

## CHAPTER 8

### Vehicles and Traffic

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## ARTICLE I

### Model Traffic Code

#### Sec. 8-1-10. Adoption.

(a) Pursuant to Title 31, Article 16, Parts 1 and 2, 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 Municipalities*, 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 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. One (1) copy of the *Model Traffic Code* adopted herein is now filed in the office of the Town Clerk and may be inspected during regular business hours.

(b) The 2003 edition of the *Model Traffic Code* is adopted as if set out at length. (Prior code 13-1-1; Ord. 414 §§1, 2, 2000; Ord. 526 §1, 2005)

#### Sec. 8-1-20. Amendments.

The Model Traffic Code is subject to the following amendment: Section 102 is hereby amended by the addition of the following subsection:

"(27.5) 'Hardened surface' means a surface covered with concrete, asphalt, recycled asphalt, brick, rock, gravel or other similar inorganic material."

(Ord. 414 §3, 2000; Ord. 509 §1, 2004; Ord. 526 §1, 2005)

#### Sec. 8-1-30. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or 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 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout the Town. (Prior code 13-1-2; Ord. 414 §5, 2000; Ord. 526 §1, 2005)

#### Sec. 8-1-40. 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 the adopted 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. (Prior code 13-1-3; Ord. 414 §8, 2000; Ord. 526 §1, 2005)

**Sec. 8-1-50. Fire lane established.**

(a) The certain alley or portion thereof between Colfax and Kiowa and Cherry and Elm Streets in the Town is hereby declared to be a fire lane, and the stopping, standing or parking of vehicles within said alley shall be prohibited at all times.

(b) The Director of Public Works is hereby authorized and requested to erect and install official traffic control devices in said alley and do such other acts as are necessary to effectuate the purposes of this Section. (Ord. 240 §§1, 2, 1986; Ord. 526 §1, 2005)

**ARTICLE II**

**Traffic Enforcement Procedures**

**Sec. 8-2-10. Definitions.**

As used in this Section, the following definitions shall apply:

*Charging document* means the document commencing or initiating the traffic violation matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice or other document charging the person with the commission of a traffic violation.

*Defendant* means any person charged with the commission of a traffic violation.

*Judgment* means the admission of guilt or liability for any traffic violation, the entry of judgment of guilt or liability or the entry of default judgment as set forth in this Section against any person for the commission of a traffic violation.

*Penalty* means the fine and/or imprisonment imposed pursuant to Section 1-4-20 of this Code.

*Traffic infraction* means a violation of a provision of this Chapter relating to traffic, or any provision of the Model Traffic Code, as adopted or amended by the Town, except those traffic violations as hereinafter defined as traffic offenses.

*Traffic offense* means the following offenses as set forth in the Model Traffic Code, as adopted and amended by the Town from time to time:

- a. §106 of the Model Traffic Code, Obedience to police or sheriff's officers.
- b. §509 of the Model Traffic Code, Vehicles weighed - excess removed.
- c. §1101 of the Model Traffic Code, Speed limits, where the speed as driven is twenty (20) miles per hour or more over the lawful speed.
- d. §1105 of the Model Traffic Code, Speed contests.
- e. §1401 of the Model Traffic Code, Reckless driving - penalty.

- f. §1402 of the Model Traffic Code, Careless driving - penalty.
- g. §1409 of the Model Traffic Code, Compulsory insurance - penalty.
- h. §1413 of the Model Traffic Code, Eluding or attempting to elude a police officer.
- i. §1903 of the Model Traffic Code, School buses – stops – signs - passing.

*Traffic violation* means any violation of this Chapter, whether or not such violation is a traffic infraction or traffic offense. (Ord. 340 §1, 1996; Ord. 526 §1, 2005)

**Sec. 8-2-20. Traffic infraction not criminal.**

All traffic infractions are deemed and shall constitute civil matters and are not criminal violations. (Ord. 340 §1, 1996)

**Sec. 8-2-30. No jury trial for traffic infractions.**

A defendant brought to trial solely upon traffic infractions shall have no right to a trial by jury as contemplated by Section 13-10-114, C.R.S., or Rule 223, Municipal Court Rules of Procedure. Trial of all traffic infractions shall be to the Municipal Court. No defendant found liable for a traffic infraction shall be punished by imprisonment for such traffic infraction. (Ord. 340 §1, 1996)

**Sec. 8-2-40. Right to jury trial for traffic offenses.**

(a) Any defendant charged with a traffic offense shall have the right to a jury trial upon proper perfection of a jury trial demand pursuant to Rule 223 of the Municipal Court Rules of Procedure.

(b) In the event a defendant is charged with more than one (1) traffic violation arising out of the same incident and at least one (1) of the charged traffic violations is a traffic offense, the defendant shall have the right to demand a trial by jury as set forth in Subsection (a) above as to all traffic violations, which shall be consolidated for purposes of trial. (Ord. 340 §1, 1996)

**Sec. 8-2-50. Commencement of traffic infraction action.**

An action charging a traffic infraction is commenced by the tender or service of a charging document upon the defendant, or by conspicuously attaching a parking traffic infraction charging document to the subject vehicle, and by filing the charging document with the Municipal Court. (Ord. 340 §1, 1996; Ord. 526 §1, 2005)

**Sec. 8-2-60. Payment of traffic infraction penalty before appearance.**

(a) The Municipal Court Clerk shall accept payment of a traffic infraction penalty by a defendant without an appearance before the Municipal Court:

- (1) If payment is made within the period beginning ten (10) days following the date of issuance of the charging document and ending at the close of business the day prior to the date set for first appearance; and

(2) If payment is allowable per the fine schedule.

(b) At the time of payment, which shall include all costs, fees and surcharges regularly assessed by the Municipal Court for defendants pleading or being found guilty of noncivil municipal violations, the defendant shall sign a waiver of rights and acknowledgement of guilt or liability upon a form approved by the Municipal Court.

(c) This procedure shall constitute an entry in satisfaction of judgment. (Ord. 340 §1, 1996)

**Sec. 8-2-70. Traffic infraction first appearance.**

(a) If the defendant has not previously acknowledged guilt or liability and satisfied the judgment as concerns traffic infractions, he or she shall appear before the Municipal Court at the time scheduled for first appearance.

(b) The defendant may appear in person or by counsel who shall enter an appearance in the case; provided, however, that if an admission of guilt or liability is entered, the Municipal Court may require the presence of the defendant for the assessment of the penalty, costs and other Municipal Court fees.

(c) If the defendant appears in person, the Municipal Court shall advise him or her of the following:

(1) The nature of the traffic infractions alleged in the charging document;

(2) The penalty, fees and costs that may be assessed, and the penalty points that may be assessed against his or her driving privilege;

(3) The consequences of the failure to appear at any subsequent hearing, including entry of judgment against the defendant and reporting the judgment to the State Motor Vehicle Division, which may assess points against his or her driving privilege and may deny an application for a driver's license;

(4) The right to be represented by an attorney at the defendant's expense;

(5) The right to deny the allegations and to have a final hearing before the Municipal Court;

(6) The right to remain silent because any statement made by the defendant may be used against him or her;

(7) That guilt or liability for a traffic infraction must be proven beyond a reasonable doubt;

(8) The right to testify, subpoena witnesses, present evidence and cross-examine any witness;

(9) That any answer must be voluntary and not the result of undue influence or coercion on the part of any person; and

(10) That an admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

(d) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.

(e) If the defendant admits guilt or liability, the Municipal Court shall enter judgment and assess the appropriate penalty, costs and other court fees, after determining that the defendant understood the matters set forth in Subsection (c) above and has made a voluntary, knowing and intelligent waiver of rights. The Municipal Court Clerk shall report the judgment and points, if any, to be assessed against the defendant's driving privilege to the State Motor Vehicle Division.

(f) If the defendant denies the allegations, the matter shall be set for final hearing. (Ord. 340 §1, 1996)

**Sec. 8-2-80. Speedy trial.**

The charges alleging a traffic infraction shall be dismissed if the final hearing is not held or judgment otherwise entered within the time requirements and standards otherwise applicable to noncivil Code violations. (Ord. 340 §1, 1996)

**Sec. 8-2-90. Final hearing of traffic infraction.**

The hearing of all traffic infractions shall be conducted pursuant to the Colorado Rules of Evidence, and the conduct of the hearing shall otherwise be in the form applicable to noncivil Code violations. (Ord. 340 §1, 1996)

**Sec. 8-2-100. Judgment on traffic infraction after final hearing.**

(a) 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 guilt or liability of the defendant beyond a reasonable doubt; provided however, that the Municipal Court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter judgment.

(b) If the defendant is found guilty or liable, the Municipal Court shall assess an applicable penalty and such additional costs and fees as are otherwise generally imposed in noncivil municipal offenses, together with applicable surcharges; and the Municipal Court Clerk shall report the judgment and the points, if any, to be assessed against the defendant's driving privilege to the State Motor Vehicle Division.

(c) The judgment shall be satisfied upon payment to the Municipal Court Clerk of the total amount assessed by the Municipal Court.

(d) If the defendant fails to satisfy the judgment upon the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by and upon the application of the defendant, such nonpayment in the full amount of the penalty, fees, costs and surcharges, if applicable, shall be treated as a default. A default shall be certified to the State Motor Vehicle Division for enforcement action. (Ord. 340 §1, 1996)

**Sec. 8-2-110. Traffic infraction post-hearing motions.**

There shall be no traffic infraction post-hearing motions except for a motion to set aside a default judgment as provided in Section 8-2-120 below. (Ord. 340 §1, 1996)

**Sec. 8-2-120. Default on traffic infraction.**

(a) If the defendant fails to appear for his or her first appearance or any hearing involving a traffic infraction, the Municipal Court shall enter judgment against the defendant and, if appropriate, the Municipal Court Clerk shall report the judgment and points to be assessed against the defendant's driving privilege to the State Motor Vehicle Division.

(b) The amount of the judgment shall be the appropriate penalty that would be assessed after a finding of guilt or liability, plus costs and other Municipal Court fees assessable to municipal violations generally upon conviction of noncivil municipal charges, together with applicable surcharges.

(c) The Municipal Court may set aside a judgment entered under this Section on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the Municipal Court not more than ten (10) days after the date of entry of judgment.

(d) The defendant may satisfy judgment entered under this Section by payment in full of the penalty, costs and other court fees to the Municipal Court Clerk.

(e) No warrant shall be issued for the arrest of a defendant who was charged with a traffic infraction and failed to appear at a first appearance or any subsequent hearing, or who failed to satisfy a judgment.

(f) The provisions of Section 2-7-140 of this Code concerning bench warrants do not apply to traffic infractions as defined in this Section. (Ord. 340 §1, 1996)

**Sec. 8-2-130. Appeal.**

An appeal of any finding of guilt or liability of traffic infractions shall be subject to the same procedures as applicable to convictions of municipal offenses generally. (Ord. 340 §1, 1996)

**Sec. 8-2-140. Traffic offense procedure.**

The commencement and all subsequent proceedings through and including appeal on matters concerning a traffic offense shall be the same as those provided and required for noncivil municipal ordinance violations. (Ord. 340 §1, 1996)

## ARTICLE III

### Abandoned and Inoperable Vehicles

#### Sec. 8-3-10. Definitions.

As used in this Article, unless the context otherwise requires, the following words shall have the meanings set forth below:

*Abandoned vehicle* means any vehicle except a bicycle that is left in one (1) location on public property, or on private property without the consent of the owner thereof, for a continuous period of more than seventy-two (72) hours.

*Being worked upon* means a motor vehicle or trailer in the actual process of repair, with the person making the repairs physically present.

*Inoperable vehicle* means any motor vehicle or trailer that is apparently inoperable due to being wrecked, damaged, dismantled or partially dismantled. Any of the following conditions shall raise the presumption that the motor vehicle or trailer is inoperable:

- a. Absence of a current license plate and any required validation sticker lawfully affixed thereto;
- b. Placement of the motor vehicle or trailer or parts thereof upon jacks, blocks, chains or other supports; or
- c. Absence of one (1) or more parts of the motor vehicle or trailer necessary for lawful operation thereof, including but not limited to the absence of one (1) or more wheels.

*Motor vehicle* means any self-propelled vehicle other than a moped.

*Probable cause to impound* means such a state of facts as would lead a person of ordinary care and prudence to believe that there was a sufficient breach of law to grant legal authority for the removal of the motor vehicle or trailer.

*Trailer* means any wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle. (Ord. 251 §1, 1987; Ord. 526 §1, 2005; Ord. 567 §1, 2007)

#### Sec. 8-3-20. Abandoned and inoperable vehicle.

(a) Any motor vehicle left in one (1) location upon any street, alley, right-of-way or other public property, or on any private property without the consent of the property owner, for a continuous period of more than seventy-two (72) hours constitutes an abandoned vehicle, which is a public nuisance and unlawful.

(b) Any inoperable motor vehicle or any parts thereof left on any public property or on any private property other than the person's property, without consent of the property owner, constitutes a public nuisance and is unlawful.

(c) A peace officer is authorized to remove or have removed any vehicle from public or private property under any of the following circumstances and to cause such vehicle to be impounded at an impound lot:

(1) If an abandoned or inoperable vehicle is upon a street, alley or highway and is considered to be an obstruction to traffic or proper highway maintenance, or if a vehicle is in a fire lane, emergency lane or access so as to constitute an obstruction or hazard to traffic, road maintenance, public safety, fire hydrants or emergency services, or a limitation on the usual access to any public or private property, then the peace officer shall cause the vehicle to be removed immediately to a properly designated place without the officer or anyone assisting in the removal of the vehicle being liable for any damage to the vehicle occasioned by its removal.

(2) If an abandoned or inoperable vehicle is found upon a street, alley, highway or public parking lot, but not in such a manner as to be an obstruction, then the officer shall cause a report of the vehicle to be entered in the police log, shall proceed with the notice requirements hereinafter described, and may thereupon cause the vehicle to be removed to a properly designated place no sooner than seventy-two (72) hours from the date and time of discovery.

(d) In removing or causing to be removed from public property a vehicle deemed abandoned or inoperable, the peace officer shall use and employ those procedures for removal, notification and disposition of such vehicles as set forth in Title 42, Article 4, Part 18, C.R.S., or Title 42, Article 4, Part 21, C.R.S.

(e) In the removal of any abandoned or inoperable vehicle from public property, neither the peace officer nor any operator assisting or performing the removal of any such vehicle shall be held liable for any damage caused by the removal of such vehicle. (Ord. 251 §2, 1987; Ord. 526 §1, 2005; Ord. 567 §2, 2007)

**Sec. 8-3-30. Inoperable vehicle on private property.**

(a) Any inoperable motor vehicle parked, stored or left or permitted to be parked, stored or left upon any private property within the Town for a period longer than thirty (30) days constitutes a public nuisance and is unlawful. However, nothing in this Section applies to an antique vehicle, a vehicle in an enclosed building, a vehicle on the premises of a business enterprise that services or repairs such vehicles, a vehicle in an appropriate storage place or depository maintained for impounded vehicles or a vehicle which is completely covered with a nontransparent covering at all times except when it is being worked upon, and there is no more than one (1) of such vehicle either covered or being worked upon on any premises at one (1) time and the vehicle is owned by the owner or occupant of the premises or members of the family of the owner or occupant.

(b) Whenever the Town has probable cause to believe that an inoperable vehicle is on private property in violation of Subsection (a) above, the Town shall give written notice by certified mail to the owner and the lessee or occupant of the property, if known, declaring the existence of the nuisance, ordering such person to remove the vehicle or request a hearing within seven (7) days from the date the notice is mailed, and stating that failure to remove the vehicle or request a hearing within such seven-day period will result in the vehicle being removed and impounded and expenses being assessed jointly and severally against the owner and the lessee or occupant of the property.

(c) If an inoperable vehicle has not been removed from private property within seven (7) days of the date on which the notice by Subsection (b) above is mailed to the owner and lessee or occupant of the property, a peace officer may cause the vehicle to be removed and impounded by a towing carrier, unless a hearing requested pursuant to Section 8-3-50 is pending or unless a Hearing Officer has determined that the vehicle was not parked, stored or left on private property in violation of Subsection (a) above; and the Municipal Court shall have authority to issue all orders necessary to enforce this Section.

(d) Within thirty (30) minutes of completing the impoundment of a motor vehicle pursuant to this Section, the towing carrier shall notify the Police Department of such removal and impoundment, the storage site, the time at which the vehicle was removed, and the make, model, license plate number and vehicle identification number of the vehicle.

(e) The Town shall dispose of any vehicle impounded pursuant to this Section in the manner prescribed by state law. (Ord. 251 §3, 1987; Ord. 269 §1, 1988; Ord. 526 §1, 2005)

#### **Sec. 8-3-40. Lien of towing carrier.**

A towing carrier that has removed or impounded a motor vehicle pursuant to this Article has a possessory lien upon such vehicle for all costs of towing and storage unless a Hearing Officer orders the vehicle released pursuant to Section 8-3-50. (Ord. 251 §4, 1987)

#### **Sec. 8-3-50. Hearing for impounded vehicles.**

(a) Whenever any motor vehicle is impounded pursuant to this Article or any ordinance, the owner of the motor vehicle or the person in lawful possession thereof at the time it was impounded has the right to request a post-seizure administrative hearing to determine whether there was probable cause to impound the motor vehicle, if such person files a written demand for a hearing with the Town Clerk or Municipal Court Clerk within ten (10) days after such person has learned that the motor vehicle has been impounded, or within ten (10) days of the postmarked date of sending such notice of impoundment, whichever occurs first; and if such person had no hearing prior to the time of impoundment. A notice of impoundment shall be sent by certified mail to the address of record of the registered owner within forty-eight (48) hours, excluding weekends and municipal holidays, after impounding and storage of the motor vehicle.

(b) The hearing shall be conducted before a Hearing Officer appointed by the Municipal Judge within three (3) days, excluding weekends and municipal holidays, of receipt of the written demand therefor, unless such person requesting the hearing waives the right to a speedy hearing. The Hearing Officer shall be someone other than the person who directed the impounding and storage of the motor vehicle. The sole issue before and to be determined by the Hearing Officer shall be whether there was probable cause to impound the vehicle in question and whether the person requesting the hearing is the registered owner or other individual having right to possession of the motor vehicle. Probable cause may be determined solely from records kept by the Town if a peace officer caused the vehicle to be impounded.

(c) A person who requests a hearing pursuant to this Article may obtain the release of the motor vehicle prior to the hearing by posting a bond in the amount of the towing and storage charges due as of the date of the request plus fifty dollars (\$50.00) in administrative costs. If such person fails to

appear at the date and time of the scheduled hearing, the hearing request shall be dismissed with prejudice and the bond shall be forfeited to the Town.

(d) The Hearing Officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Town shall carry the burden of establishing that there was probable cause to impound the motor vehicle in question. The standard of proof is a preponderance of the evidence.

(e) At the conclusion of the hearing, the Hearing Officer shall prepare a written decision. A copy of such decision shall be provided to the individual requesting the hearing and the Police Department.

(f) At a hearing prior to the impoundment of a motor vehicle, the Hearing Officer shall determine whether the vehicle is in violation of this Article. If the Hearing Officer so finds, the Hearing Officer shall order the motor vehicle removed and impounded and assess the costs thereof against the motor vehicle.

(g) At a hearing following the impoundment of a motor vehicle, if the Hearing Officer determines that there was no such probable cause, the Hearing Officer shall prepare a certificate of no probable cause, copies of which shall be given to the owner of the vehicle, the Police Department and the garage storing the vehicle, shall order the motor vehicle immediately released to the person entitled to possession and shall assess the costs of removal and impoundment against the Town. If the owner fails to present such certificate to the garage having custody of the motor vehicle within twenty-four (24) hours of its receipt, excluding such days when the garage is not open for business, the owner shall assume liability for all subsequent storage charges. Such certificate shall inform the owner of such requirement. The Hearing Officer shall release any bond or reimburse the owner of the impounded vehicle for applicable towing and storage fees prepaid by the owner directly to the towing and storage company.

(h) If the Hearing Officer finds the impoundment was valid, the Hearing Officer shall assess the costs of removal and impoundment and fifty dollars (\$50.00) for administrative costs against the vehicle.

(i) The decision of the Hearing Officer is final and in no way affects any other criminal or civil proceeding in connection with the impound in question; and any other criminal or civil charges involved in such proceeding may only be challenged in the appropriate court.

(j) Failure of any person to request an impoundment hearing or attend any such hearing constitutes a waiver of the right to such a hearing and a determination of all issues then existing as supporting the impoundment.

(k) If a motor vehicle or trailer which has been impounded pursuant to this Article is still under impoundment seventy-two (72) hours from the time the notice prescribed by this Article has been mailed to the registered owner and the owner has not requested a hearing pursuant to this Section or obtained the release of the vehicle by paying accumulated removal and impoundment charges, the vehicle shall be deemed abandoned, and the Town shall dispose of such vehicle in accordance with state law. Disposal shall be stayed if a timely request is made for a hearing as provided in this Article. (Ord. 251 §5, 1987; Ord. 526 §1, 2005)

**Sec. 8-3-60. Authority of Town to impound vehicles.**

This Article shall in no way limit the authority of the Town to impound motor vehicles as otherwise provided by state law. (Ord. 251 §6, 1987)

**ARTICLE IV**

**Snow Parking Restrictions**

**Sec. 8-4-10. Definition.**

As used in this Article, the term *vehicle* means any self-propelled motor vehicle or trailer that is designed to be drawn by a motor vehicle. (Ord. 262 §6, 1988)

**Sec. 8-4-20. Snow emergency declared.**

(a) Whenever, during any period of twenty-four (24) hours or less, snow falls in the Town or in a section thereof, to a depth of four (4) inches or more, a snow emergency is hereby declared to exist.

(b) The Mayor, Town Administrator or Director of Public Works may also declare a snow emergency when existing or predicted storm weather conditions could severely impede vehicular traffic in the Town.

(c) The failure of any announcement to be disseminated or the failure to receive actual notice of a snow emergency shall not excuse the owner or operator of any vehicle from complying with the provisions of this Article.

(d) The snow emergency as provided for in this Section shall continue until the announcement by the Mayor, Town Administrator or Director of Public Works that snow plowing operations have been completed. (Ord. 262 §1, 1988; Ord. 526 §1, 2005)

**Sec. 8-4-30. Designation of snow routes.**

(a) The Town Administrator and Director of Public Works shall have the power and authority, and each is hereby empowered and authorized to designate certain streets within the Town as snow routes, and post signs along said routes advising of their designation.

(b) The lack of visibility of any such sign when a parking restriction is in effect pursuant to Subsection (a) of this Section shall not excuse the owner or operator of any vehicle from complying with the provisions of this Article. (Ord. 262 §2, 1988; Ord. 526 §1, 2005)

**Sec. 8-4-40. Snow emergency parking restrictions.**

(a) Whenever a snow emergency is declared to exist, as provided in Section 8-4-20 above, snow parking restrictions shall be in effect and it shall be unlawful for any person to stop, park, abandon or leave any vehicle, for whatever reason, on any portion of any snow route, designated and marked with signs by the Town under Section 8-4-30 above.

(b) Parking may be resumed on any individual street as soon as snow has been plowed the full width from curb to curb of that street. (Ord. 262 §3, 1988)

**Sec. 8-4-50. Enforcement.**

(a) Any vehicle stopped, parked, abandoned or left on any snow route in violation of the provisions of this Article shall constitute a misdemeanor, and any police officer or Town official whose duty it is to clear the snow routes is authorized to order the immediate removal of said vehicle. The vehicle may be immediately removed from the snow route to the nearest place where, in the judgment of the police officer or Town official, the vehicle will not obstruct a snow route.

(b) The owner or operator of the vehicle removed from a snow route pursuant to this Section shall be responsible for all costs incurred as a result of the removal of the vehicle.

(c) A person is guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Article is committed, continued or permitted. Upon conviction of any violation of the provisions of this Article, the person shall be punishable by, and the Municipal Court shall assess, a fine of not less than thirty dollars (\$30.00) nor more than one thousand dollars (\$1,000.00), and no portion of said fine shall be suspended. (Ord. 262 §4, 1988; Ord. 526 §1, 2005)

**Sec. 8-4-60. Nonessential travel prohibited.**

Whenever the Mayor, Town Administrator or Director of Public Works determines that travel on streets within the Town or portions thereof may be or become extremely hazardous due to severe weather conditions or an emergency situation, he or she may order a ban on all nonessential operation of vehicles within the Town or a designated portion thereof. Upon such declaration, it shall be unlawful for any owner or operator to operate or allow to be operated any vehicle on the roadways within the Town or the portion thereof so designated, unless the vehicle's operation is essential to the functioning of a governmental body or the life, health or safety of any person. (Ord. 262 §5, 1988; Ord. 526 §1, 2005)

**ARTICLE V**

**Parking and Storage Restrictions and Regulations**

**Sec. 8-5-10. Parking, storage and use.**

(a) It is unlawful to park, keep or store any truck, semi-tractor, trailer, tractor and trailer, tow truck, bus or construction equipment, or permit the same to be parked, kept or stored, on any public street, highway, road, alley or any other right-of-way within the Town, or on any private property in any residential zoned district or mobile home park district within the Town, except when said vehicle is being expeditiously used to render pick-up and delivery services, loading and unloading, or for construction activities to property located within two hundred (200) feet of where said vehicle is parked. Any interruption in said services for longer than one (1) hour shall be unlawful and constitute a violation of this Section.

(b) Except as provided in Subsection (c) below, it is unlawful to park or permit to stand any recreational equipment on any public street, highway, road, alley or other right-of-way within the Town for more than forty-eight (48) hours within any seven-day period.

(c) Upon the application of a resident of the Town, a special permit may be issued by the Town Clerk for any nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to park and occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property and adjacent right-of-way in which the recreational vehicle will be parked while occupied.

(d) It is unlawful to park or permit to stand any motor vehicle, whether operable or inoperable, or recreational equipment on a portion of residential property that is within public view, unless the motor vehicle or recreational equipment is parked or standing on a hardened surface. Such hardened surface shall be maintained at a minimum depth of two (2) inches. No motor vehicle or recreational equipment shall access a hardened surface public street or alley unless it does so from a hardened surface.

(e) It is unlawful to park any vehicle or combination of vehicles on private property so that the public sidewalk is obstructed.

(f) Nothing in this Section shall prohibit the parking of trucks smaller than one (1) ton within the Town where not otherwise prohibited.

(g) A certified copy from the State of the registration of any vehicle alleged to be in violation of this Section shall be prima facie evidence of the ownership and empty weight of said vehicle. Further, a prima facie presumption shall exist that the registered owner of the vehicle alleged to be unlawfully parked, kept or stored, was the person who so parked, kept or stored, or permitted to be parked, said vehicle.

(h) Testimony that any vehicle alleged to be in violation of this Section had its company name, empty weight and Public Utilities Commission or Interstate Commerce number printed thereon as required by law, shall constitute prima facie evidence of the ownership and empty weight of said vehicle.

(i) For the purpose of this Section, the following definitions shall apply:

*Construction equipment* means a vehicle, whether self-propelled or not, designed for use in the construction, maintenance or repair of roadways, structures and ditches, or modified for use in the construction, maintenance or repair of roadways, structures and ditches, the use of which on public roadways is incidental to its primary use.

*Recreational equipment* means any boat, motor home, travel-trailer, camper, recreational vehicle or trailer used for carrying boats, horses, hobby or derelict vehicles or other equipment or motor vehicles upon the public right-of-way.

(j) Nothing in this Section shall prohibit the parking of any truck, semi-tractor, trailer, tractor and trailer along the rights-of-way identified in Subsection 8-5-20(b); provided that such motor vehicles

are operable, have not been left in any one (1) location for a continuous period of more than seventy-two (72) hours and do not obstruct the sidewalk or line of sight necessary for the right-of-way or create a health or safety risk. (Ord. 314 §1, 1994; Ord. 497 §1, 2003; Ord. 509 § 2, 2004; Ord. 526 §1, 2005; Ord. 572 §1, 2007)

**Sec. 8-5-20. Weight limits.**

(a) When official traffic control devices are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such devices at any time upon any of the streets or parts thereof or upon any of the bridges or viaducts described in or controlled by such traffic control devices.

(b) No person shall drive, operate or move any vehicle exceeding ten thousand (10,000) pounds empty weight upon any of the streets or parts thereof within the Town, excluding First Street, Palmer and Colfax Avenues, Highways 36 and 79, and that area encompassed within the following: from Pike Street east to Custer Street, and Kiowa Avenue north to Colfax Avenue. The following vehicles are exempt from the requirements of this Section: authorized emergency vehicles, vehicles making deliveries in the normal course of business and recreational vehicles which are then expressly being used for recreational purposes. (Ord. 314 §2, 1994; Ord. 526 §1, 2005; Ord. 567 §3, 2007)

**Sec. 8-5-30. Motorized vehicles restricted.**

(a) Definition. As used in this Section, the term *motor vehicle* shall mean any self-propelled vehicle which is capable of moving from place to place on wheels or tracks and which is designed to transport persons and property on or off roads or highways. This definition includes all recreational-type and all-terrain vehicles.

(b) Unlawful use. It is unlawful for any person to operate any licensed or unlicensed motor vehicle, whether registered or unregistered, in any of the following places:

(1) On any public property, excluding improved public roadways or parking lots, within the corporate limits of the Town, unless such operation is specifically permitted by written order of the Board of Trustees or its authorized representative, or unless such property is specifically posted for such operation.

(2) On any property located within the Town and owned or maintained by a school district or any other public school grounds or campus, except upon improved roadways and parking lots specifically designated for the operation of motor vehicles and used for the purpose of making authorized pickups and deliveries or for parking of such vehicle, unless such operation is specifically permitted by written order of the district superintendent of schools or his or her designated representative, or the president of the governing body thereof or his or her designated representative. This provision shall not apply to authorized school or emergency vehicles.

(3) On any railroad right-of-way, with the exception of authorized railroad vehicles.

(4) On any private property within the Town, except improved driveways, roadways and parking lots open to the public, unless by specific written order of the owner or designated

representative of the owner of such property to the individual operating the motor vehicle or unless such property is specifically posted for such operation.

(5) On any other publicly or privately owned parks or recreational areas or facilities, bike trails, horse trails, lake areas, easements, sidewalks or areas dedicated to or commonly used for pedestrian or bicycle traffic, unless such operation is specifically permitted by written order of the Board of Trustees, or unless such property is specifically posted for such operation.

(c) Written authorization. All written orders specified in this Section must be in the possession of the person operating the motor vehicle in prohibited areas during the time of such operation.

(d) Responsibility of adults for minors. It is unlawful for any parent, guardian or any adult to authorize, assist, permit or encourage any minor to operate any motor vehicle in violation of the provisions of this Section. (Prior code 13-1-4, 13-1-6, Ord. 141 §1, 1979; Ord. 314 §§1, 2, 1994; Ord. 349 §1, 1997; Ord. 526 §1, 2005)