

## Table of Contents

### Title 10

#### VEHICLES AND TRAFFIC

##### Chapters:

##### **10.04 Model Traffic Code**

- 10.04.010 Adoption
- 10.04.020 Application
- 10.04.030 Amendments
- 10.04.040 Penalties
- 10.04.050 Trials

##### **10.05 Solicitation in Rights-of-Way**

- 10.05.010 Solicitation in the rights-of-way
- 10.05.020 Violation; penalty

##### **10.08 Restricted Parking**

- 10.08.010 Area designated
- 10.08.020 Authority to set parking restrictions and parking restrictions
- 10.08.030 Repealed
- 10.08.040 Repealed
- 10.08.050 Special event parking restrictions
- 10.08.060 Applicability
- 10.08.070 Enforcement
- 10.08.080 Violation; penalty

##### **10.10 Snow Routes**

- 10.10.010 Definitions
- 10.10.020 Designation of snow routes and posting of signs
- 10.10.030 Declaration of snow storm conditions
- 10.10.040 Parking restrictions during snow storm condition
- 10.10.050 Enforcement
- 10.10.060 Termination of condition by Manager
- 10.10.070 Announcements by Manager
- 10.10.080 No liability
- 10.10.090 Violation; penalty

##### **10.12 Public Parking Areas**

- 10.12.010 Jerry, Fair and South Streets
- 10.12.020 Rock Street

##### **10.16 Trucks and Semitrailers**

- 10.16.010 Parking in residential areas prohibited
- 10.16.020 Loading and unloading
- 10.16.030 Trucks smaller than one (1) ton
- 10.16.040 Trespassing designated

##### **10.20 Abandoned, Junked or Wrecked Vehicles**

- 10.20.010 Definitions
- 10.20.020 On public property
- 10.20.030 On private property
- 10.20.040 Removal -- public tow

10.20.050 Removal -- private tow  
10.20.060 Special permits  
10.20.070 Enforcement

## **Chapter 10.04**

### **Model Traffic Code**

- 10.04.010 Adoption**
- 10.04.020 Application**
- 10.04.030 Amendments**
- 10.04.040 Penalties**
- 10.04.050 Trials**

#### **10.04.010 Adoption.**

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the Model Traffic Code, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations of the Town. The purpose of this Chapter and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 2003-43 §1, 2003; Ord. 96-07 §1(part), 1996; Ord. 6.11 §1, 1982)

#### **10.04.020 Application.**

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place, public parking area, 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, 1409(3) and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, compulsory insurance and eluding a police officer, shall apply not only to public places and ways but also throughout this municipality. (Ord. 2003-43 §1, 2003; Ord. 96-07 §1(part), 1996; Ord. 6.11 §4, 1982)

#### **10.04.030 Amendments.**

The adopted code shall be amended to read as follows:

A. Section 103(2)(b) is hereby amended to read in its entirety as follows:

"(b) For provisions of sections 1401, 1402, 1409(3) and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction."

B. Section 106 is hereby amended to read in its entirety as follows:

"106. Restricted right to use highways.

"(1) The Public Works Director may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway whenever the Public Works Director finds that any said highway by reason of deterioration, rain,

snow, or other climatic conditions may be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any such highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(2) The Public Works Director may prohibit the operation of trucks and commercial vehicles or construction vehicles on designated highways or may impose limitations as to the weight, size or type thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(3) The Public Works Director for the purpose of general construction which may impact a roadway to the extent that closure is reasonably necessary to avoid creation of a public safety hazard, or for the purpose of road construction and maintenance, temporarily may close to all vehicular traffic any highway or portion thereof, and shall in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(4) The Public Works Director may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades and special local events or civic functions for which a valid permit has been issued by the Town allowing the event to occupy the public way, and when in the opinion of the Public Works Director such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing. Such temporary closing of the highway or portion thereof shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(5) The Public Works Director may prohibit the operation of all vehicles, except authorized emergency and maintenance vehicles, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

"(6) Conviction of a violation of any provision of this Section shall be punished by a fine of one hundred dollars (\$100.00)."

C. Section 108(3) is hereby amended to read in its entirety as follows:

"108. Public officers to obey provisions - exceptions for emergency vehicles.

"(3) The exemptions granted in paragraphs (b) to (d) of subsection (2) of this section to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and/or visual signals meeting the requirements of section 213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this part need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied."

D. Section 109.5(1) is hereby amended to read in its entirety as follows:

"109.5 Neighborhood electric vehicles.

"(1) Except as provided in section 42-4-111(1)(aa), C.R.S., no person shall operate a neighborhood electric vehicle as defined in section 42-1-102(60), C.R.S., on a highway."

E. Section 236(2)(b) is hereby amended to read in its entirety as follows:

"236. Child restraint system; required - definitions - exemptions.

"(2)(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least four years of age or weighs forty pounds or more, being transported in this state in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be properly secured by one of the following safety devices approved for a child of such age or weight by the United States Department of Transportation, or in a safety belt, whichever is appropriate for the child:

"(I) Except as otherwise provided in subparagraph (I.5), of this paragraph (b), if the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, the child shall be properly restrained in a child booster seat or with a child safety belt-positioning device.

"(I.5) If the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, and if the child is being transported in a vehicle equipped with only a two-point-lap-belt-only system available for the child, the child shall be properly restrained with a lap belt.

"(II) If the child is six years of age or older or is fifty-five inches tall or more, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body."

F. Section 511(1)(a) is hereby amended to read in its entirety as follows:

"511. Permit standards - local.

"(1)(a) Any permits which may be required by this local government shall be issued in accordance with ordinances and resolutions adopted by the elected governing body after a public hearing. Notice of such public hearing shall be published in a newspaper having general circulation within the local authority's jurisdiction in compliance with the local jurisdiction's requirements for public notification of ordinances or resolutions. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing."

G. Section 602 is hereby amended by deleting subsection (2).

H. Section 604(1)(c)(I)(A) is hereby amended to read in its entirety as follows:

"604. Traffic control signal legend.

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

I. Section 604(1)(c)(I)(B) is hereby amended to read in its entirety as follows:

"604. Traffic control signal legend.

"(1)(c)(I)(B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this subparagraph (B) if local authorities have prohibited any such left turn and erected a sign giving notice of any such prohibition at each intersection where such left turn is prohibited."

J. Section 604(1)(c)(III) is hereby amended to read in its entirety as follows:

"604. Traffic control signal legend.

"(1)(c)(III) Unless otherwise permitted by an official sign erected at the intersection, vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, 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 make the movement indicated by such arrow is shown."

K. Section 614 is hereby amended as follows:

"614. Designation of highway maintenance, repair or construction zones - signs - mandatory surcharge for speeding.

"(1) If maintenance, repair or construction activities are occurring or will be occurring within four hours on a local street or state highway, local authorities within its jurisdiction may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone that is designated pursuant to the provisions of this section is subject to the mandatory surcharge imposed by section 1701(5) in addition to any penalties and other surcharges imposed by the court.

"(2) Local authorities, within their jurisdiction, shall designate by appropriate signs a maintenance, repair or construction is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

"(3) Signs used for designating the beginning and end of a maintenance, repair or construction zone shall conform to the Department of Transportation requirements. Local authorities may place such a sign on a moving vehicle if required for certain department activities, including, but not limited to highway painting work."

L. Section 615 is hereby amended to read as follows:

"615. School zones - mandatory surcharge for moving traffic violations.

"(1) Any person who commits a moving traffic violation in a school zone is subject to the mandatory surcharge imposed by section 1701(5) in addition to any penalties and other surcharges imposed by the court.

"(2) For the purpose of this section 'school zone' means an area that is designated as a school zone and has appropriate signs posted indicating that increased penalties are in effect. Local authorities, with streets under their jurisdiction, shall designate the placement of traffic signs that designate the area that will be deemed to be a school zone for the purposes of this section. In making such designation, local government authorities shall consider when increased penalties and surcharges are necessary to protect the safety of school children.

"(3) This section does not apply if the mandatory surcharge for a violation has been imposed pursuant to sections 614 and 616 because such violation also occurred within a highway maintenance, repair or construction zone or within a speed safety sensitive zone."

M. The Model Traffic Code is hereby amended by adding a new Section 616 to read as follows:

"616. Designation of speed safety sensitive zones - mandatory surcharge for speeding.

"(1) The Town may designate portions of a highway as speed safety sensitive zones. Any person who commits a speeding violation in a speed safety sensitive zone that is designated pursuant to the provisions of this section is subject to the mandatory surcharge imposed by section 1701(5) in addition to any penalties and other surcharges imposed by the court.

"(2) The Town shall designate a speed safety sensitive zone by erecting or placing an appropriate sign in a conspicuous place where the speed safety sensitive zone begins. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. The Town shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A speed safety sensitive zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

"(3) Signs used for designating the beginning and end of a speed safety sensitive zone shall conform to Town requirements."

N. Section 805(5) is hereby amended to read in its entirety as follows:

"805 Pedestrians walking or traveling in a wheelchair on highways.

"(5) This local government may regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 42-4-110 and 42-4-111, C.R.S., but no regulation of such use of streets and highways in a manner differing from this section shall be effective until official signs or devices giving notice thereof have been placed as required by section 42-4-111(2), C.R.S."

O. Section 1101(2)(c) is hereby amended to read in its entirety as follows:

"(c) Twenty-five miles per hour in any residence district, as defined in section 42-1-102(80), C.R.S."

P. Section 1409 is hereby amended to read in its entirety as follows:

"1409. Compulsory insurance - penalty.

"(1) 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 local government when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

"(2) No person shall operate a motor vehicle on the public highways of this local government without a complying policy or certificate of self-insurance in full force and effect as required by law.

"(3) When an accident occurs, or when requested 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 law.

"(4) Any person who violates the provisions of subsection (1), (2) or (3) of this section commits a traffic offense.

"(5) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required

by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

"(6) No person charged with violating subsection (1), (2) or (3) 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 law, at the time of the alleged violation."

Q. Section 1701(5) is hereby added to the Model Traffic Code to read as follows:

"1701(5). Traffic offenses classified - schedule of fines.

"(5) In addition to any penalty and other surcharge imposed for any traffic violation from the fine schedule adopted by the court, if the traffic violation occurs within a speed safety sensitive zone designated by the Town, a maintenance, repair or construction zone designated by the Town or a school zone, the court shall impose a mandatory surcharge of \$100.00."

R. Section 1702, Counties - traffic offenses classified - schedule of fines, is hereby deleted.

S. Section 1709 is hereby amended to read in its entirety as follows:

"1709. Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license.

"(1) Whenever a penalty assessment notice for a traffic offense is issued pursuant to section 1701, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute or ordinance alleged to have been violated, a brief description of the traffic offense, the date and approximate location thereof, the amount of the penalty prescribed for such traffic infraction, the amount of the surcharge thereon pursuant to section 24-4.2-109, C.R.S., the number of points, if any, prescribed for such traffic infraction pursuant to section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgement of liability and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed set by ordinance or court order.

"(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the municipal court and such other copies sent as may be required by rule or regulation of the motor vehicle division to govern the internal administration of this article between the motor vehicle division and the Colorado State Patrol.

"(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date of such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

"(4) The place specified in the summons portion of said penalty assessment notice must be a municipal court or county court within the municipality or county in which the traffic infraction is alleged to have been committed.

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

(Ord. 2004-25 §1, 2004; Ord. 2003-43 §1, 2003; Ord. 2002-65 §1, 2002; Ord. 98-31 §§1, 2, 1998; Ord. 98-28 §§1, 2, 3, 1998; Ord. 98-15 §1, 1998; Ord. 96-07 §1(part), 1996; Ord. 90-23 §1(part), 1990)

#### **10.04.040 Penalties.**

The following penalties shall be imposed against any person violating the provisions stated or adopted in this Chapter:

A. Every person convicted of a violation of any provision stated or adopted in this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), except for violations of Section 1101, Speed Limits, where the speed exceeds nineteen (19) miles over the posted speed limit (six-point charge), Section 1105, Speed Contests, Section 1401, Reckless Driving, Section 1402, Careless Driving, Section 1409, Compulsory Insurance, Section 1413, Eluding or Attempting to Elude a Police Officer, and Section 1903, Passing a School Bus, of the Model Traffic Code.

B. Every person convicted of a violation of Section 1101, Speed Limits, where the speed exceeds nineteen (19) miles over the posted speed limit (six-point charge), Section 1105, Speed Contests, Section 1401, Reckless Driving, Section 1402, Careless Driving, Section 1409, Compulsory Insurance, Section 1413, Eluding or Attempting to Elude a Police Officer, or Section 1903, Passing a School Bus, of the Model Traffic Code as adopted by the Town shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. (Ord. 2003-43 §1, 2003; Ord. 98-27 §1, 1998; Ord. 96-07 §1(part), 1996; Ord. 90-23 §1(part), 1990)

#### **10.04.050 Trials.**

A defendant shall be entitled to a jury trial on any offense charged under this Chapter if:

A. The offense is punishable by a jail sentence as provided in this Chapter; and

B. Within ten (10) days after arraignment, the defendant files a written jury demand and at the same time tenders a jury fee of twenty-five dollars (\$25.00), unless the jury fee is waived by the judge because of the indigence of the defendant.

All other offenses under this Chapter, including offenses where the defendant has not timely perfected the right to a jury trial under Subsection B above, shall be tried to the court with the Municipal Judge as the fact finder. (Ord. 2003-43 §1, 2003; Ord. 89-133 §2, 1989)

## Chapter 10.05

### Solicitation in Rights-of-Way

#### 10.05.010 Solicitation in the rights-of-way

#### 10.05.020 Violations

#### 10.05.010 Solicitation in the rights-of-way.

A. The purpose of this Section is to prevent dangers to persons and property, to prevent delays and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. The presence of pedestrians on center medians poses dangers to both pedestrians and traffic and interferes with the traffic planning process. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

B. It shall be unlawful for any person to solicit employment, business, contributions or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street, road or highway when such solicitation or collection:

1. Causes the person performing the activity to enter onto the traveled portion of a street or highway;
2. Involves the person performing the activity to be located upon any median area that separates traffic lanes for vehicular travel in opposite directions; or
3. The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

C. It shall be unlawful for any person to solicit or attempt to solicit employment, business or contributions of any kind from the occupant of any vehicle on any highway included in the interstate system, including any entrance to or exit from such highway.

D. For purposes of this Section, *the traveled portion of the street or highway* shall mean that portion of the road normally used by moving motor vehicle traffic. (Ord. 2007-02 §1, 2007)

#### 10.05.020 Violation; penalty.

Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment for each separate violation. (Ord. 2007-02 §1, 2007)

## Chapter 10.08

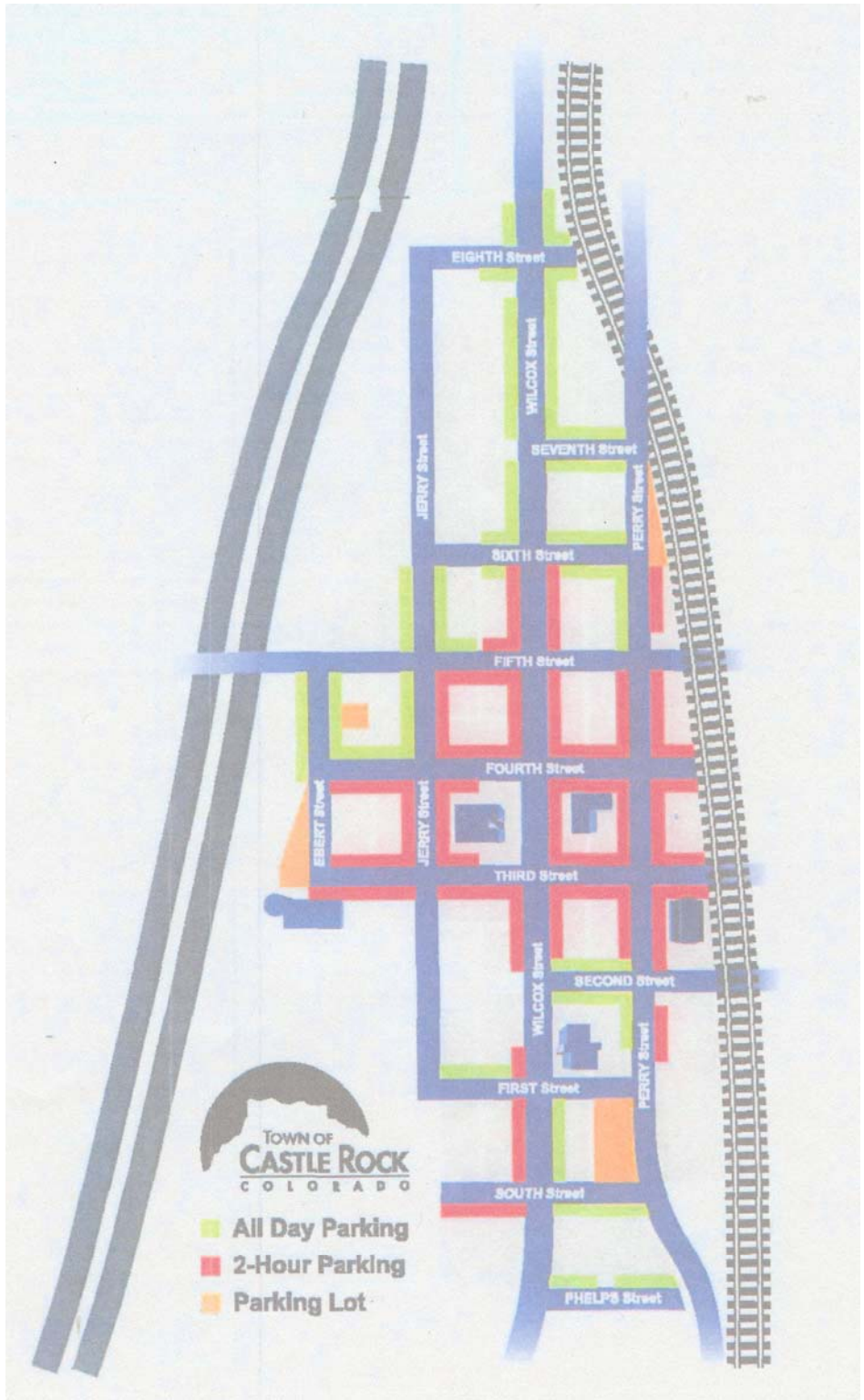
### Restricted Parking

#### 10.08.010 Area designated

- 10.08.020 Authority to set parking restrictions and parking restrictions**
- 10.08.030 Repealed**
- 10.08.040 Repealed**
- 10.08.050 Special event parking restrictions**
- 10.08.060 Applicability**
- 10.08.070 Enforcement**
- 10.08.080 Violation; penalty**

**10.08.010 Area designated.**

The within limitation on parking within the Town shall govern all on-street parking within an area described as follows and set forth in the restricted parking map attached and incorporated below. The Town Manager or his or her designee shall maintain the restricted parking map attached and incorporated below. The revisions, modifications, amendments, additions, deletions or other changes of any nature to the restricted parking map. The restricted parking map revisions, modifications, amendments, additions, deletions or other changes of any nature shall not take effect prior to fifteen (15) days from the date the restricted parking map is filed in the office of the Town Clerk and the map is posted at the designated public place for posting notices. The Town Clerk shall cause the parking restriction map to be published in a paper of general circulation once before the effective date of the map. The Town Manager or his or her designee shall cause signs to be placed in the restricted parking areas listing the restrictions and penalties for any violation of the restricted parking provisions. For the purposes of this Chapter, to cause a vehicle to be so parked shall be the responsibility of either the registered owner as on file with the state within which the vehicle is registered, or the driver of the vehicle, and any officer issuing a citation for unlawful parking shall be permitted to issue such citation by effective description of the vehicle and leaving the citation on the windshield thereof.



(Ord. 2007-16 §1, 2007; Ord. 2001-11 §1, 2001; Ord. 99-35 §1, 1999; Ord. 6.10 §1, 1982: Ord. 6.07 §1, 1979)

**10.08.020 Authority to set parking restrictions and parking restrictions.**

A. The Town Manager or his or her designee shall determine and set the time limits, charges and days and hours of operation for parking meters, not to exceed five (5) consecutive hours, and this determination shall be based upon study and investigation as a public convenience and safety requirement.

B. The Town Manager or his or her designee shall issue permits for parking in the public rights-of-way outside of the roadway.

C. The Town Manager or his or her designee has the authority to establish, regulate and enforce on-street parking, specifically:

1. Establish parking restrictions, limitations, regulations or prohibitions;
2. Keep records of all streets and places with parking restrictions and posted signs;
3. Establish construction zones for special parking;
4. Designate special parking zones for taxicabs, television, press and radio cars or other special parking zones;
5. Designate location of angle parking; and
6. Issue permit placement of parking restriction signs.

D. Special rules for access and time limits may be established for:

1. Handicapped parking;
2. Emergency access lanes;
3. Permits for parking in truck loading zones;
4. Prohibited parking during street cleaning, etc.;
5. Restricted press or radio parking zones;
6. Street closures by contractors; and
7. Special event parking restrictions and permits pursuant to Section 10.08.050 below. (Ord. 2007-16 §1, 2007)

**10.08.030 Repealed.**

**10.08.040 Repealed.**

**10.08.050 Special event parking restrictions.**

A. A *special event* is any event in the Town for which the Town grants a street closure.

B. If the Town Manager or his or her designee determines that additional parking restrictions should be in place for a special event, the Town Manager or his or her designee shall file a restricted parking plan with the Town Clerk to address the public safety, access and the movement of traffic and pedestrians during the special event. Said Special Event Restricted Parking Plan may include limiting access for on-street parking to local businesses and patrons, barricade plans and alternate access routes. The Town Manager or his or her designee shall file said Special Event Restricted Parking Plan with the Town Clerk at least fifteen (15) days before the special event. The Town Clerk shall cause the Special Event Restricted Parking Plan to be published in a paper of general circulation once before the special event. The Town Manager or his or her designee shall cause signs to be placed in the restricted parking areas listing the restrictions and penalties for any violation of the restricted parking provisions.

C. It shall be unlawful for any person to park in violation of the Special Event Restricted Parking Plan. (Ord. 2007-16 §1, 2007; Ord. 2001-11 §1, 2001)

**10.08.060 Applicability.**

This Chapter shall be deemed supplemental to all other regulations of the Town, including the Model Traffic Code as adopted by the Town, and statutes of the State, the same to continue in control with respect to all parking matters not addressed in this Chapter. (Ord. 2007-16 §1, 2007; Ord. 2001-11 §1, 2001; Ord. 6.07 §4, 1979)

**10.08.070 Enforcement.**

It shall be the duty of the officers of the Police Department or any other law enforcement officer so authorized to enforce this Chapter within the corporate limits of the Town to issue a summons and complaint, which may be a mail-in ticket as authorized by the Municipal Court, to any owner or driver of any vehicle found in violation of this Chapter. In the event no response is made to said summons and complaint within fifteen (15) days of the issuance thereof, the officers of the Police Department may inquire of the State Department of Revenue, Motor Vehicle Division, to determine the registered owner of the vehicle, and it shall be presumed that the registered owner caused the vehicle to be unlawfully parked. (Ord. 2007-16 §1; Ord. 2001-11 §1, 2001; Ord. 6.09 §2, 1980; Ord. 6.07 §5, 1979)

**10.08.080 Violation; penalty.**

Any person found in violation of any provision of this Chapter shall, upon conviction or admission thereof, be required to pay a fine in the amount of ten dollars (\$10.00). A penalty charge of twenty dollars (\$20.00) shall be added to the fine if the summons and complaint is not answered or contested

within fifteen (15) days of issuance. (Ord. 2007-16 §1; Ord. 2001-11 §1, 2001; Ord. 6.09 §1, 1980; Ord. 6.07 §6, 1979)

## **Chapter 10.10**

### **Snow Routes**

- 10.10.010 Definitions**
- 10.10.020 Designation of snow routes and posting of signs**
- 10.10.030 Declaration of snow storm conditions**
- 10.10.040 Parking restrictions during snow storm condition**
- 10.10.050 Enforcement**
- 10.10.060 Termination of condition by Manager**
- 10.10.070 Announcements by Manager**
- 10.10.080 No liability**
- 10.10.090 Violation; penalty**

#### **10.10.010 Definitions.**

As used in this Chapter, the following terms shall have the following meanings unless the context indicates otherwise:

*Director* means the director of public works or designated representative.

*Manager* means the Town Manager or designated representative.

*Street or highway* means the entire width between the boundary lines of every way publicly maintained and open to the use of the public, as a matter of right, for the purpose of vehicular travel.

*Snow route* means a street or highway designed as a snow route pursuant to this Chapter and for which a sign or signs have been posted in accordance with this Chapter. (Ord. 88-24 §1 (part), 1988)

#### **10.10.020 Designation of snow routes and posting of signs.**

A. The Manager may designate or change snow routes within the Town after recommendation from the director. Such recommendation shall be based upon the director's judgment as to which streets or highways should be free of parked, stopped or stalled vehicles when a snow storm condition has been declared in accordance with this Chapter, in order to expedite motor vehicle traffic or to facilitate snow removal. The designation by the Manager shall be in writing and kept on file with the director of public works.

B. Along each street or highway designed as a snow route pursuant to Subsection A of this Section, the director shall cause to be posted at reasonable intervals traffic signs indicating by the appropriate wording that the street or highway has been designated as a snow storm condition. The lack of visibility of any such sign when a parking restriction is in effect pursuant to Section 10.10.040 shall not excuse the owner or operator of any vehicle from complying with the provisions of this Chapter. (Ord. 88-24 §1(part), 1988)

**10.10.030 Declaration of snow storm conditions.**

The Manager, after recommendation from the director, may declare a snow storm condition to be in effect. The director's recommendation may be made when the director learns of a forecast of or the existence of accumulations or drifting of snow which in the director's judgment are or will be substantial, and which necessitates prohibiting parking on snow routes for snow plowing or other purposes. (Ord. 88-24 §1(part), 1988)

**10.10.040 Parking restrictions during snow storm condition.**

A. When a snow storm condition has been declared, the parking restrictions provided in this Section shall be in effect. The Manager shall provide an announcement in the manner provided in Section 10.10.070 stating that the restriction is in effect.

B. When a snow storm condition has been declared, no person shall stop, stand or park any vehicle on any portion of a snow route, or leave, abandon or permit to remain stalled, any vehicle which is stalled on any portion of a snow route. Such person shall take immediate action to cause the vehicle to be moved to a lawful parking place on a street which is not a snow route, or to some other place where the vehicle may be parked lawfully.

C. It shall be an affirmative defense in any prosecution for a violation of subsection B of this Section that the owner or operator of a stalled vehicle was at the time of the issuance of the citation attempting to secure assistance to move the stalled vehicle. The availability of such affirmative defense shall not affect the validity of any action taken pursuant to subsection B of Section 10.10.050 or the imposition of responsibility for any costs incurred pursuant to subsection C of Section 10.10.050.

D. Nothing in this Section shall be construed to permit parking, stopping or standing in violation of any other regulation concerning the parking, stopping or standing of vehicles. (Ord. 88-24 §1(part), 1988)

**10.10.050 Enforcement.**

A. Any peace officer of the Town may issue a citation for any violation of subsection B of Section 10.10.040. If the owner or operator of the vehicle is present when the violation is discovered, no citation shall be issued until the owner or operator has been ordered to cause the vehicle to be removed immediately from the snow route and such owner or operator has failed or refused to comply with such order.

B. The director or any peace officer of the Town may order the removal of any vehicle which is in violation of subsection B of Section 10.10.040 and for which a citation has been issued prior pursuant to subsection A of this Section. The vehicle shall be removed to the nearest place where, in the judgment of the director or the peace officer, the vehicle will not obstruct a snow route.

C. The owner or operator of a vehicle removed from a snow route pursuant to subsection B of this Section shall be responsible for all costs incurred as a result of such removal. (Ord. 88-24 §1(part), 1988)

**10.10.060 Termination of condition by Manager.**

Whenever in the Manager's judgment the parking restriction in effect pursuant to Section 10.10.040 is no longer required to be in effect in all or part of the Town, the Manager may declare the restriction completely or partially terminated and where feasible, such termination shall be disseminated in the same manner as the original declaration. The Manager shall provide information relating to the termination of the restriction and information relating to the location or locations to which vehicles have been removed pursuant to subsection B of Section 10.10.050, in the manner provided in Section 10.10.070. (Ord. 88-24 §1(part), 1988)

**10.10.070 Announcements by Manager.**

The announcements provided for in Sections 10.10.030, 10.10.040 and 10.10.060 shall be provided to area radio and television stations that have expressed a desire to cooperate with the Town. Where feasible, such announcements may also be provided to newspapers having general circulation in the Town. The failure of any announcement to be disseminated by such radio and television stations or such newspapers, or the failure to receive actual notice pursuant to such dissemination or otherwise, shall not excuse the owner or operator of any vehicle from complying with the provisions of this Chapter. (Ord. 88-24 §1(part), 1988)

**10.10.080 No liability.**

The Town shall not be liable, and no officer, employee or agent of the Town shall be liable, for any damages resulting from any act or omission in any way connected with the removal of a vehicle pursuant to this Chapter. (Ord. 88-24 §1(part), 1988)

**10.10.090 Violation; penalty.**

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person. (Ord. 88-24 §1(part), 1988)

**Chapter 10.12**

**Public Parking Areas**

**10.12.010 Jerry, Fair and South Streets**

**10.12.020 Rock Street**

**10.12.010 Jerry, Fair and South Streets.**

A. That portion of Jerry, Fair and South Streets described in subsection B of this Section shall be reserved for public parking subject to the following regulation:

That said public parking area may be utilized for the parking of motor vehicles for periods not to exceed twelve (12) hours; provided, however, that all vehicles so parked must be operational and that said area may not be used for the storage of motor vehicles.

B. The area which may be utilized for said parking is described as follows:

That portion of South Street lying immediately north and adjacent to Block 1, Lot 9, Andrew's Addition to the Town;

That portion of Jerry Street lying immediately west and adjacent to Block 1, Lots 7, 8, and 9, Andrew's Addition to the Town; and

That portion of Fair Street lying immediately south and adjacent to Block 1, Lot 7, Andrew's Addition to the Town. (Ord. 5.23 §§1 and 2, 1975)

#### **10.12.020 Rock Street.**

A. That portion of Rock Street described in subsection B of this Section shall be reserved for public parking subject to the following regulation:

That said public parking area may be utilized for the parking of motor vehicles for a period not to exceed twelve (12) hours; provided, however, that all vehicles so parked must be operational and that said area may not be used for storage of motor vehicles.

B. The boundaries of the area which may be utilized for said parking are described as follows:

Beginning at the southwest corner of Lot 13, Block 16, New Wilcox Addition to the Town; thence on a line extended to the northwest corner of Lot 1, Block 15, New Wilcox Addition to the Town; thence west along the north line of said lot to the northeast corner of said lot; thence north on a line extended to the southeast corner of said Lot 13, Block 16; thence west along the south line of said lot to the point of beginning. (Ord. 6.04 §§1 and 2, 1974)

## **Chapter 10.16**

### **Trucks and Semitrailers**

**10.16.010 Parking in residential areas prohibited**

**10.16.020 Loading and unloading**

**10.16.030 Trucks smaller than one (1) ton**

**10.16.040 Trespassing designated**

**10.16.010 Parking in residential areas prohibited.**

It shall be unlawful for any person or organization to park any truck or truck tractor or semitrailer or tractor and semitrailer on the street in any residentially zoned area within the Town. (Ord. 6.03 §1, 1972)

**10.16.020 Loading and unloading.**

Nothing in this Chapter shall prohibit the parking of any truck or trailer on the street in a residentially zoned area for the purposes of loading and unloading the truck or trailer and during the period of loading and unloading of the truck and semitrailer. It shall be unlawful to park a truck or semitrailer on the street for longer than one (1) hour while not actively engaged in loading and unloading. (Ord. 6.03 §2, 1972)

**10.16.030 Trucks smaller than one (1) ton.**

Nothing in this Chapter shall prohibit parking trucks smaller than one-ton trucks in Town residential areas. (Ord. 6.03 §3, 1972)

**10.16.040 Trespassing designated.**

It shall be unlawful and constitute a trespass to park any operative or inoperative vehicle upon private property without permission of the owner or person in charge of the property. (Ord. 6.03 §4, 1972)

**Chapter 10.20**

**Abandoned, Junked or Wrecked Vehicles**

**10.20.010 Definitions**

**10.20.020 On public property**

**10.20.030 On private property**

**10.20.040 Removal -- public tow**

**10.20.050 Removal -- private tow**

**10.20.060 Special permits**

**10.20.070 Enforcement**

**10.20.010 Definitions.**

A. *Abandoned vehicle* means:

1. Any vehicle standing upon any portion of a street or highway right-of-way, or in a public parking lot for more than seventy-two (72) hours unless a dated notice has been conspicuously affixed to the vehicle by its driver or owner indicating an intention to remove the vehicle, or unless such driver or owner shall have notified the police department of his or her intention to remove the vehicle within seventy-two hours of such notification. If the driver or the owner of the vehicle for which the notification was given does not remove the vehicle within seventy-two (72) hours of such notification, then the vehicle shall be deemed abandoned.

2. Any vehicle left unattended on private property for more than twenty-four (24) hours without the consent of the owner or lessee of such private property or his legally authorized agent; or any vehicle parked on private property in violation of parking restrictions set by the private property owner in signs conspicuously posted on the private property and which signs contain the property owner's restrictions on parking and the name and telephone number of the towing operator by whom such vehicle will be removed; or, any vehicle left unattended on private

property in such manner as to impede or obstruct access to or from the private property by the owner, lessee or authorized agent of such private property or guests and invitees of such owner, lessee or authorized agent.

3. Any vehicle placed in an impound lot at the request of its owner or the owner's agent or an officer of the police department which is not lawfully removed from the impound lot in accordance with an agreement between the Town and the owner or the owner's agent, or within seventy-two (72) hours of the time the police department notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the police department requested the impoundment of the vehicle, the provisions of this Chapter governing the public tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned. In all other situations, the provisions of this Chapter governing the private tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned.

B. *Impound lot* means a parcel of real property which is owned or leased by a government or operator at which vehicles are stored under appropriate protection.

C. *Junked vehicle* includes any vehicle partially dismantled, wrecked or discarded, or any vehicle which is found to be inoperable, without valid licensing tags.

D. *Operator* means a person or entity licensed by the Colorado Public Utilities Commission and the Colorado Department of Revenue to tow and store abandoned vehicles.

E. *Person* means any person, firm, partnership, association, corporation, company or organization authorized to do business in the State or otherwise authorized to hold title to a vehicle.

F. *Police department* means the Castle Rock Police Department and the officers thereof.

G. *Private property* includes all other real property within the municipal limits of the Town not designated in this Chapter as a street or highway or other way or easement.

H. *Private tow* means any tow of a vehicle not requested by the police department.

I. *Public property* means any real property having its title, ownership, use or possession held by the federal government, the state of Colorado, any county of this state, the Town, or any other governmental entity within this state.

J. *Public tow* means any tow of a vehicle requested by the police department.

K. *Streets and highways* means the entire designated right-of-way belonging to the Town, County or State between property lines within the corporate limits of the Town, whether or not the property is being presently maintained as a roadway by the Town.

L. *Vehicle* means a machine propelled by power designed to travel along the ground by use of wheels, treads, runners or slide to transport persons or property or pull machinery and includes, but is not limited to, automobiles, airplanes, trucks, trailers, motorcycles, motor scooters, tractors and wagons.

M. *Wrecked vehicle* means a vehicle which has been made inoperable by accident or dismantlement. (Ord. 2001-39 §1, 2001; Ord. 6.06 §2, 1977)

**10.20.020 On public property.**

It is unlawful for any person who owns or is in possession of any vehicle to allow said vehicle to be left wrecked, junked or abandoned on any street, highway, public easement or way within the municipal limits of the Town. (Ord. 2001-39 §1, 2001; Ord. 6.06 §1(A), 1977)

**10.20.030 On private property.**

It shall be unlawful for any person who is the owner or in possession of any vehicle to permit or allow any junked, discarded or partially wrecked, or abandoned vehicle, or any parts thereof, to remain on any private property within the municipal limits of the Town; except that this Section shall not apply when any such vehicle, or parts thereof, are maintained in a lawful manner in an enclosed building, or when the maintenance thereof is in a properly zoned district and is necessary to the operation of a business enterprise on said private property, or when such vehicle, or parts thereof, are maintained in an appropriate storage place or depository maintained for the impoundment of said vehicles by the Town, County or State officials, or when a special permit is granted upon application to and approval by the Town Council. (Ord. 2001-39 §1, 2001; Ord. 6.06 §2(B), 1977)

**10.20.040 Removal -- public tow.**

A. The police department 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, junked or wrecked vehicle is upon a street 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 police department 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, junked or wrecked vehicle is found upon a street, 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 twenty-four (24) hours from the date and time of discovery.

3. When the vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition, provided that such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a tow-away zone.

4. When the driver of the vehicle has been taken into custody by the police department or other law enforcement official and the vehicle is thereby left unattended upon any street, highway, public right-of-way or restricted parking area.

5. When the driver of a vehicle is reasonably suspected of the unlawful use or misuse of license plates or a license permit, or the vehicle is being driven or is parked on public property without license plates or license permit, or the vehicle is being driven or parked on public property with an invalid or expired license plate or license permit.

6. When the driver of a vehicle refuses to display a valid operator's license or chauffeur's license or does not have such operator's or chauffeur's license in his or her possession or is operating a vehicle at a time when his or her operator's or chauffeur's license has been denied, cancelled, suspended or revoked by the State.

7. When the driver of a vehicle, or the vehicle which the driver is then driving, is reasonably suspected of involvement in a hit-and-run accident.

8. When the vehicle is reasonably suspected of being a stolen vehicle or containing parts that are stolen.

9. When the vehicle is reasonably suspected of being evidence of a felony or misdemeanor, or when the motor vehicle is necessary for the preservation of evidence of the commission of any crime.

10. Any vehicle involved in a traffic accident which would be left unattended unless towed.

B. In removing or causing to be removed from public property a vehicle deemed abandoned, wrecked or junked, the police department shall use and employ those procedures for removal, notification and disposition of such vehicles as set forth in the Colorado Abandoned Vehicle Act, Title 42, Article 4, C.R.S., as said Act now exists or may be hereafter amended.

C. In the removal of any abandoned, wrecked or junked vehicle from public property, neither the police department 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. 2001-39 §1, 2001; Ord. 6.06 §3, 1977)

#### **10.20.050 Removal -- private tow.**

In removing or causing to be removed from private property a vehicle deemed abandoned, wrecked or junked, the operator shall use and employ those procedures for removal, notification and sale of such vehicles as set forth in the Colorado Abandoned Vehicle Act, Title 42, Article 4, C.R.S., as said Act now exists or may be hereafter amended. (Ord. 2001-39 §1, 2001; Ord. 6.06 §4(A), 1977)

#### **10.20.060 Special permits.**

The Town Council is authorized to issue, upon application by any person, a special permit authorizing a proper use of parts of any vehicle for landscape design, building decor or any other use deemed proper and necessary by the Town Council. In the event any person shall make said

application to the Town Council, it shall be accompanied by photographs, design layout or such other evidence specifying the use and nature of the vehicle for which a permit is being requested. No permit shall be issued by the Town Council until clear and convincing evidence is received that the use of the vehicle in question will not cause any unsightly appearance, nuisance or in any other way appear improper in character within the neighborhood wherein the permit is sought. Additionally, the permit, if issued by the Town Council, may contain such limitations and conditions as deemed necessary as to length factors deemed proper. (Ord. 2001-39 §1, 2001; Ord. 6.06 §5, 1977)

**10.20.070 Enforcement.**

It shall be deemed a separate violation of this Chapter for each day that any vehicle is found to be in violation hereof. It shall be the duty of the police department, and any other law enforcement officers so authorized within the Town, to enforce this Chapter, both with respect to the removal and disposition of vehicles in violation of this Chapter, and also by issuing a written summons and complaint to the person believed responsible for the violation. (Ord. 2001-39 §1, 2001; Ord. 6.06 §6, 1977)