	No parking on pavement
Cemetery Lane	15	Snow route*
Cody Lane (private)	15	No parking on pavement
Columbine Court	15	Snow route*
Cottonwood Drive	15	No parking on pavement
Duroux	25	No parking on pavement
Elk Circle	15	No parking on inside of circle
Elk Run Drive	25	Snow route*
Emma Road (E. of Basalt Ave.)	15	No parking on pavement
Fiou Lane (out of town)	15	No parking on pavement

Frying Pan Road	25	No parking on pavement
Hearthstone Drive	15	No parking on inside of circle
Hillcrest Drive	25	No parking on pavement
Hillside Drive (East)	15	No parking on pavement
Homestead Drive	15	No parking on roadway
Kestrel Court	15	Snow route*
Kiln Court	15	Snow route*
Lauren Lane	15	No parking on inside of circle
Longhorn Lane	15	No parking on roadway
Lupine Circle	15	No parking on inside of circle
Meadow Lane	15	Snow route*
Midland Avenue	20	No parking 3 a.m. to 6 a.m. 48-hr. parking Homestead Lane to Laundry Lane
Midland Avenue (Two Rivers Rd to river)	15	Snow route*
Midland Spur	15	Snow route*
Mountain Court	15	No parking on south side of street
Original Road	25	No parking on pavement
Park Avenue	25	No parking on pavement
Park Circle	15	No parking on inside of circle
Pinon Drive	15	No parking on pavement
Ptarmigan Court	15	No parking on south side of street No parking on cul-de-sac
Redtail Drive	15	Snow route*
Ridge Road	15	No parking on pavement
River Cove Court	15	Snow route*
River Oaks	15	No parking on pavement
Riversedge Court	15	Snow route*
Riverside Drive	15	No parking on pavement
Roaring Fork Court	15	No parking on pavement
School Street	15	No parking on pavement
Sopris Drive	15	Snow route*
South Side Drive	25	No parking on west side of street
Spur Lane	15	No parking on pavement
Swinging Bridge Lane	15	No parking on pavement

Tucker Lane	15	No parking on roadway
Two Rivers Road	35	Parking in designated areas only
Two Rivers Road/School Zone	25	Parking in designated areas only
Village Court	15	No parking on pavement
Willits Lane	30	No parking on pavement
East Valley Road	25	No parking on pavement
CDOT Highway 82 from MM 21.2 to 20.4	55	No parking
CDOT Two Rivers Road	35	No parking
Frying Pan Road (Eagle Co. from Sopris to Homestead)	25	No parking

*Snow route (no parking and tow-away zone after 2" snowfall accumulation and until snow removal is completed).

Schedule III. Parking Signs Authorized.

No person shall park a vehicle in violation of any official sign.

Schedule IV. Traffic Signals Authorized.

In accordance with the provisions of Section 601, traffic control signals are authorized to regulate traffic when installed by a regulatory authority, including the Colorado Department of Transportation, the Town, Pitkin County and Eagle County.

Schedule V. Snowplows.

When any snowplow or other snow removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, all other vehicles shall exercise caution and care in approaching or passing said snowplow or equipment, and in no case shall any vehicle behind a snowplow or equipment displaying flashing yellow lights and engaged in snow and ice removal or control follow it at a distance less than is reasonable and prudent, except when passing.

The driver of a snowplow, while engaged in the removal or control of snow and ice on any street or highway open to traffic and while displaying the required flashing yellow warning lights as provided by state law shall not be charged with any violation of the provisions of this Title relating to parking or standing, turning, backing or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of a snowplow from the consequences of a reckless or careless disregard for the safety of others.

Any reference in Sections 1709 and 1710 to a surcharge is hereby deleted.

Snow Removal. On any street designated for snow removal, parking shall be restricted from 5:00 a.m. or at a time thereafter when there is two inches or more of accumulation or until all snow is removed, unless otherwise posted by official signs of the Town of Basalt.

(Prior code 64-8; Ord. 3, 1991 §1; Ord. 12 §1, 1991; Ord. 22 §1, 1991; Ord. 22, 1996; Ord. 06 §B2, 2005)

Sec. 8-5. Application.

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or 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, 1413, 606 and 713 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, unauthorized devices, eluding an officer and snowplows, shall apply not only to public places and ways but also throughout the Town. (Prior code 64-4; Ord. 22 §3, 1996)

Sec. 8-6. Interpretation.

Except for the effect of the additions and modifications of the Code as set forth above, this Chapter shall be interpreted and construed so 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 in this Chapter and the 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. 22 §3, 1996)

Sec. 8-7. Penalty assessment tickets.

Except where the Town Council has otherwise established penalty assessment fines by ordinance, the Municipal Judge is authorized to establish penalty assessment fines for violations of the Model Traffic Code. Upon the establishment of penalty assessment fines, the Police Department shall be authorized to issue penalty assessment tickets utilizing the fines ordered by the court. Procedures for the issuance and adjudication of penalty assessment tickets shall be substantially in conformance with the procedures set forth in Part 17 of the Model Traffic Code regarding traffic infraction penalty assessments, except that such matters shall be considered criminal. (Ord. 22 §2, 1996)

Secs. 8-8—8-20. Reserved.

ARTICLE II

Traffic Infractions

Sec. 8-21. Traffic infractions classified.

(a) It is a traffic infraction for any person to violate any of the provisions of the Model Traffic Code as adopted and amended herein except for the following sections which shall remain misdemeanors: 707--Specific Vehicular Stopping Requirements at Railroad Grade Crossings; 1903--

Stopping for School Busses; 1101--Driving 25 or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of 55 miles per hour; 1101--Driving 20 or more miles per hour over the maximum lawful speed limit of 65 miles per hour; 1105--Speed Contest; 1401--Reckless Driving; 1402--Careless Driving; 607--Interference with Official Devices; 1413--Eluding or Attempting to Elude a Police Officer; and 501--Size, Weight and Load Violations. A traffic infraction shall constitute a civil matter. The procedures set forth herein for traffic infractions shall replace and supersede Part 17 of the Model Traffic Code.

(b) Upon entry of judgment, traffic infractions shall be subject to penalties in amounts approved by the Town Council pursuant to Section 2-381 et seq.

(c) Penalty assessment notice.

(1) At any time that a person is charged with the commission of a traffic infraction, the peace officer shall, except when the provisions of Subparagraph (d)(3) below prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by Section 1707 of the Model Traffic Code. The peace officer shall advise the person cited of the points to be assessed in accordance with applicable state law. The penalty specified in Subsection (c) above for the violation charged may be paid at the office of the Municipal Court, either in person or by postmarking such payment within twenty (20) days from the date the penalty assessment notice is served upon the defendant. Acceptance of a penalty assessment notice and payment of the prescribed penalty thereon to the Municipal Court shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such penalty thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the Municipal Court and on which payment is received by the Municipal Court shall be deemed sufficient receipt.

(2) Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty thereon within twenty (20) days thereafter, he or she shall be allowed to pay such penalty and surcharge thereon, plus court costs, to the Municipal Court Clerk prior to the time for appearance as specified in the notice. If the penalty is not timely paid, the case shall thereafter be heard in the Municipal Court in accordance with applicable Municipal Court Rules of Procedure. In such case, the maximum penalty which may be imposed shall not exceed the penalty set forth in the applicable penalty schedule set forth herein.

(3) The penalty schedule set forth herein shall not apply to traffic infractions specified in said schedule when it appears that:

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

b. The defendant has, in the course of the same transaction, violated one (1) of the provisions of the Model Traffic Code set forth in said schedule and has also violated one (1) or more provisions of the Model Traffic Code not so specified, and the peace officer charges such defendant with two (2) or more violations, any one (1) of which is not specified in said schedule.

(4) In all cases where Subparagraph (d)(3) prohibits the issuance of a penalty assessment notice, the penalty contained in the aforesaid penalty assessment schedule shall be applicable. (Ord. 22, 1996; Ord. 12 §B29, 2003)

Sec. 8-22. Traffic infractions; Municipal Court jurisdiction.

(a) Every hearing upon a traffic infraction shall be held before the Municipal Court pursuant to applicable Municipal Court Rules of Procedure. Whenever an infraction and a misdemeanor are charged in the same summons and complaint, all charges may be adjudicated simultaneously as a criminal matter by the Municipal Court, and the Municipal Court Rules of Procedures shall apply.

(b) When the Municipal Court determines that a person charged with a misdemeanor is guilty of a lesser included traffic infraction, the Court may enter a judgment as to such lesser charge.

(c) The burden of proof shall be upon the people, and the Municipal Court shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt. The Town Attorney may, in his or her discretion, engage in plea discussions and shall represent the Town at trials conducted by the Municipal Court on traffic infraction matters.

(d) Appeals from judgments of the Municipal Court on traffic infraction matters shall be made in accordance with the Municipal Court Rules of Procedure.

(e) Time limitation.

(1) Except as otherwise provided in paragraph (2) of this Subsection, no person against whom a judgment has been entered for a traffic infraction shall collaterally attack the validity of that judgment unless such attack is commenced within six (6) months after the date of entry of the judgment.

(2) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders and habitual offenders, the only exceptions to the time limitations specified in paragraph (1) above shall be:

a. A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

b. A case in which the court entering judgment did not have jurisdiction over the person of the violator;

c. Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

d. Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect. (Ord. 22, 1996)

Sec. 8-23. Penalty assessment notices for traffic infractions.

(a) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to Section 1701 of the Model Traffic Code, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the ordinance alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for such infraction, the number of points, if any, prescribed for such traffic infraction pursuant to Section 42-2-123, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in the Municipal Court at a specified time and place in the event such penalty thereon is not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgement of liability and an agreement to pay the penalty prescribed therein within twenty (20) days; as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty not be paid within the time allowed in Section 1709 of the Model Traffic Code.

(b) One (1) copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one (1) copy sent to the Chief of Police and such other copies sent as may be required by the Municipal Court and the Town Attorney.

(c) The time specified in the penalty assessment notice must be at least twenty-one (21) days but not more than ninety (90) days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(d) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereon upon the defendant.

(e) Notwithstanding any provision hereof to the contrary, penalty assessment notices for parking infractions as set forth herein or in Articles X, XI, XII and XIII of the Model Traffic Code shall require the defendant to pay the applicable fine or appear at the Municipal Court within seven (7) days of issuance. If the defendant fails to pay or appear as required, the Municipal Court Clerk shall proceed to notify and summons the defendant as more fully set forth in the Model Traffic Code. (Ord. 22, 1996)

Sec. 8-24. Failure to pay penalty for traffic infraction; procedure.

(a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided herein, he or she shall appear at a hearing date on the date and time specified on the citation and answer the complaint against him or her.

(b) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against him or her.

(c) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in the Municipal Court Rules of Procedure. If the violator is found liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against him or her.

(d) If judgment is entered against the violator, he or she shall be assessed an appropriate penalty plus applicable court costs. The penalty shall be no more than the amount specified in the penalty assessment notice.

(e) A defendant's failure to appear upon a penalty assessment notice for a traffic infraction shall not constitute a criminal offense. (Ord. 22, 1996)

Secs. 8-25—8-40. Reserved.