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Chapter 10-04

Traffic Code

10-04-010 Legislative declaration.

The city council declares that the purpose of this chapter is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. (Ord. 1169 §1, 1996)

10-04-020 Short title.

This chapter is known and may be cited as the "Broomfield Traffic Code." Reference to the Broomfield Traffic Code shall be sufficient when citing the provisions of this chapter in any legal document, including but not limited to a summons, subpoena, summons and complaint, or memorandum. (Ord. 1169 §1, 1996)

10-04-030 Applicability.

This chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking areas, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 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 this municipality. (Ord. 1169 §1, 1996)

10-04-040 Interpretation.

This chapter 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 chapter 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 provision of any article or section thereof. (Ord. 1169 §1, 1996)

10-04-050 Model Traffic Code adopted.

Pursuant to parts 1 and 2 of article 16 of title 31, C.R.S., there is hereby adopted by reference the *Model Traffic Code for Colorado Municipalities, Revised 2003*, promulgated and published as such by the State Department of Transportation, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the *Model Traffic Code for Colorado Municipalities, Revised 2003*, relates primarily to comprehensive traffic control regulations for the city. A copy of the Model Traffic Code adopted herein is now filed in the office of the city clerk and may be inspected during regular business hours. (Ord. 1169 §1, 1996; Ord. 1196 §5, 1996; Ord. 1568 §4, 2001; Ord. 1778 §3, 2004)

10-04-060 Amendments generally.

The adopted Model Traffic Code is subject to the deletions, additions, or modifications set out in section 10-04-070 *et seq.* (Ord. 1169 §1, 1996)

10-04-070 Section 703 amended; stop or yield intersection.

Section 703 of the Model Traffic Code is amended in its entirety, to read as follows:

703. Entering through highway -- stop or yield intersection.

(1) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways; except that if the driver is involved in a collision with a vehicle, after driving past a stop sign, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

(2) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line,

but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways; except that if a driver is involved in a collision with a vehicle after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

(Ord. 1169 §1, 1996)

10-04-080 Section 1409 amended; compulsory insurance.

Section 1409 of the Model Traffic Code is amended, in its entirety, to read as follows:

1409. Compulsory insurance.

(a) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this municipality when the owner has failed to have 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.

(b) No person shall operate a motor vehicle on the public highways of this municipality without 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.

(c) When an accident occurs, or when required to do so following any lawful traffic contact or during any traffic investigation by a peace 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) Any person found guilty of violating the provisions of subsections (a), (b), or (c) of this section shall be punished by a fine of not less than \$100 or more than \$1,000, and in addition, the court may impose imprisonment for not less than ten days nor more than one year. The fine imposed by this subsection shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate insurance as required under sections 10-4-705 and 10-4-716, C.R.S., has been obtained. Nothing in this subsection shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(e) Upon a second or subsequent conviction under this section within a period of two years following a prior conviction under this section, the defendant shall be punished by a fine of not less than \$200 nor more than \$1,000, and, in addition, the court may impose imprisonment for not less than ten days nor more than one year. The fine imposed by this subsection shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate insurance as required under sections 10-4-705 and 10-4-716, C.R.S., had been obtained. Nothing in this subsection shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(f) No person charged with a violation of subsection (a), (b), or (c) of this section shall be convicted if he 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 104-716, C.R.S., at the time of the alleged violation.

(Ord. 1169 §1, 1996)

10-04-090 Section 507 amended; wheel and axle loads.

Section 507 of the Model Traffic Code is amended, in its entirety, to read as follows:

507. Wheel and axle loads.

(a) The gross weight upon any wheel of a vehicle shall not exceed the following:

- (1) When the wheel is equipped with a solid rubber or cushion tire, 8,000 pounds;
- (2) When the wheel is equipped with a pneumatic tire, 9,000 pounds.

(b) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:

(1) When the wheels attached to said axle are equipped with solid rubber or cushion tires, 16,000 pounds;

(2) When the wheels attached to a single axle are equipped with pneumatic tires, 20,000 pounds;

(3) When the wheels attached to a tandem axle are equipped with pneumatic tires, 36,000 pounds for highways on the interstate system and 40,000 pounds for highways not on the interstate system.

(c) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of paragraph (2) of subsection (b) of this section.

(d) For the purposes of this section:

(1) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.

(2) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

(e) The gross weight upon any one wheel of a steel-tired vehicle shall not exceed 500 pounds per inch of cross-sectional width of tire.

(f) For the purposes of this section, axle scales and the method of weighing vehicles that is commonly referred to as "split weighing" or "fore and aft draft weighing," for obtaining a vehicle's axle weights and gross weight, shall be authorized as an acceptable and accurate method of weighing, for law enforcement purposes and statistical data gathering.

(Ord. 1169 §1, 1996)

10-04-100 Section 508 amended; gross weight of vehicles and loads.

Section 508 of the Model Traffic Code is amended, in its entirety, to read as follows:

508. Gross weight of vehicles and loads.

No vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

(a)(1) The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in section 10-04-090, B.M.C.

(2) Subject to the limitations prescribed in section 10-04-090, B.M.C., the gross weight of a vehicle having two axles shall not exceed 36,000 pounds.

(3) Subject to the limitations prescribed in section 10-04-090, B.M.C., the gross weight of a single vehicle having three or more axles shall not exceed 54,000 pounds.

(b) Subject to the limitations prescribed in section 10-04-090, B.M.C., the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W \text{ equals } 1,000 (L \text{ plus } 40)$, $W =$ the gross weight in pounds, $L =$ the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed 85,000 pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to the specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510 of the Model Traffic Code, as amended, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge which is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the following specified limits:

(1) Subject to the limitations prescribed in section 10-04-090, B.M.C., the gross weight of a vehicle having two axles shall not exceed 36,000 pounds.

(2) Subject to the limitations prescribed in section 10-04-090, B.M.C., the gross weight of a single

vehicle having three or more axles shall not exceed 54,000 pounds.

(3)(A) Subject to the limitations prescribed in section 10-04-090, B.M.C., the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 500[(LN/N-1) + 12N + 36]$.

(B) In using the formula in sub-subparagraph (1) of this subparagraph (c), W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in the group under consideration; but in computations of this formula no gross vehicle weight shall exceed 80,000 pounds, except as may be authorized under section 510 of the Model Traffic Code, as amended.

(d) For the purposes of this subsection, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation shall not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(e) For the purposes of this section, axle scales and the method of weighing vehicles that is commonly referred to as "split weighing" or "fore and aft draft weighing," for obtaining a vehicle's axle weights and gross weight, shall be authorized as an acceptable and accurate method of weighing, for law enforcement purposes and statistical data gathering.

(Ord. 1169 §1, 1996)

10-04-110 Section 513 added; immobilization of commercial vehicles.

Section 513 is added to the Model Traffic Code to read as follows:

513. Immobilization of commercial vehicles.

Police officers are hereby authorized to immobilize, impound, or otherwise direct the disposition of commercial vehicles when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment or disposition is appropriate under the rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair, and maintenance of motor vehicles and employee safety and health standards.

(Ord. 1169 §1, 1996)

10-04-120 Part 17 deleted.

Part 17 of the Model Traffic Code, Penalties and Procedure, is deleted in its entirety. (Ord. 1169 §1, 1996)

10-04-130 Continuing violation; penalty for commercial vehicle violations.

Each and every event for which there is a violation of this chapter, as amended, or of the Model Traffic Code for Colorado Municipalities, as amended, shall constitute a separate and distinct offense, punishable in accordance with chapter 1-12, B.M.C., except as otherwise set forth below:

- (A) Model Traffic Code section 235: minimum mandatory \$75.00;
- (B) Model Traffic Code section 502: minimum mandatory \$75.00;
- (C) Model Traffic Code section 504(1): minimum mandatory \$75.00;
- (D) Model Traffic Code section 504(2): minimum mandatory \$75.00;
- (E) Model Traffic Code section 504(3): minimum mandatory \$75.00;
- (F) Model Traffic Code section 504(4): minimum mandatory \$30.00;
- (G) Model Traffic Code section 504(4.5): minimum mandatory \$30.00;
- (H) Model Traffic Code section 504(5): minimum mandatory \$75.00;

(I) Model Traffic Code section 507: minimum mandatory \$50.00 for each 1,000 pounds in violation or fraction thereof;

(J) Model Traffic Code section 508: minimum mandatory \$50.00 for each 1,000 pounds in violation or fraction thereof;

(K) Model Traffic Code section 509(3): minimum mandatory \$75.00.

Nothing in this section shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine. (Ord. 1169 §1, 1996; Ord. 1196 §18, 1996; Ord. 1568 §17, 2001; Ord. 1778 §5, 2004)

10-04-140 Section 1101 amended; speed limits.

Section 1101 of the Model Traffic Code is amended, in its entirety, to read as follows:

1101. Speed limits.

(a) No person shall drive a vehicle on a traveled roadway, street or highway within this municipality at a speed greater than the posted limit and in no event greater than sixty-five miles per hour.

(b) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(1) Twenty-five miles per hour in any business district, as defined in section 42-1-102(11), C.R.S.;

(2) Twenty-five miles per hour in any residential district, as defined in section 42-1-102(80), C.R.S.;

(3) Fifteen miles per hour in alleys;

(4) Any speed not in excess of the speed limit designated by an official traffic control device.

(c) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(d) It shall not be a defense to prosecution for a violation of this section that:

(1) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(2) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(3) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the maximum lawful speed limit.

(e) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section.

(Ord. 1190 §1, 1996)

10-04-150 Section 1210 amended; parking for certain purposes prohibited.

Section 1210 is added to the Model Traffic Code to read as follows:

1210. Parking for certain purposes prohibited.

No person shall park a vehicle upon a highway for the principal purpose of:

(A) Displaying such vehicle for sale;

(B) Greasing, painting, or repairing such vehicle, except for repairs necessitated by an emergency; or

(C) Displaying advertising.

(Ord. 1196 §5, 1996; Ord. 1778 §4, 2004; Ord. 1782 §1, 2004)

10-04-160 Section 604(1)(c)(I)(A) amended; steady red indication.

Section 604(1)(c)(I)(A) of the Model Traffic Code is amended to read as follows:

(c) Steady red indication:

(I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown.

(A) 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 by ordinance or resolution prohibited any such right turn and have erected an official sign at each intersection where such turn is prohibited. Persons found guilty of violating this section 604(1)(c)(I) or 604(1)(c)(I)(A) shall be punished by a fine of not less than \$100. The fine imposed by this subsection shall be mandatory, and the court shall not suspend said fine, in whole or in part.

(Ord. 1384 §1, 1999)

10-04-170 Colliding with parked vehicles prohibited.

No driver shall fail to prevent a collision between the driver's vehicle and any vehicle that is lawfully parked. (Ord. 1393 §2, 1999)

10-04-180 Failure to avoid interfering with vehicle ahead.

No driver of a vehicle shall fail to avoid colliding or otherwise interfering with any vehicle ahead that is proceeding in the same direction as the driver's vehicle or that is stopped facing the same direction as the driver's vehicle. It is an affirmative defense to a charge of violating this section that the driver of the other vehicle violated any section of this title governing right-of-way, turning, lane use, passing, or parking and that such violation was the proximate cause of the collision or interference. (Ord. 1393 §3, 1999)

Chapter 10-05

Decriminalization

10-05-010 Definitions; generally.

(A) When used in this chapter, the words and phrases deemed shall, for the purposes of this chapter, have the meanings respectively ascribed to them in section 10-05-020, except where the context clearly indicates a different meaning.

(B) Whenever any words and phrases used in this chapter are not deemed herein, but are deemed in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this chapter.

(C) In the event of any conflict between the Model Traffic Code and the definitions contained in this chapter, this chapter shall be controlling. (Ord. 1393 §1, 1999)

10-05-020 Definitions.

(A) *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.

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

(C) *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 chapter against any person for the commission of a traffic violation.

(D) *Penalty* means the fine and/or imprisonment imposed pursuant to section 1-12-020 of this Code.

(E) *Traffic infraction* means every violation of any provision of this chapter relating to traffic or any provision of the Model Traffic Code as adopted in section 10-04-050, B.M.C., or amended by the city, except those traffic violations deemed as traffic offenses.

(F) *Traffic offense* means the following offenses as set forth in this chapter or in article I of the Model Traffic Code as adopted and amended by the city:

- (1) Secs. 1101, 1102, 1103: Provided the speed alleged is in excess of the posted or maximum speed limit by 25 miles per hour or more, or in excess of the posted or maximum speed limit by 15 miles per hour in a zone posted 35 miles per hour or under.
- (2) Sec. 1105: Speed contests.
- (3) Sec. 1401: Reckless driving.
- (4) Sec. 1402: Careless driving.
- (5) Sec. 1409: Compulsory insurance.
- (6) Sec. 1412: Operation of bicycles and other human-powered vehicles.
- (7) Sec. 1413: Eluding or attempting to elude police officer.
- (8) Sec. 1903: Stopping for school buses.
- (9) Sec. 233: Alteration of suspension system.
- (10) Sec. 235: Commercial vehicles safety violations.
- (11) Sec. 507: Overweight commercial vehicles.
- (12) Sec. 509(3): Failure to submit commercial vehicle to weigh station.
- (13) Sec. 604(l)(c): Steady red indication (as amended in section 10-04-160, B.M.C.)

(G) *Traffic violation* means any violation of this chapter, whether or not such violation is a traffic infraction or traffic offense. (Ord. 1393 §1, 1999)

10-05-030 Traffic infractions not criminal.

All traffic infractions are deemed and shall constitute quasi-civil matters and are not criminal violations. (Ord. 1393 §1, 1999)

10-05-040 No jury trial for traffic infractions.

A defendant brought to trial solely upon a traffic infraction shall have no right to a trial by jury as contemplated by section 13-10-114, C.R.S., or any rule of the Colorado Municipal Court Rules of Procedure. Trial of all infractions shall be to the court. No defendant found liable for a traffic infraction shall be punished by imprisonment or a fine to exceed \$500.00 for each traffic infraction. (Ord. 1393 §1, 1999)

10-05-050 Right to jury trial for traffic offenses.

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

(B) If a defendant is charged with more than one traffic violation arising out of the same incident and at least one of the charged violations is a traffic offense, the defendant shall have the right to demand a trial by jury as set forth in subsection (A) of this section as to all violations/offenses, which shall be consolidated for purposes of trial. (Ord. 1393 §1, 1999)

10-05-060 Commencement of traffic infraction action.

An action under this chapter 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. 1393 §1, 1999)

10-05-070 Default judgments.

(A) The court shall enter judgment by default against a person charged with a traffic infraction who fails to plead guilty or admit liability to the offense and who fails to appear in the municipal court to answer such charge on the date and time listed on the charging document, or on the date and time such person is scheduled for trial.

(B) The amount of the judgment entered pursuant to subsection (A) of this section shall at no time exceed \$500.00 per violation.

(C) The court may set aside a judgment entered under subsection (A) of this section on a showing of good cause or excusable neglect by the defendant, or a showing that the court did not have jurisdiction over the subject matter of the alleged infraction or over the person of the alleged violator. The court shall have no jurisdiction to set aside a judgment unless a motion has been filed within seven calendar days after entry of the judgment.

(D) If the defendant fails to file a motion to vacate the judgment within the seven-day period provided in subsection (C) of this section or such motion is denied, the court shall forward the record of such judgment, including points assessed, to the State Division of Motor Vehicles, pursuant to the provisions of section 42-2-127(5), 42-4-1709, and 42-4-1710, C.R.S. (Ord. 1393 §1, 1999)

Chapter 10-06

Residential Parking Permits

10-06-010 Purpose.

It is the intent and purpose of this chapter to address the findings by the city council that automobiles parked on streets located near certain public schools cause traffic congestion on such streets which threaten the health, safety, and welfare of the public, particularly children. It is deemed necessary by the city council to restrict parking on such streets to persons residing within such areas in order to eliminate traffic hazards and reduce traffic congestion. (Ord. 1078 §1, 1994)

10-06-020 Parking permits authorized.

The traffic engineer is hereby authorized to issue parking permits in accordance with the provisions of this chapter to allow the on-street parking of motor vehicles by residents of blocks designated by the traffic engineer as restricted parking areas. (Ord. 1078 §1, 1994)

10-06-030 Description of restriction.

(A) In a block which has been designated as a restricted parking area and in which have been erected signs that conform to the requirements of law, on-street parking of motor vehicles shall be prohibited between the hours of 6:00 a.m. and 6:00 p.m. from August 15 to June 15, except for Saturdays, Sundays, and holidays, unless there is properly displayed in the vehicle the permit provided for in section 10-06-060, B.M.C. For purposes of this chapter, such a permit is properly displayed only when it is located on the dashboard of the vehicle in front of the driver's seat and the date of expiration of the permit is clearly visible through the windshield of the vehicle.

(B) The owner or the driver, or both, of any vehicle that is parked in violation of this article shall be subject to the penalty provided for in section 10-06-090, B.M.C. (Ord. 1078 §1, 1994)

10-06-040 Restricted parking area defined.

In order to qualify as a "restricted parking area," the block shall meet the following criteria:

(A) The block or some part thereof shall fall within one-quarter mile of the closest property line of an elementary school, junior high school, middle school, or high school;

(B) A written petition signed by no less than two-thirds of the property owners of the block shall be submitted to the traffic engineer requesting that the block be designated as a restricted parking area; and

(C) The block cannot be part of the state highway system as that term is defined by section 43-2-101, C.R.S.

If all of the above criteria are met, the traffic engineer may designate the block as a restricted parking area. (Ord. 1078 §1, 1994)

10-06-050 Signs.

Signs that conform to the requirements of the law shall be erected in a block designated by the traffic engineer as a restricted parking area. The signs shall give notice that parking between the hours of 6:00 a.m. and 6:00 p.m., Saturdays, Sundays, and holidays excepted, is prohibited unless there is properly displayed in the motor vehicle a permit that is issued pursuant to section 10-06-060, B.M.C. (Ord. 1078 §1, 1994)

10-06-060 Permit application and fees.

(A) No permit shall be issued for use on a motorcycle, moped or other two-wheeled vehicle.

(B) Except as stated in subsection (A) above, on application made to the traffic engineer or a designee thereof on forms provided by the city, the traffic engineer or such designee shall issue not more than two permits per residence when the address of the applicant is within a restricted parking area. The applicant shall on request provide a currently valid Colorado drivers license to establish that his or her residence is within the restricted parking area.

(C) The permit is issued free of charge.

(D) In order to fall within the exception to the parking prohibition in section 10-06-030 above, the permit must be displayed in the motor vehicle in the manner described in section 10-06-030, B.M.C. (Ord. 1078 §1, 1994)

10-06-070 Removal of designation as restricted parking area.

The traffic engineer may remove the designation of a block as a restricted parking area if any one of the following conditions occurs:

(A) By virtue of closure of the school or change in use of the property, the block or some part thereof is no longer located within one-quarter mile to the closest property line of an elementary school, junior high school, middle school, or high school; or

(B) A written petition signed by no less than two-thirds of the property owners of the block is submitted to the traffic engineer requesting that designation of the block as a restricted parking area be removed; or

(C) The block becomes part of the state highway system as that term is defined in section 43-2-101, C.R.S. (Ord. 1078 §1, 1994)

10-06-080 Violation.

In any prosecution of the provisions of this chapter, proof that the vehicle described in the complaint was parked or stopped in violation of this chapter, together with proof that the defendant named in the complaint was, at the time of such stopping or parking, the registered owner of the vehicle, shall constitute prima facie evidence that the defendant was the person who parked or stopped, or knowingly permitted to be parked or stopped such unattended vehicle at the place where and for the time in which such violation occurred. (Ord. 1078 §1, 1994)

10-06-090 Penalty.

A violation of this article shall be punishable by a fine not to exceed the limits established in chapter 1-12, B.M.C. (Ord. 1078 §1, 1994)

10-06-100 Temporary permits.

Upon application to the traffic engineer, any person licensed or registered as a contractor in the city may obtain at no cost a reasonable number of temporary permits for the vehicles of the contractor and the contractor's employees for the period of time that the contractor is engaged in work within the residential parking area for which a permit has been issued under the provisions of this chapter. (Ord. 1078 §1, 1994)

10-06-110 Revocation.

The city manager, after notice and a hearing, may revoke any permit issued pursuant to this chapter for any of the grounds set forth therein or on the ground that it has been misused. Revocation shall bar the permittee from holding any permit under this chapter for a period of one year thereafter. (Ord. 1078 §1, 1994)

Chapter 10-12

Oversized and Commercial Vehicles

10-12-010 Parking of oversized vehicles on public right-of-way.

No person shall park any vehicle exceeding six feet in height in public rights-of-way in such a manner that any part of that vehicle which exceeds forty-two inches in height shall be:

(A) Within thirty feet of an intersection or a crosswalk; or

(B) Within ten feet of public or private driveway. (Ord. 325 §1, 1978)

10-12-020 Parking of oversized vehicles on private property.

No person shall park any vehicle exceeding six feet in height on private property in such a manner that any part of that vehicle which exceeds forty-two inches in height shall be:

(A) Within five feet of the flow-line of public rights-of-way; or

(B) Within eighteen inches of the edge of any attached or detached sidewalk in a public right-of-way. (Ord. 325 §2, 1978)

10-12-030 Obstructing traffic control devices with oversized vehicles.

No person shall park a vehicle in public rights-of-way in such a manner that any part of the vehicle which exceeds six feet in height shall be within thirty feet upon the approach of any speed limit sign located at the side of a roadway. Section 11-1 (4) of the Model Traffic Code shall control parking in the approach of all other traffic control devices. (Ord. 325 §3, 1978)

10-12-040 Detached trailers.

Trailers, defined as any wheeled vehicle without motive power and designed to be drawn by a motor vehicle, shall not be parked detached from a towing vehicle in any public right-of-way in the city. The provisions of this section shall not apply to authorized police equipment while in use for official purposes. (Ord. 325 §4, 1978; Ord. 1067 §1, 1994)

10-12-050 Exceptions to parking oversized vehicles.

Restrictions on parking of oversized vehicles prescribed in this chapter do not apply to the following circumstances:

(A) Oversized vehicles incidental to a commercial enterprise shall be permitted on the premises of such commercial enterprise in B-1, B-2, B-PUD, and A-1 districts.

(B) Loading or unloading of moving vans or similar type vehicles used for moving of personal goods for a period of twenty-four hours or less.

(C) Temporary parking for pickup and delivery purposes for a period of four hours or less.

(D) Construction equipment or machinery employed in any public works project in the city parked at the site of and for the duration of such construction. (Ord. 325 §5, 1978; Ord. 1006 §2, 1993)

10-12-060 Prohibited uses.

No bus, trailer coach, mobile home, self-propelled motor home, or recreational equipment shall be used for living, sleeping, housekeeping, or preparation of food on any street, traveled roadway, or public right-of-way within the city. (Ord. 325 §6, 1978)

Chapter 10-13

Truck Routes

10-13-010 Definitions; generally.

(A) When used in this chapter, the words and phrases deemed shall, for the purposes of this chapter, have the meanings respectively ascribed to them in section 10-13-020.

(B) Whenever any words and phrases used in this chapter are not defined herein, but are defined in chapter 10-12 of this title, or in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this chapter. (Ord. 1159 §1, 1996)

10-13-020 Definitions.

(A) *Available route* means a street, road, or highway dedicated for and open to public motor vehicle travel.

(B) *Axle load* means the total load transmitted by all wheels on a single or tandem axle extending across the full width of the vehicle.

(C) *City* means the City of Broomfield, Colorado.

(D) *Gross weight of vehicle* means the sum of all axle loads of a vehicle, including any trailer or trailers connected to a vehicle.

(E) *High pressure and low pressure pneumatic tires.* Every pneumatic tire designed for use and used when inflated with air to less than 100 pounds of pressure shall be deemed a low pressure pneumatic tire, and every pneumatic tire inflated to 100 pounds pressure or more shall be deemed a high pressure pneumatic tire.

(F) *Person* means any person, firm, partnership, association, corporation, company, or organization of any kind.

(G) *Single axle* means all wheels whose centers are included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.

(H) *Tandem axle* means two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle. Axles which are forty inches or less apart shall be considered to be single axles.

(I) *Truck* means any motor vehicle, except privately owned recreational motor vehicles and mass transportation motor vehicles, whose gross vehicle weight exceeds 10,000 pounds.

(J) *Truck route* means a highway which is part of the National System of Interstate and Defense Highways; a state highway; or a highway, street, or road designated in section 10-13-040 and posted as provided in section 10-13-080, over and along which trucks may operate. (Ord. 1159 §1, 1996)

10-13-030 Permit required.

No person shall operate within the city a vehicle which is in excess of the weight limitations for truck routes or the size limitations set forth in this chapter unless such person shall have first obtained a permit from the state department of transportation for such operation. (Ord. 1159 §1, 1996)

10-13-040 Truck routes established.

There are established the following truck routes within the city. The axle load of trucks operated on these routes shall not exceed ten tons.

<u>Street</u>	<u>From</u>	<u>To</u>
<i>144th Avenue</i>	<i>Those sections within the city</i>	
<i>State Highway 7</i>	<i>Those sections within the city</i>	
<i>U.S. Highway 287</i>	<i>Lowell Boulevard</i>	<i>State Highway 121</i>
<i>U.S. Highway 287</i>	<i>State Highway 121</i>	<i>North city limit</i>
<i>State Highway 121</i>	<i>South city limit</i>	<i>U.S. Highway 287</i>
<i>State Highway 128</i>	<i>State Highway 121</i>	<i>West city limit</i>
<i>Huron Street</i>	<i>Those sections within the city</i>	
<i>U.S. Highway 36</i>	<i>Those sections within the city</i>	
<i>Interstate I-25</i>	<i>Those sections within the city</i>	

(Ord. 1159 §1, 1996)

10-13-050 Trucks with origin and destination outside city.

(A) All trucks entering the city for destination points outside the city shall be operated only on truck routes.

(B) Any person who violates this section shall be punished by a fine as follows:

- (1) First offense, \$100.00;
- (2) Second offense within any twelve consecutive months, \$200.00;
- (3) Third or subsequent offense within any twelve consecutive months, \$300.00. (Ord. 1159 §1, 1996)

10-13-060 Truck traffic within the city.

(A) Except as provided in subsection (B), every truck operated within the city shall proceed over a truck route, shall deviate from that route only at the intersection which is nearest to a destination point, and shall proceed to the destination point by the shortest available route. Upon leaving a destination point, a truck shall return to a truck route by a shortest available route, unless the shortest available route to the nearest truck route is longer than the shortest available route to the next destination point within the city. Upon leaving its last destination point within the city, a truck shall return to a truck route by the shortest available route.

(B) Construction traffic within the city shall proceed over a truck route, and shall deviate therefrom only on such routes as are designated by council at the time development is approved. A construction traffic routing plan must be provided to the city along with any required traffic report at the time approval for development is sought. The requirement of providing a construction route shall apply retroactively to all developments already approved but which are incomplete on the effective date of the initial ordinance codified herein.

(C) Any person who violates this section shall be punished by a fine as follows:

- (1) First offense, \$100.00;
- (2) Second offense within any twelve consecutive months, \$200.00;
- (3) Third or subsequent offense within any twelve consecutive months, \$300.00. (Ord. 1159 §1, 1996)

10-13-070 Exceptions.

Sections 10-13-040, 10-13-050, and 10-13-060 shall not prohibit:

(A) The operation of emergency vehicles upon any street in the city;

(B) The operation of trucks owned or operated by the state, county, or a municipality, a public utility, trash removal company licensed to operate within the city in accordance with chapter 8-04, or a contractor engaged in the repair, maintenance, or construction of streets, street improvements, or utilities in the city;

(C) The operation of trucks on any street which has been designated by the city as a detour from a designated truck route. (Ord. 1159 §1, 1996)

10-13-080 Posting of signs.

The traffic engineer shall cause all truck routes except highways which are part of the National System of Interstate and Defense Highways and state highways to be posted with signs identifying them as truck routes. Signs designating a truck route shall specify the maximum axle weight permitted on the truck route and, by means of an arrow, shall specify the exact course of the truck route. A street, road, or highway is not a truck route, or a part thereof, unless posted as such, or unless the highway is a state highway or a part of the National System of Interstate and Defense Highways. The size of said signs and their manner of posting shall be in accordance with the Manual on Uniform Traffic Control Devices, 1978 edition, as amended. State highways and highways which are part of the National System of Interstate and Defense Highways are truck routes, but need not be posted as such. (Ord. 1159 §1, 1996)

10-13-090 Evidence of points of origin and destination.

Any person operating a truck upon a street, road, highway, or portion thereof which is not a truck route shall have in his or her possession a log book, delivery slip or other evidence of his or her points of origin and destination to justify the presence of his or her truck upon such street, road, or highway. Failure to produce such evidence upon the request of a police officer shall be a Class 3 traffic offense. (Ord. 1159 §1, 1996)

Chapter 10-16

Operation of Off-Road Motorized Vehicles

10-16-010 Definition of recreational vehicles.

A self-propelled wheeled or tracked vehicle primarily designed to be operated for recreational purposes on land, or on land and water, other than roads or highways. This definition shall include but is not limited to motorcycles, motorbikes, motor scooters, mopeds, motor bicycles, trail bikes, tote-goats, dune buggies, go-carts, snowmobiles, and all-terrain vehicles. (Ord. 332 §1, 1978)

10-16-020 Motorized vehicles restricted.

It shall be unlawful for any person to operate any licensed or unlicensed motor vehicle or recreational vehicle, whether registered or unregistered, in any of the following places:

(A) On any public property, excluding improved public roadways or parking lots, within the corporate limits of the city, unless such operation is specifically authorized by the city council.

(B) On any property located within the city 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, unless such operation is specifically permitted by written order of the district superintendent of schools or his or her designated representative, or, in the case of a college or university, by the president thereof or his or her designated representative. This provision shall not apply to authorized school vehicles.

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

(D) On any private property within the city, except improved driveways, roadways, and parking lots.

(E) On any other publicly or privately owned parks, ball fields, recreational areas, bike trails, horse trails, lake areas, easements, sidewalk, or other areas dedicated to or commonly used for pedestrian or bicycle traffic. (Ord. 332 §1, 1978)

10-16-030 Exceptions.

(A) Motorized apparatus or vehicles used for maintenance of, construction on, or patrol of the properties delineated in section 10-16-020 shall not be prohibited or regulated by the provisions of this chapter; reasonable travel on the property by the owner of said property not generating noise or dust pollution, erosion, or fire hazards is likewise permitted.

(B) Operation of golf carts in areas maintained and zoned or approved for golf course use.

(C) Operation of motorized wheelchairs and similar ambulatory devices by the handicapped, infirm, or disabled.

(D) Nothing in this chapter is intended to prevent the lawful operation of any motor vehicles or recreational vehicle on any improved public street, highway, or alley in accordance with other applicable ordinances of the city or statutes of the State of Colorado. (Ord. 332 §1, 1978)

10-16-040 Responsibility of adults for minors.

It shall be unlawful for any parent, guardian, or any adult to authorize, assist, permit, or encourage any minor to operate any motor vehicle or recreational vehicle in violation of the provisions of this chapter. (Ord. 332 §1, 1978)

Chapter 10-20

Administering State Highway Access Code and Permit Fees

10-20-010 Director of public works to administer State Highway Access Code.

The authority, duties, powers, and responsibilities of the *issuing authority* and of the *appropriate local authority*, as these terms are used in the State Highway Access Code, are hereby delegated to and shall be exercised by the director of public works and such employees of the city as the director of public works may designate. All decisions of the director of public works or his or her designees are to be made in conformity with the standards, guidelines, and requirements of the State Highway Access Code and of this chapter. (Ord. 460 §1, 1981)

10-20-020 Permit fees.

Prior to the issuance of an access permit, the applicant shall pay a fee to partially defray the cost of processing the application. This fee shall be \$100.00 per access approach, unless the director of public works or his or her designee shall determine that the anticipated average daily traffic volume count for any access approach exceeds 100 vehicles. For each access approach for which the anticipated average daily traffic volume count does exceed 100 vehicles, the fee shall be \$200.00. The determination of anticipated average daily traffic volume counts shall be made based on standard references. (Ord. 460 §1, 1981)

10-20-030 Application form.

Applications for access permits shall be made on forms provided by the State Department of Highways and shall be accompanied by all of the following:

- (A) Highway and driveway plans and profiles;
- (B) Complete drainage plans showing impact to the highway right-of-way, the property for which the permit is sought, and all adjoining properties;
- (C) Maps and documents indicating utility locations before and after development;
- (D) Any approved final subdivision plats and final PUD plans;
- (E) Property maps indicating other access approaches and abutting public roads and streets; and
- (F) Proposed access approach designs. (Ord. 460 §1, 1981)

10-20-040 Permit; platting prerequisite.

If the property for which the permit is sought is subject to the platting requirements of Title 16 of this code, no application may be made and no permit may be granted unless the land use review commission and the city council have first approved a final subdivision plat for the property. No application shall be granted which is not in substantial compliance with any approved final subdivision plat, final PUD plan, and the zoning requirements of title 17 of this code. (Ord. 460 §1, 1981; Ord. 1111 §2, 1995)

10-20-050 Violation.

No person shall construct any driveway providing vehicular access to any state highway from any property in the city without an access permit issued by the director of public works, with the written approval of the State Department of Highways. (Ord. 460 §1, 1981)

Chapter 10-24

Wrecker and Towing Services

10-24-010 Definitions.

For the purpose of this chapter, the following words and terms shall be defined as follows:

- (A) *Director* means the chief of police and his or her designee or designees.
- (B) *Operator* means any person operating a wrecker's towing vehicle.
- (C) *Towing list* means a list maintained by the police department containing the names of those wreckers licensed by the city who may be requested by the police department to respond to the scene of accidents or emergencies involving vehicles.
- (D) *Towing vehicle* means any vehicle used by a wrecker for the towing or transporting of other vehicles (or other property) in the course of his or her business.
- (E) *Wrecker* is a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose. (Ord. 471 §1, 1982; Ord. 473 §1, 1982)

10-24-020 Licenses.

No wrecker shall have his or her name included on the towing list of the city and be requested by the police department to respond to the scene of an accident or emergency for the purpose of towing a vehicle without first having obtained a license from the director.

(A) *Application for license.* Any application for a wrecker's license, other than a renewal thereof, shall be accompanied by a nonrefundable application fee of \$20.00. All applications for licenses, including renewal, shall be made upon forms made available by the chief of police.

(B) *License fee.* The annual license fee for a wrecker shall be \$10.00 for each towing vehicle to be operated by the wrecker in the city under the terms of this chapter.

(C) *Standards of issuances and renewal.* Upon receipt of a license application and application fee from a person seeking a wrecker's license in the city, the chief of police shall conduct such investigation as is necessary to determine:

(1) That the applicant and operators in his or her employ are fit and proper persons to conduct or work in the proposed business, and have not been convicted of theft or embezzlement, or any offense involving the unlawful use, taking, or conversion of a vehicle belonging to another person, and if the applicant is a corporation, that its officers, directors, and principal stockholders are of good character and of good business repute and have not been convicted of theft or embezzlement, or any offense involving the unlawful use, taking, or conversion of a vehicle belonging to another person;

(2) That the applicant has received and has currently in force a permit to operate as a towing carrier from the Colorado public Utilities commission. The failure of a wrecker to maintain a valid permit from the public Utilities commission shall be grounds for denial of a license or, if a license is in effect at the time, shall be grounds for revocation or suspension of the license as hereinafter provided;

(3) That the wrecker has adequate, safe equipment and an adequate recordkeeping system and can otherwise comply with the rules and regulations promulgated by the chief of police as hereinafter provided; and

(4) That the wrecker has currently in force public liability and property damage insurance or surety bond providing coverage sufficient to meet the requirements of the rules and regulations of the Colorado Public Utilities Commission governing towing carriers.

(D) *Issuance.* The director shall within fifteen days grant or deny the license as the circumstances warrant. If the license is denied, the director shall state the reasons for such denial in writing.

(E) *Grounds.* It shall be grounds for denial, suspension, or revocation of a license as a wrecker for any person to knowingly provide false information to the director in or in conjunction with an application for a license.

(F) *Notices.* The director may permit wreckers not licensed by the city to be called by the police department to the scene of disasters, accidents, or other emergencies when, in the opinion of the director, the public health, safety, and welfare require that such action be taken. (Ord. 471 §1, 1982; Ord. 473 §1, 1982)

10-24-030 Rules and regulations governing wreckers.

The director shall within thirty days after the enactment of the ordinance codified in this chapter set forth in writing such rules and regulations governing the conduct of wreckers as are deemed necessary to ensure the inhabitants of and other persons within this city, safe, efficient, and dependable wrecker and towing service. These rules shall include, but not be limited to, the following:

(A) *Equipment.* The director shall specify equipment at least the equivalent of that required by the rules and regulations of the Colorado Public Utilities Commission governing towing carriers and such other necessary equipment as determined by the director.

(B) *Records.* The director shall require the keeping of sufficient records to ensure compliance with the terms of this chapter and the rules and regulations as promulgated.

(C) *Personnel.* The rules shall specify such steps as are necessary to determine that the operators and employees of the wrecker are of good character and otherwise fit to participate in towing operations within the city.

(D) *Rates.* A schedule of reasonable rates to be charged by wreckers operating on the city's towing list shall be established by the director and it is unlawful for any wrecker to charge rates other than as set forth in said schedule whenever such wrecker provides towing service in response to a call from the police department. The schedule of rates shall be set forth as a part of the rules and regulations governing wreckers. The director shall annually review the rate schedule to determine its adequacy and appropriateness and shall make such changes as he or she deems necessary. In setting or revising rates, the director shall give consideration to the rates charged for similar services in the greater Denver metropolitan area. The annual rate survey shall include at least three cities, other than the City of Broomfield, in the Denver metropolitan area. The rate schedule as set forth in the rules and regulations shall not apply to towing services conducted by a wrecker when his or her services are not requested by the police department.

(E) *Enforcement.* The director shall promulgate such other rules and regulations as are necessary to effectuate the purposes of this chapter. (Ord. 471 §1, 1982; Ord. 473 §1, 1982)

10-24-040 Suspension and revocation of license.

(A) *Suspension.* Upon a showing that a wrecker has violated the provisions of this chapter of the rules and regulations provided for herein, the director may suspend for a period of up to six months or revoke the license of any wrecker. Except as provided in subsection (D) of this section, such suspension or revocation shall not take effect for a period of ten days following service upon the wrecker of notice of suspension or revocation, which notice shall specify the reasons for which the action is being taken.

(B) *Service of notice.* Service of the notice shall be by personal service upon the wrecker or his or her agent or by certified mail, return receipt requested, sent to the business address of the wrecker as shown on his or her license.

(C) *Hearing.* Upon receipt of a notice of suspension or revocation, a wrecker may request a hearing before the director. Such request shall be in writing to the director and be made within five days of receipt of the notice. The licensee at such hearing shall have a right to be represented by counsel, to present evidence in his or her own behalf and cross-examine the witnesses presented against him or her. Upon conclusion of the hearing, the director shall take the matter under advisement and shall issue a written opinion and decision within ten days. No action shall be taken against the license of the wrecker during the pendency of such proceedings.

(D) *Effective date of suspension.* The director may issue a suspension order effective immediately upon service of notice of the suspension upon a wrecker when the director determines that the public health, safety, and welfare requires such immediate action, and in conjunction with the issuance and service of a notice as provided for in subsections (A) and (B) of this section. Any such notice shall state that the suspension shall be effective immediately upon service of the notice, and shall advise the wrecker of his or her right to a hearing under the provisions of this subsection and subsection (C) of this section. (Ord. 471 §1, 1982; Ord. 473 §1, 1982)

10-24-050 Towing authorization.

No wrecker licensed by the city and no person engaged in the business of towing vehicles shall commence or originate the towing of a vehicle within the city without the written consent of the registered owner, legal owner, person in control, driver, or the authorized agent of any of them or other person having a legal right to possession of the vehicle, or from a police officer, save and except under the following circumstances:

(A) A tow which is otherwise lawful may be commenced or originated by a person engaged in the business of towing vehicles if such person first notifies the police department of the city. Such notification shall include a description of the vehicle to be towed, the time of the tow, the destination of the tow and the reason for which the vehicle is being towed.

(B) The owner or person in lawful possession of private property may have a parked or abandoned vehicle towed from such property, provided that such towing is in compliance with applicable statutes and provisions of this code. Any person conducting the tow of such a vehicle shall first comply with requirements of subsection (A) of this section relating to notification of the police department. (Ord. 471 §1, 1982; Ord. 473 §1, 1982)

Chapter 10-26

Regulation of the Transportation of Hazardous Materials

10-26-010 Transportation of hazardous materials; code adopted.

(A) The following rules and regulations are hereby adopted, by reference:

(1) The Colorado Department of Health Rules and Regulations concerning generators and transporters of hazardous waste, as found in Volume 6 of the Colorado Code of Regulations 1007-3, Parts 262 and 263;

(2) The Colorado Department of Public Safety Rules and Regulations concerning minimum standards for the operation of commercial vehicles, as found in Volume 8 of the Colorado Code of Regulations 1507-1; and

(3) The Colorado Department of Public Safety, Division of State Patrol Rules and Regulations concerning transportation and shipping of hazardous materials, as found in Volume 8 of the Colorado Code of Regulations 1507-9.

(B) All references in the rules and regulations adopted by this section to federal and state agencies, their authorized personnel and enforcement officials shall also be construed to mean the city of Broomfield and its authorized personnel.

(C) Copies of the rules and regulations adopted by this section shall be available for review at the office of the city clerk. (Ord. 901 §1, 1991; Ord. 1196 §§6, 7, 8, 1996; Ord. 1568 §§5-7, 2001)

10-26-020 Compliance with adopted codes required.

(A) Hazardous materials, hazardous waste, and hazardous substances shall be transported and delivered within the city limits in accordance with the rules and regulations adopted by this chapter.

(B) The parking and garaging of vehicles containing hazardous materials, hazardous waste, or hazardous substances, which parking and garaging is incident to the transporting of such materials, waste, or substances along such routes as are, from time to time, designated by the Colorado State Patrol for the pickup and delivery of such materials, waste, or substances within the city limits, shall be in accordance with the rules and regulations adopted by this chapter. (Ord. 901 §1, 1991)

10-26-030 Definitions.

As used in this chapter, the following words and phrases will have the meaning ascribed to them herein:

(A) *Containing hazardous materials, hazardous wastes, or hazardous substances* shall mean transporting, carrying, holding, or otherwise accommodating hazardous materials, hazardous waste, or hazardous substances, which materials, waste, or substances are not being utilized as the primary source for fueling the vehicle's internal combustion engine.

(B) *Garage or garaging* shall mean the storing, housing, or indoor parking of vehicles.

(C) *Hazardous materials, hazardous waste, or hazardous substances* shall have that meaning ascribed to hazardous materials as set forth in section 43-6-103(3), C.R.S.

(D) *Park or parking* shall mean the standing or stopping of a vehicle, whether or not occupied.

(E) *Vehicle* shall mean any device which is capable of moving itself, or being moved from place to place, upon wheels or endless tracks. (Ord. 901 §1, 1991)

10-26-040 Vehicle on public street, highway, or alley.

It shall be unlawful to park any vehicle on or within five feet of traveled portion of any public street, highway, or alley, or for any portion of said vehicle to be extended into the traveled portion of any public street, highway, or alley while hazardous materials, hazardous wastes, or hazardous substances are being loaded or unloaded into the vehicle. (Ord. 901 §1, 1991)

10-26-050 Backing a vehicle without a flagman.

It shall be unlawful to back a vehicle into or from a public street, highway, or alley for the purpose of making a delivery or pickup of hazardous materials, hazardous waste, or hazardous substances without a flagman directing traffic on said public street, highway, or alley. (Ord. 901 §1, 1991)

10-26-060 Parking and garaging.

(A) It shall be unlawful for any person to park, garage, or otherwise leave unattended a vehicle containing hazardous materials, hazardous waste, or hazardous substances within the city, except under the following circumstances:

(1) In those areas that have a valid permit for the parking or garaging of vehicles containing hazardous materials, hazardous waste, or hazardous substances as described in section 10-26-070 of this chapter.

(2) Emergency parking. In the event of an accident or other emergency situation where the operator must leave to obtain assistance, such person shall be permitted to leave his or her vehicle unattended for a reasonable period of time. If a vehicle transporting hazardous materials, hazardous waste, or hazardous substances is parked within the city due to an emergency situation, the operator, or the vehicle owner if such operator is unavailable, shall immediately notify the police department and the West Adams County Fire Department as to the vehicle location, proper shipping name, and quantity of hazardous materials, hazardous waste, or hazardous substances, the location of the vehicle operator, and a telephone number where the operator or a representative of the firm operating the vehicle can be reached until the emergency situation is abated.

(B) Notwithstanding any provision to the contrary, this section 10-26-060 shall not apply to any parking and garaging of vehicles containing hazardous materials, hazardous waste, hazardous substances incident to the transporting of such materials, waste, or substances along such routes as are, from time to time, designated by the Colorado State Patrol or the pickup and delivery of such materials, waste, or substances within the city limits. (Ord. 901 §1, 1991)

10-26-070 Hazardous material vehicle parking permits.

(A) *Permit required.* Hazardous material vehicle parking and garaging permits shall be obtained from the police department prior to allowing the parking or garaging of vehicles containing hazardous materials, hazardous waste, or hazardous substances. A separate permit shall be required for each parking space or garage location.

(B) *Application for permit.* All applications for the permit referenced by this section shall be made to the police department in such form and in such detail as it shall prescribe. Applications for permits shall be accompanied by such plans as may be required by the police department.

(C) *Fees.* Fees for required permits shall be established by the police chief and shall be paid at the time of permit application. Such fee shall be equally divided among the police department and West Adams County Fire Department.

(D) *Condition of permit.* A permit issued under this section shall constitute permission to park or garage vehicles containing hazardous materials, hazardous waste, or hazardous substances. Such permission shall not be construed as authority to violate, cancel, or set aside any other provisions of the city code or other laws.

(E) *Issuance of the permit.* The permit referenced under this section shall be issued upon the approval of the police chief and West Adams County Fire Department fire chief only for such locations that:

(1) The applicant demonstrates that the parking and garaging of such vehicles would be in compliance with the city's zoning regulations and development standards; and

(2) The applicant demonstrates that the site meets the following requirements:

a. Is surrounded by a minimum six-foot-high chainlink fence, with a barbed wire top.

b. Provides for a locked gate when the area or vehicles are unattended.

c. Is posted "No Smoking" within the secured area.

d. Where the fire chief has determined that there are adequate portable extinguishers with a minimum 4A40BC rating, within a fifty-foot travel distance from the vehicles, exclusive of those extinguishers found in the vehicle.

e. Vehicles shall be prohibited from parking within 100 feet of any building's air intake structures.

f. All vehicles shall be required to be properly placarded at all times.

g. Open flame welding shall be prohibited within the secured area.

h. Parking area shall be surfaced with asphalt or concrete.

i. Vehicles shall be prohibited from parking within fifty feet of any property line or any building.

(3) The police chief may modify the provisions of this subsection 10-26-070(E) where there are practical difficulties in the way of carrying out the strict letter of this subsection; provided that the spirit of this section shall be complied with, public safety secured, and substantial justice done.

(F) *Term of permit.* The term for each hazardous material parking or garaging permit shall be established by the police chief for a period not to exceed twelve months.

(G) *Application of section.* Notwithstanding any provisions to the contrary, this section shall not apply to any parking and garaging of vehicles containing hazardous materials, hazardous waste, or hazardous substances incident to the transporting of such materials, waste, or substances along such routes as are, from time to time, designated by the Colorado State Patrol or the pickup and delivery of such materials, waste, or substances within the city limits. (Ord. 901 §1, 1991)

10-26-080 Vehicle accidents and spills.

If any hazardous materials, hazardous waste, or hazardous substances are spilled, discharged, or released within the city without a permit, the police department and West Adams County Fire Department shall be immediately notified.

The following information is necessary for proper notification under this section:

(A) Location of the spill, discharge, or release;

(B) Proper shipping name of the materials, waste, or substances involved;

(C) Amount of materials, waste, or substances involved;

(D) Information concerning the ignitability, corrosivity, reactivity, or toxicity of the hazardous materials, hazardous waste, or hazardous substances involved; and

(E) Any other information available that may affect either the cleanup of the materials, waste, or substances or the health or safety of the individuals in or around the spill, discharge, or release. (Ord. 901 §1, 1991)

10-26-090 Enforcement.

The fire chief and his or her subordinates are hereby specifically authorized and directed to administer and enforce all provisions of this chapter. The fire chief and his or her subordinates shall have the powers of a police officer in the enforcement of this chapter. Police officers, the fire chief and his or her subordinates shall have the power and are hereby authorized to immobilize, impound, or otherwise direct the disposition of motor vehicles containing hazardous materials, hazardous waste, or hazardous substances when it is determined that the motor vehicle or operation thereof is unsafe or when such immobilization, impoundment, or disposition is appropriate under the rules and regulations adopted by this chapter. (Ord. 901 §1, 1991)