

CHAPTER 8

Vehicles and Traffic

Article 1 Model Traffic Code

- Sec. 8-1-10 Adoption
- Sec. 8-1-20 Copy on file
- Sec. 8-1-30 Amendments
- Sec. 8-1-40 Application
- Sec. 8-1-50 Interpretation
- Sec. 8-1-60 Validity
- Sec. 8-1-70 Enforcement
- Sec. 8-1-80 Penalties
- Sec. 8-1-90 Disposition of fines
- Sec. 8-1-100 Citation to state statutes

Article 2 Residential Parking Permit Districts

- Sec. 8-2-10 Parking Permit Districts
- Sec. 8-2-20 Parking Permit District criteria
- Sec. 8-2-30 Petition for designation of Residential Parking Permit District
- Sec. 8-2-40 Standards for designation of District
- Sec. 8-2-50 City to create parking permit program
- Sec. 8-2-60 Elimination of District
- Sec. 8-2-70 Issuance of resident parking permits
- Sec. 8-2-80 Issuance of visitor parking permits
- Sec. 8-2-90 Special event parking permits
- Sec. 8-2-100 Restrictions applicable to Districts
- Sec. 8-2-110 Enforcement

Article 3 Fire Lanes

- Sec. 8-3-10 Authority to designate fire lanes
- Sec. 8-3-20 Procedures for designating fire lanes
- Sec. 8-3-30 Designation through land development process
- Sec. 8-3-40 Designation by administrative order
- Sec. 8-3-50 Criteria for designating fire lanes
- Sec. 8-3-60 Enforcement and fines
- Sec. 8-3-70 Disposition of fines

Article 4 Permit Requirements for Oversized Vehicles and Overweight Loads

- Sec. 8-4-10 Permit required
- Sec. 8-4-20 Types of permits
- Sec. 8-4-30 Application for and issuance of permit
- Sec. 8-4-40 Permit fees
- Sec. 8-4-50 Limitations on permits
- Sec. 8-4-60 Permittee's responsibilities
- Sec. 8-4-70 Inspection of permit
- Sec. 8-4-80 Revocation of permit
- Sec. 8-4-90 Administrative remedies
- Sec. 8-4-100 Reserved
- Sec. 8-4-110 Permit exemptions
- Sec. 8-4-120 Penalties
- Sec. 8-4-130 Liability for damage to roadway

ARTICLE 1

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16, Title 31, and Part 4, Article 15, 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 for Colorado*, 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 for the City. The purpose of this Article 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. 2003-O-23 §1-7.3.101; Ord. 2007-O-14 §1)

Sec. 8-1-20. Copy on file.

Three copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk and may be inspected during regular business hours. (Ord. 2003-O-23 §1-7.3.102)

Sec. 8-1-30. Amendments.

The Model Traffic Code is adopted as if set out at length, save and except the following amendments:

(1) The term *motorized bicycles* as used throughout the Model Traffic Code shall be replaced with the term *low-power scooters*, which shall have the meaning assigned in Section 42-1-102(48.5), C.R.S.

(2) Section 109.5, entitled "Neighborhood electric vehicles," is repealed and replaced with the following Section 109.5, entitled "Low-speed electric vehicles," and with a new added Section 109.6, entitled "Class B low-speed electric vehicles - effective date - rules," to read as follows in their entirety:

"109.5. Low-speed electric vehicles.

"(1) A low-speed electric vehicle, as defined in Section 42-1-102(48.6), C.R.S., may be operated only on a roadway that has a speed limit equal to or less than thirty-five (35) miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five (35) miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five (35) miles per hour.

"(2) No person shall operate a low-speed electric vehicle on a limited-access highway."

"109.6. Class B low-speed electric vehicles - effective date - rules.

"(1) A class B low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than forty-five (45) miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than forty-five (45) miles per hour at an

at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than forty-five (45) miles per hour.

"(2) No person shall operate a class B low-speed electric vehicle on a limited-access highway.

"(3) For the purposes of this section, *class B low-speed electric vehicle* means a low-speed electric vehicle that is capable of traveling at greater than twenty-five (25) miles per hour but less than forty-five (45) miles per hour."

(3) The Model Traffic Code is hereby amended by the addition of a new Section 116, entitled "Restrictions for minor drivers – definitions," to read as follows in its entirety:

"116. Restrictions for minor drivers - definitions.

"(1)(a) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one (21) years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least six (6) months.

"(b) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty-one (21) years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one (1) year.

"(c) Paragraphs (a) and (b) of this subsection (1) shall not apply if:

"(i) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in Section 42-2-108, C.R.S.;

"(ii) The motor vehicle contains an adult twenty-one (21) years of age or older who currently holds a valid driver's license and has held such license for at least one (1) year;

"(iii) The passenger who is under twenty-one (21) years of age is in the vehicle on account of a medical emergency;

"(iv) All passengers who are under twenty-one (21) years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.

"(2)(a) Except as provided in paragraph (b) of this subsection (2), a minor driver shall not operate a motor vehicle between 12:00 midnight and 5:00 a.m. until such driver has held a driver's license for at least one (1) year.

"(b) This subsection (2) shall not apply if:

"(i) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in Section 42-2-108, C.R.S.;

"(ii) The motor vehicle contains an adult twenty-one (21) years of age or older who currently holds a valid driver's license and has held such license for at least one (1) year;

"(iii) The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possesses a signed statement from the school official containing the date the activity will occur;

"(iv) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;

"(v) The minor is driving on account of a medical emergency; or

"(vi) The minor is an emancipated minor.

"(3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:

"(a) By the imposition of not less than eight (8) hours nor more than twenty-four (24) hours of community service for a first offense and not less than sixteen (16) hours nor more than forty (40) hours of community service for a subsequent offense;

"(b) By the levying of a fine of not more than fifty dollars (\$50.00) for a first offense, a fine of not more than one hundred dollars (\$100.00) for a second offense, and a fine of one hundred fifty dollars (\$150.00) for a subsequent offense;

"(c) By an assessment of two (2) license suspension points pursuant to Section 42-2-127(5)(kk), C.R.S.

"(4) For the purposes of this section:

"(a) *Emancipated minor* means an individual under eighteen (18) years of age whose parents or guardian has surrendered parental responsibilities, custody and the right to the care and earnings of such person, and are no longer under a duty to support such person.

"(b) *Minor driver* means a person who is operating a motor vehicle and who is under eighteen (18) years of age.

"(5) No driver in a motor vehicle shall be cited for a violation of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Articles 1 to 4 of Title 42, C.R.S. or this Model Traffic Code other than a violation of this section."

(4) The Model Traffic Code is hereby amended by the addition of a new Section 117, entitled "Personal mobility devices," to read as follows in its entirety:

"117. Personal mobility devices.

"(1) A rider of an electronic personal assistive mobility device ("EPAMD") as such term is defined in Section 42-1-102(28.7), C.R.S., shall have all the same rights and duties as an

operator of any other vehicle under this Model Traffic Code, except as to those provisions that by their nature have no application.

"(2) Unless otherwise prohibited, an EPAMD may be operated on a roadway in conformity with vehicle use.

"(3) An EPAMD shall not be operated:

"(a) On a limited-access highway;

"(b) On a bike or pedestrian path; or

"(c) At a speed of greater than twelve and one-half (12.5) miles per hour."

(5) Section 232, entitled "Minimum safety standards for motorcycles and motor-driven cycles," is repealed and replaced with a new Section 232, entitled "Minimum safety standards for motorcycles and low-power scooters," to read as follows in its entirety:

"232. Minimum safety standards for motorcycles and low-power scooters.

"(1) No person shall operate any motorcycle or low-power scooter on any public highway in this state unless such person and any passenger thereon are wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) shall not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

"(2) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers."

(6) Section 236, entitled "Child restraint systems required – definitions – exemptions," is hereby repealed and replaced to read as follows in its entirety:

"236. Child restraint systems required - definitions - exemptions.

"(1) As used in this section, unless the context otherwise requires:

"(a) *Child care center* means a facility required to be licensed under the "Child Care Licensing Act", Article 6 of Title 26, C.R.S.

"(a.5) *Child restraint system* means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended.

"(a.8) *Motor vehicle* means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand (10,000) pounds. *Motor vehicle* does not include motorcycles, low-power scooters, motorscooters,

motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

"(b) *Safety belt* means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is physically a part of a child restraint system. *Safety belt* includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

"(c) *Seating position* means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

"(2)(a)(i) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in subparagraphs (ii) and (iii) of this paragraph (a), every child who is under eight (8) years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system, according to the manufacturer's instructions.

"(ii) If the child is less than one (1) year of age and weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

"(iii) If the child is one (1) year of age or older, but less than four (4) years of age, and weighs less than forty (40) pounds, but at least twenty (20) pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

"(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least eight (8) years of age but less than sixteen (16) years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

"(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

"(3) Except as provided in Section 42-4-105.5(4), C.R.S., the requirements of subsection (2) of this section shall not apply to a child who:

"(a) Repealed.

"(b) Is less than eight (8) years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

"(c) Is being transported in a commercial motor vehicle, as defined in Section 42-4-402(4)(a), C.R.S., that is operated by a child care center;

"(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 42-4-237, C.R.S.;

"(e) Weighs more than forty (40) pounds and is being transported in a motor vehicle in which the rear seat of the vehicle was not equipped at the time of manufacture with combination lap and shoulder belts; or

"(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a motor vehicle carrier as defined in Section 40-10-101(4)(a), C.R.S., a contract carrier by motor vehicle as defined in Section 40-11-101(3), C.R.S., or an operator of a luxury limousine service as defined in Section 40-16-101(3.3), C.R.S.

"(4) Reserved.

"(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen (16) years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

"(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

"(7)(a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section commits a traffic infraction.

"(b) A minor driver under eighteen (18) years of age who violates this section shall be punished in accordance with Section 42-2-105.5(5)(b), C.R.S.

"(8) The fine may be waived if the defendant presents the court with satisfactory evidence of proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

"(9) Reserved.

"(10) Reserved.

"(11)(a) For one year following August 1, 2010, a law enforcement officer who stops a driver of a motor vehicle with an occupant of the vehicle in violation of subparagraph (i) of paragraph (a) of subsection (2) of this section shall warn the driver that the violation is a traffic infraction and shall not cite the driver for the violation.

"(b) This subsection (11) is repealed effective August 1, 2011."

(7) The Model Traffic Code is amended by the addition of a new Section 238, entitled "Blue and red lights - illegal use or possession," to read as follows in its entirety:

"238. Blue and red lights - illegal use or possession.

"(1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in Section 42-1-102(6), C.R.S., that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.

"(2) It shall be an affirmative defense that the defendant was:

"(a) A peace officer as described in Section 16-2.5-101, C.R.S.; or

"(b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or

"(c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to Section 42-4-222(1)(b), C.R.S.; or

"(d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or

"(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item."

(8) The Model Traffic Code is amended by the addition of a new Section 239, entitled "Misuse of a wireless telephone - definitions - preemption," to read as follows in its entirety:

"239. Misuse of a wireless telephone – definitions - preemption.

"(1) As used in this section, unless the context otherwise requires:

"(a) *Emergency* means a situation in which a person:

"(i) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

"(ii) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

"(b) *Operating a motor vehicle* means driving a motor vehicle on a public highway, but *operating a motor vehicle* shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

"(c) *Use* means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

"(d) *Wireless telephone* means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

"(2) A person under eighteen (18) years of age shall not use a wireless telephone while operating a motor vehicle.

"(3) A person eighteen years (18) of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

"(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

"(a) To contact a public safety entity; or

"(b) During an emergency.

"(5) Reserved.

"(6)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.

"(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless the operator was eighteen (18) years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.

"(7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

"(8) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission."

(9) The Model Traffic Code is amended by the addition of a new Section 240, entitled "Low-speed electric vehicle equipment requirements," to read as follows in its entirety:

"240. Low-speed electric vehicle equipment requirements.

"A low-speed electric vehicle shall conform with applicable federal manufacturing equipment standards."

(10) The Model Traffic Code is amended by the addition of a new Section 713, entitled "Yielding right-of-way to transit buses - definitions," to read as follows in its entirety:

"713. Yielding right-of-way to transit buses - definitions.

"(1) As used in this section, unless the context otherwise requires:

"(a) *Public mass transit operator* has the same meaning as in Section 43-1-102(5), C.R.S.

"(b) *Transit bus* means a bus operated by a public mass transit operator.

"(2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:

"(a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and

"(b) A yield sign as described in subsection (3) of this section is displayed and illuminated on the back of the transit bus.

"(3) The yield sign referred to in paragraph (b) of subsection (2) of this section shall:

"(a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and

"(b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.

"(4) This section does not require a public mass transit operator to install yield signs as described in subsection (3) of this section on transit buses operated by the public mass transit operator.

"(5) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway."

(11) The Model Traffic Code is amended by the addition of a new Section 1013, entitled "Passing lane - definitions," to read as follows in its entirety:

"1013. Passing lane - definitions.

"(1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a non-passing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a non-passing lane.

"(2) For the purposes of this section:

"(a) *Non-passing lane* means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

"(b) *Passing lane* means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane."

(12) Section 1204 of the Model Traffic Code, entitled "Stopping, standing, or parking prohibited in specified place," is amended by the addition of a new subsection 2(g), to read as follows in its entirety:

"(g) In a designated and signed fire lane, whether on public property or on private property, designated pursuant to the provisions of Chapter 8, Article 3 of the Centennial Municipal Code. Law enforcement personnel and fire protection district personnel of Title 32 fire protection districts operating within the City shall have authority to tow vehicles obstructing fire lanes in accordance with the provisions set forth in Part 14 of Article 4 of Title 42, C.R.S."

(13) Section 1208 of the Model Traffic Code, entitled "Parking privileges for disabled," is repealed and readopted to read as follows in its entirety:

"1208. Parking privileges for persons with disabilities - applicability.

"(1) As used in this section:

"(a) *License plate or placard* means a license plate or placard issued pursuant to Section 42-3-204(2), C.R.S.

"(b) *Person with a disability* has the meaning provided for such term in Section 42-3-204(1), C.R.S.

"(2) A vehicle with a license plate or a placard obtained pursuant to Section 42-3-204, C.R.S. or as otherwise authorized by subsection (4) of this section may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area; except that the City shall not limit such a privilege to park on any public street to less than four (4) hours. The City shall clearly post the appropriate time limits in such area. Such privilege need not apply to zones in which:

"(a) Stopping, standing, or parking of all vehicles is prohibited;

"(b) Only special vehicles may be parked;

"(c) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

"(3)(a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available

for public use. A license plate or placard obtained pursuant to Section 42-3-204, C.R.S. or as otherwise authorized by subsection (4) of this section shall be displayed at all times on the vehicle while parked in such space.

"(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of the City, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

"(c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

"(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 CFR part 1235.

"(5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by persons with disabilities unless:

"(a) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and

"(b) A license plate or placard obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized by subsection (4) of this section is displayed in such vehicle.

"(6) Any person who is not a person with a disability and who exercises the privilege defined in subsection (2) of this section or who violates the provisions of subsection (5) or subsection (10) of this section commits a violation of this section subject to a one hundred dollar (\$100.00) fine plus any applicable surcharge. Any person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in Section 42-1-102(17), C.R.S., shall be subject to a fine of up to two hundred dollars (\$200.00) plus any applicable surcharge.

"(7) Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to Section 42-3-204, C.R.S., in order to receive the benefits or privileges available to a person with a disability under this section commits a traffic infraction and shall be subject to a fine of up to two hundred dollars (\$200.00) plus any applicable surcharge.

"(8) Any law enforcement officer or authorized and uniformed parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

"(9) Any state agency or division thereof that transports persons with disabilities may obtain a placard for persons with disabilities in the same manner provided in this section for any other person. In the event that such a placard is used by any employee of such state agency or division when not transporting persons with disabilities, the executive director of such agency and the offending employee shall be subject to a fine of one hundred dollars (\$100.00). The provisions of this subsection (9) shall apply to any corporation or independent contractor as determined by rule of the Colorado Department of Revenue to be eligible to transport persons with disabilities; except that the chief executive officer or an equivalent of the corporation or independent contractor and the offending employee shall be subject to the fine.

"(10) It is unlawful for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified in 28 CFR part 36 (appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

"(11) Any person who knowingly and fraudulently obtains, possesses, uses, or transfers a placard issued to a person with a disability pursuant to Section 42-3-204, C.R.S., or knowingly makes, possesses, uses, or transfers what purports to be, but is not, a placard issued to a person with a disability pursuant to Section 42-3-204, C.R.S., is subject to a fine of one thousand dollars (\$1,000.00). Any person who knowingly and willfully receives remuneration for committing a violation pursuant to this subsection (11) shall be subject to twice the fine that would otherwise be imposed.

"(12) Certification of the entry of judgment for each violation of subsection (6), (7), or (11) of this section shall be sent by the entering court to the Colorado Department of Revenue.

"(13)(a) For purposes of this subsection (13), *holder* means a person with a disability as defined in Section 42-3-204(1)(b), C.R.S., who has lawfully obtained a license plate or placard issued pursuant to Section 42-3-204(2), C.R.S. or as otherwise authorized by subsection (4) of this section.

"(b) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section or Section 42-3-204, C.R.S., or for any misuse of a disabled license plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder can furnish sufficient evidence that the license plate or placard was, at the time of the violation, in the care, custody, or control of another person without the holder's knowledge or consent.

"(c) A holder may avoid the liability described in paragraph (b) of this subsection (13) if, within a reasonable time after notification of the violation, the holder furnishes to the prosecutor's office for the City the name and address of the person who had the care, custody, or control of such license plate or placard at the time of the violation or the holder reports said license plate or placard lost or stolen to both the appropriate local law enforcement agency and the Colorado Department of Revenue."

(14) Section 1209 of the Model Traffic Code, "Owner liability for parking violations," is amended in its entirety to read as follows:

"1209. Owner liability for parking violations.

"(1) In addition to any other liability provided for in this code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutor's office of the City the name and address of the person or company who leased, rented or otherwise had the care, custody or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody or control of the motor vehicle. The notice shall inform the operator that the operator's name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

"(2) In all other cases in which a registered owner of a vehicle receives a parking violation notice, proof that the vehicle described in the complaint was parked in violation of this code, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of the vehicle, shall constitute prima facie evidence that the defendant was the person who parked, or knowingly permitted to be parked, such vehicle at the place where and for the time in which such violation occurred. Such owner shall be liable for payment of any and all parking violation fines assessed against his or her vehicle, unless such vehicle owner can produce competent evidence that the vehicle was not in the care, custody or control of the owner and provides to the prosecutor's office for the City, prior to the date set for a first appearance in Municipal Court, the name and address of the person who had care, custody or control of the vehicle at the time of the alleged violation."

(15) The Model Traffic Code is amended by the addition of a new Section 1212, entitled "Parking Restrictions in Residential Districts," to read as follows in its entirety:

"1212. Parking restrictions in residential districts.

"(1) As used in this section:

"(a) *Bus* means a motor vehicle designed to seat more than sixteen (16) passengers and used for the transportation of persons, regardless of compensation, including but not limited to motor vehicles operated for profit by governmental agencies and motor vehicles used for the transportation of children to and from school.

"(b) *Camper* means non-wheeled, detachable vehicular equipment that weighs over five hundred (500) pounds, used for temporary or permanent habitation, which has no

independent motor power and that is capable of being placed on a vehicle but is not capable of being towed.

"(c) *Camping Trailer* means a trailer constructed to provide temporary occupancy as a dwelling or sleeping place for one or more persons.

"(d) *Commercial Vehicle* means:

"(i) Any self-propelled or towed vehicle bearing a commercial license plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds (10,001) or more, which vehicle is used in commerce or is designed to transport sixteen (16) or more passengers, including the driver, unless such vehicle is a bus as defined in this subsection; and

"(ii) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting.

"(e) *Load(ed)* and/or *Unload(ed)* means the uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle.

"(f) *Mobile Home* means a non-motorized vehicle designed to be permanently affixed to land to be used for occupancy as a dwelling or sleeping place for one or more persons, but which is constructed to allow it to be transported upon streets and highways.

"(g) *Motor Home* means a motorized vehicle designed to provide temporary occupancy as a dwelling or sleeping place for one or more persons and which is intended to be transported upon streets and highways, but excluding pick-up trucks with attached campers.

"(h) *Residential District* means any area zoned R-A, R-1, R-PSF, R-PM, R-PH, R-M or SH under Sections 1-1800 to 1-2400 or any area zoned R-E, R-2, R-3, R-3S, R-4, R-5, and R-P under Sections 1-600 to 1-1200 of Part 1 of the Zoning Regulations in the City of Centennial Land Development Code and any area that includes residential development within a Planned Unit Development (PUD) unless specifically excepted on the applicable Final Development Plan (FDP), as such terms are defined in the Land Development Code.

"(i) *Recreational Vehicle* or *RV* means a motor home, mobile home, or camping trailer.

"(j) *Rendering Services* means commercial activities carried on in connection with the business purpose of the vehicle, such as making deliveries, service calls, accepting articles for removal or delivery, and related commercial activities.

"(k) *Semi-Tractor* means a motor vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand and one (26,001) pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

"(l) *Semi Trailer* means a wheeled vehicle, the empty weight of which is more than two thousand (2,000) pounds or the length of which is greater than twenty-five (25) feet, which has no motor power and is designed to be used in conjunction with a semi-tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such semi-tractor.

"(m) *Trailer* means any wheeled vehicle without motor power that may be drawn over the roadway by a motor vehicle, including camping trailers and boat trailers.

"(n) *Truck* means a motor vehicle exceeding eight (8) feet in width, twenty-five (25) feet in length or ten (10) feet in height, excluding motor homes and recreational vehicles as defined herein.

"(2) The following restrictions shall apply to parking vehicles in residential districts anywhere within the boundaries of the City of Centennial:

"(a) No trailer, semi trailer, camping trailer, or boat that is not attached to a motorized vehicle, or mobile home or motor home shall be parked on any public street or highway within any residential district of the City, with the exception of:

"1. A recreational vehicle (RV) that is being loaded or unloaded, prepared for service, or prepared for storage; but such loading and unloading and preparation for storage shall not in any event exceed forty-eight (48) hours.

"2. A boat, camper, trailer, semi trailer, or camping trailer that is attached to a motor vehicle and is being loaded or unloaded.

"3. A commercial vehicle temporarily parked for only that period of time necessary to expeditiously complete rendering services to real property located within two hundred (200) feet of the commercial vehicle.

"4. A non-commercial vehicle with an out-of-state license plate, legally registered to an out-of-state resident who is temporarily visiting a legal resident of the property of which the vehicle is parked adjacent. Such vehicle shall be parked on the same side of the street, directly in front of or on the side of the property wherein the visitor is temporarily residing.

"5. Any vehicle parked in violation of this section for a period not to exceed four hours (4) as a result of an emergency.

"(b) No semi-tractor, truck or semi trailer shall be parked upon any public street or private property located in a residential district other than when being loaded and/or unloaded or otherwise rendering services within two hundred (200) feet of the commercial vehicle, and such loading and/or unloading or rendering of service locally shall not exceed twelve (12) hours between the hours of 7:00 am and 7:00 pm, or four (4) hours between the hours of 7:00 pm and 7:00 am. No loading and/or unloading of a semi-tractor, truck or semi-trailer during permissible hours is allowed to extend over more than two consecutive calendar days. This provision shall not apply to parking such vehicles on residential lots

larger than one acre (1 ac) within the following residential districts: A-E, A-1, A-2, R-A, R-E, and a PUD. Such vehicles legally parked on the larger exempted lots shall not be parked within fifty (50) feet of any residential structure located on an adjacent property."

(16) Section 1412 of the Model Traffic Code, entitled "Operation of bicycles and other human power vehicles," is repealed and readopted to read as follows in its entirety:

"1412. Operation of bicycles and other human-powered vehicles.

"(1) Every person riding a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this code, except as to special regulations in this code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and Section 221, and, when using streets and highways within this local government, shall be subject to local ordinances regulating the operation of bicycles.

"(2) Reserved.

"(3) No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

"(4) No person riding upon any bicycle shall attach the same or himself or herself to any motor vehicle upon a roadway.

"(5) Any person riding a bicycle shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle riding is present, persons operating bicycles shall ride on the paved shoulder. These provisions shall apply, except under any of the following situations:

"(a) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

"(b) When preparing for a left turn at an intersection or into a private road or driveway;

"(c) When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, or surface hazards.

"(6)(a) Persons operating bicycles on roadways shall ride single file; except that riding no more than two (2) abreast is permitted in the following circumstances:

"(i) When riding two (2) abreast will not impede the normal and reasonable movement of traffic; or

"(ii) When riding on paths or parts of roadways set aside for the exclusive use of bicycles.

"(b) Persons riding two (2) abreast shall ride within a single lane.

"(7) A person operating a bicycle shall keep at least one hand on the handlebars at all times.

"(8)(a) A person riding a bicycle intending to turn left shall follow a course described in sections 901(1), 903, and 1007 of the Model Traffic Code or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

"(b) A person riding a bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

"(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the City may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

"(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle shall signal his intention to turn or stop in accordance with the provisions of section 903 of the Model Traffic Code; except that a person riding a bicycle may signal a right turn with the right arm extended horizontally.

"(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the bicycle before turning and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

"(10)(a) A person riding a bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

"(b) A person shall not ride a bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles is prohibited by official traffic control devices or local ordinances. A person riding a bicycle shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

"(c) A person riding or walking a bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section 802 of this Model Traffic Code.

"(11)(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

"(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

"(c) A bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

"(d) A bicycle may be parked on the road abreast of another bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

"(e) In all other respects, bicycles parked anywhere on a highway shall conform to the provisions of part 12 of the Model Traffic Code regulating the parking of vehicles."

(17) Section 1502 of the Model Traffic Code, entitled "Riding on motorcycle," is repealed and readopted to read as follows in its entirety:

"1502. Riding on motorcycles - protective helmet.

"(1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent seat if designed for two (2) persons or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

"(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on either side of the motorcycle.

"(3) No person shall operate a motorcycle while carrying packages, bundles or other articles which prevent the person from keeping both hands on the handlebars.

"(4) No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

"(4.5)(a) A person shall not operate or ride as a passenger on a motorcycle or low-power scooter, as defined in Section 42-1-102(48.5), C.R.S., on a roadway unless:

"(i) Each person under eighteen (18) years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

"(ii) The protective helmet conforms to the design and specifications set forth in paragraph (b) of this subsection (4.5); and

"(iii) The protective helmet is secured properly on the person's head with a chin strap while the motorcycle is in motion.

"(b) A protective helmet required to be worn by this subsection (4.5) shall:

"(i) Be designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;

"(ii) Consist of lining, padding, and chin strap; and

"(iii) Meet or exceed the standards established in the United States department of transportation federal motor vehicle safety standard no. 218, 49 CFR 571.218, for motorcycle helmets."

(Ord. 2011-O-01 §1)

Sec. 8-1-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, within the City limits of the City. (Prior code 7.3.105)

Sec. 8-1-50. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof. (Prior code 7.3.108)

Sec. 8-1-60. Validity.

If any part or parts of this Article or the adopted code are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article or the adopted code. The City Council hereby declares that it would have adopted this Article, the adopted code, and each part thereof, irrespective of the fact that any one (1) part is declared invalid. (Prior code 7.3.107)

Sec. 8-1-70. Enforcement.

Law enforcement personnel of the City or any entity with whom the City contracts to provide law enforcement services, the Arapahoe County Sheriff's Office and the Colorado State Patrol are authorized to implement and enforce the provisions of this Article. (Prior code 7.3.109)

Sec. 8-1-80. Penalties.

The following penalties shall apply to this Article:

(1) Fines, surcharges and court costs. Any person who violates any provision of this Article commits an offense. Notwithstanding any other provision of the adopted code or this Article to the contrary, the provisions of Section 1701 of the adopted code and C.M.C.R. §210(b)(4) shall apply for setting fines and designating offenses, the penalties for which may be paid at the office of the Municipal Court Clerk or the Violations Bureau. Defendants shall pay any applicable court costs directly to the Municipal Court Clerk.

(2) Maximum fine. Notwithstanding any provision of the adopted code or this Article to the contrary, the penalties for violating specific sections of the adopted code or this Article shall not exceed one thousand dollars (\$1,000.00), and shall not be punishable by imprisonment.

(3) Points assessment and reduction. Pursuant to Part 17 of the adopted code, points assessed against a driving privilege shall conform to the provisions of Section 42-2-127, C.R.S., to include a reduction in points specified in Section 42-2-127(5.5), C.R.S. (Prior code 7.3.104; Ord. 2003-O-23 §1; Ord. 2007-O-14 §1; Ord. 2011-O-01 §2)

Sec. 8-1-90. Disposition of fines.

All fines for violations of this Chapter shall be paid to the City's General Fund. (Prior code 7.3.106; Ord. 2003-O-23 §1; Ord. 2007-O-14 §1)

Sec. 8-1-100. Citation to state statutes.

All references to provisions of the Colorado Revised Statutes that contain counterpart provisions to the adopted code as contained in this Chapter shall be deemed proper references to the counterpart provisions of the adopted code and this Code. When enforcing the adopted code, the City's law enforcement officers and the City's prosecuting attorneys and officials are authorized to cite to equivalent counterparts contained in the State statutes. Any citation by such persons to a State statute containing the substantially same or identical provisions as those found in counterpart sections of the adopted code is equivalent to a citation to the relevant provisions of the adopted code for purposes of notifying, designating, charging, prosecuting and penalizing violations of the adopted code pursuant to this Chapter. (Prior code 7.3.110)

ARTICLE 2

Residential Parking Permit Districts

Sec. 8-2-10. Parking Permit Districts.

The Director of Public Works ("Director") is authorized to designate a Residential Parking Permit District ("District") in the manner set forth in this Article. The Director's designation shall be subject to the administrative review and approval of the City Council, and the City Council may reject the Director's designation upon a finding that the District's formation is not in the best interests of the City. The designation of a District is a discretionary and administrative decision of the City, and a petitioner shall have no right to the creation or continuation of a District. (Ord. 2004-O-12 §1-7.3.201)

Sec. 8-2-20. Parking Permit District criteria.

A Residential Parking Permit District shall be adjacent to or within close proximity of a high school or an area of state park access. For purposes of this Article, the following definitions shall apply:

Area of state park access means a residential area accessible to the general public that provides either direct access to a state park or a trail, sidewalk or other pedestrian or nonmotorized vehicle thoroughfare that provides reasonably direct access to and from a state park.

High school means any building or group of buildings, the use of which meets state requirements for secondary (high school) education. *School*, as used in this Article, shall include public and private facilities. (Ord. 2004-O-12 §1-7.3.202)

Sec. 8-2-30. Petition for designation of Residential Parking Permit District.

(a) Petition required. A petition submitted to the Director shall be required to commence the process for designation of a District. The form of petition shall be determined by the Director, and the petition form shall require information sufficient to ensure compliance with this section.

(b) Petition contents. A petition for the designation of a District must be signed by the owners or residents of seventy-five percent (75%) or more of the residential properties within the proposed District. For purposes of determining compliance with this petition requirement, a signature on the petition by any owner or resident shall be sufficient so long as any other owner in fee of an undivided interest in the same area of land does not object in writing prior to the Director's designation of the District. Otherwise, once a petition has been submitted to the Director, no signature affixed to the petition may be withdrawn. The petition shall describe in detail the reasons supporting the formation of the proposed District. The petition must be accompanied by a bond, letter of credit or other surety or agreement approved as to form by the City Attorney that is sufficient to pay all costs of creating and installing signage in the event that the District is established. The Director shall neither accept nor consider a petition for a District the boundaries of which are the same or significantly similar to those presented in a petition previously denied by the Director within the preceding twelve (12) months.

(c) Petition deadline and processing. Petitions shall be submitted and processed in accordance with the following time deadlines in any given year:

(1) January 30: A written request shall be delivered to the Director to commence petition process.

(2) January 30 – March 15: The Director and the Director's staff shall hold at least one (1) public informational meeting regarding the proposed District preceded by notice deemed appropriate by the Director. If, after the public hearing, proponents of the District desire to pursue the petition process, the Director shall distribute the form of petition to interested community representatives to obtain necessary signatures.

(3) April 15: The signed petition must be submitted to the Director. The Director may extend this deadline, in his or her discretion for good cause shown, for up to fifteen (14) additional calendar days.

(4) April 20: Upon a finding by the Director that the petition meets the requirements of Subsection (b) above, the Director shall notify in writing the following affected parties and afford at least thirty (30) days for comment on the petition by such parties prior to designating a District:

- a. The high school or the state park adjacent to or in proximity to the proposed District;
- b. Any nonresidential business or land use adjacent to or within five hundred (500) feet of the boundaries of the proposed District;
- c. South Suburban Park and Recreation District; and
- d. Any other agency, entity or person, in the determination of the Director, potentially affected by the proposed District.

The Director may extend this deadline for up to fifteen (15) additional calendar days if the deadline for submittal of petitions was extended.

(5) Prior to May 15: The Director shall render a decision regarding the designation of the District and refer the decision to the City Council. (Ord. 2004-O-12 §1-7.3.203)

Sec. 8-2-40. Standards for designation of District.

(a) The Director shall administratively designate a District where the Director finds that all of the following standards are satisfied or met:

- (1) The proposed District meets the requirements of Section 8-2-20 above.
- (2) The petition submitted to the Director meets the criteria set forth in Section Subsection 8-2-30(b) above.
- (3) The area within the proposed District predominately consists of residences located within the City.
- (4) The vehicles parked by nonresidents of the proposed District have resulted in traffic conditions that are hazardous or a nuisance to residents of a substantial portion of the proposed District, or have resulted in the ongoing unavailability of sufficient parking spaces for residents or their visitors that are in close proximity to such residents' properties.
- (5) Less restrictive measures to reduce parking concerns within the proposed District are not available or would be ineffective in addressing the problem as determined by the Director in the Director's sole discretion.
- (6) The District, as created, would comprise the smallest area reasonably necessary to address the hazard or nuisance cited by the petitioners.
- (7) The District, if created, will not result in unreasonable impacts or burdens other properties or areas located outside of the District.

(b) Director's decision. In rendering a decision, the Director may rely on such information as deemed necessary by the Director to evaluate the petition in light of the criteria for approval specified in Subsection (a) above. The Director is authorized to visit the proposed District and to use the Director's observations resulting from such visit in rendering a decision. The Director shall have the

discretion to impose reasonable conditions on approval of a District, including but not limited to restricting the days and hours that parking permits are required.

(c) Director's referral for City Council approval. The Director's decision to designate a District shall be referred by the Director to the City Council. The City Council shall administratively consider the Director's decision and documentation supporting the Director's designation, and the City Council shall approve, reject or remand the decision to the Director for additional review. In approving or rejecting the District designation, the City Council shall not be bound by the criteria for designation provided in Subsection (a) above and may render a decision based on the best interests of the City.

(d) District mapping. Upon approval of the Director's designation by the City Council, the District shall be deemed established, subject to mapping and posting as provided in this Article. The Director shall create a map that shows the boundaries of the District, which map shall be kept and made available to the public at the City's Citizen Service Center. The Director shall also cause to be posted signs within the District sufficient to provide adequate notice to persons parking vehicles on public streets or rights-of-way within the District that a parking permit is required and, if applicable, the days and hours such requirement is in place. (Ord. 2004-O-12 §1-7.3.204)

Sec. 8-2-50. City to create parking permit program.

The City Manager, in cooperation with the Director, shall create a program to administer Districts created in accordance with this Article. Such program shall include, but not be limited to, the erection of signs designating the boundaries, streets or other areas located within the District and the issuance of resident permits and visitor permits to authorize reasonable use of public streets by residents and visitors. (Ord. 2004-O-12 §1-7.3.205)

Sec. 8-2-60. Elimination of District.

The City Council may administratively eliminate or dissolve all or any part of a District if any one (1) of the following conditions occurs:

(1) A petition is submitted to the City Council requesting the elimination of the District that is signed by owners of fifty percent (50%) or more of the residential properties within the District. Where a residential property is owned in fee by more than one (1) individual or entity, a petition signature by any owner or resident shall be sufficient so long as any other owner in fee of an undivided interest in the same property does not object in writing to the signing of the petition. The City Council may gather and accept such information it deems necessary and may administratively eliminate or dissolve all or a portion of the District upon a finding that such elimination or dissolution will serve the interests of the neighborhood and the City generally.

(2) The City Council determines at its discretion that the District is no longer necessary to mitigate the parking and traffic hazards within the District where, for example, the high school or area of state park access closes, the provision of new or additional parking alleviates all or part of the initial parking problem, or unintended or unforeseeable and adverse impacts resulted from the District's formation. (Ord. 2004-O-12 §1-7.3.206)

Sec. 8-2-70. Issuance of resident parking permits.

(a) Each resident of a District may obtain a resident parking permit for each currently registered vehicle owned, leased or otherwise currently operated by such resident. Applications for resident parking permits shall be submitted to the City at the Citizens Service Center on such forms and according to such procedures as provided by the City.

(b) Resident parking permits shall consist of a numbered decal that shall be permanently affixed to the left rear window of the vehicle.

(c) A fee of twenty-five dollars (\$25.00) per household will be charged by the City for resident parking permits at the time of application in order to defray the costs of administering the permits.

(d) The term of each permit shall immediately expire once the owner, lessor or operator of the vehicle no longer resides within the District.

(e) If a permit issued under this Section is used for a purpose other than the purpose for which it was issued, or if the holder fails to abide by the conditions stated in this Article, the City shall immediately cause the permit to be revoked. The reason for the revocation shall be stated in writing and sent to the permit holder. It shall be unlawful to fail to return the permit to the City within fifteen (15) days of mailing of the revocation notice. (Ord. 2004-O-12 §1-7.3.207)

Sec. 8-2-80. Issuance of visitor parking permits.

(a) Residents of a District who have obtained one (1) or more residential parking permits may also obtain up to a total of three (3) visitor parking permits in accordance with this Section.

(b) Only three (3) visitor parking permits may be issued in any one (1) year to any one (1) residential address within the District. Lost or stolen visitor parking permits shall not be eligible for replacement. Damaged or destroyed visitor parking permits may be replaced by returning the damaged or destroyed permit to the City.

(c) Visitor parking permits shall consist of a numbered and addressed laminated placard bearing instructions for proper display.

(d) Visitor parking permits shall expire on December 31 of each calendar year and may be reissued by the City upon confirmation that the resident continues to reside within the District.

(e) Visitor parking permits shall only be valid if properly displayed within a vehicle located within four hundred (400) feet of the addressed residence shown on the visitor parking permit, and such permit shall be limited to use by visitors and/or service providers while visiting or providing services to the residence to which the visitor permit was issued. (Ord. 2004-O-12 §1-7.3.208)

Sec. 8-2-90. Special event parking permits.

A resident of a District may obtain special event parking permits from the City to accommodate visitor parking during special and infrequent events conducted at a residence within a District, such as, but not limited to, social gatherings or remodeling activities requiring additional parking. The

Director shall promulgate a special event parking permit program and shall administer the program for issuance of such permits upon the request of a District resident. (Ord. 2004-O-12 §1-7.3.209)

Sec. 8-2-100. Restrictions applicable to Districts.

(a) It shall be unlawful for any person to park a vehicle on a public street or right-of-way in a District without a City-issued and currently valid resident, visitor or special event parking permit displayed in accordance with this Article. In the event that the days and hours when parking permits are required are limited as stated on signs posted by the Director, then the restrictions contained in this Section shall only apply during such days and hours.

(b) It shall be unlawful for any person to park a vehicle displaying a visitor parking permit at a distance of more than four hundred (400) feet from the residence to which the visitor parking permit was issued. In the event that the days and hours when parking permits are required are limited as stated on signs posted by the Director, then the restrictions contained in this Section shall only apply during such days and hours.

(c) It shall be unlawful for any person to park a vehicle displaying a visitor parking permit when not visiting or providing services at the residence to which the visitor parking permit was issued. In the event that the days and hours when parking permits are required are limited as stated on signs posted by the Director, then the restrictions contained in this Section shall only apply during such days and hours.

(d) Public utility and service providers, government agencies and emergency response services vehicles parked in the performance of services within the District are exempt from the provisions of this Article.

(e) Motorcycles shall be exempt from the provisions of this Article and may be parked within a District without a valid resident permit or visitor permit. (Ord. 2004-O-12 §1-7.3.210)

Sec. 8-2-110. Enforcement.

The County Sheriff and deputy sheriffs, acting as agents for the City, shall enforce the provisions of this Article. (Ord. 2004-O-12 §1-7.3.211)

ARTICLE 3

Fire Lanes

Sec. 8-3-10. Authority to designate fire lanes.

Fire lanes on property owned or to be owned either privately or publicly may be approved through approval of final plats, preliminary development plans, final development plans, subdivision development plans or an administrative order. The Director of Land Use Services shall have authority to designate fire lanes. (Prior code 7.7.301)

Sec. 8-3-20. Procedures for designating fire lanes.

Fire lanes may be designated on private property either through the land development process or by administrative order, as described below. (Prior code 7.7.302)

Sec. 8-3-30. Designation through land development process.

(a) Process for designation. The Director of Land Use Services may designate fire lanes upon approval of a final plat, preliminary development plan, final development plan or subdivision development plan. Plans shall clearly reflect the location, dimensions and signage for designated fire lanes. Signage shall comply with the 2000 Manual on Uniform Traffic Control Devices, as amended. Any fire protection district in which the property is located shall be consulted in the referral agency submittal process to ensure that designated lanes will accommodate fire apparatus pursuant to the City's adopted fire code.

(b) Applicability to existing plats and plans. Designated fire lanes on any plats or plans previously approved by the Land Use Services Department, or any plat or plan to which the City has become the successor approval and enforcement entity, shall be given full force and effect. (Prior code 7.7.302)

Sec. 8-3-40. Designation by administrative order.

(a) Designation initiated by fire protection district. The fire chief of any fire protection district in the City may initiate a designation of fire lanes on public or private property. Upon submittal of a request for designation, the Land Use Services Department shall consult the property owner to determine the willingness to allow the designation and allow access to the property to enforce the provisions of this Article.

(b) Designated requested by property owner. Property owners may request fire lane designations from the Land Use Services Department. The Director of Land Use Services may make such designation upon a finding that the location and dimensions of the proposed fire lanes are adequate to accommodate fire apparatus and that signage complies with the 2000 Manual on Uniform Traffic Control Devices, as amended. Any fire protection district in which the property is located shall be consulted to ensure that designated lanes are located and sized to accommodate fire apparatus pursuant to the City's adopted fire code. The Director shall execute an administrative order upon approval of designated fire lanes.

(c) Order submittal. An administrative order of the Director of Land Use Services shall be maintained at the offices of the Land Use Services Department and shall be accompanied by a map showing the location, dimensions and proposed markings and signage for the designated fire lane.

(d) Existing County-designated fire lanes. Fire lanes which were designated by action by the Board of County Commissioners and which are now located within the boundaries of the City, whether on public or private property, shall be considered designated fire lanes in the City, and parking restrictions and conformance with City signage requirements shall be enforced thereon.

(e) Appeal of designation. If, after designation of a fire lane, the property owner is not in agreement with the designation, the property owner may appeal the Land Use Services Director's

decision to the Board of Appeals, pursuant to the City's adopted fire code. The Board of Appeals shall hear the appeal at a public hearing and publish notice in a newspaper of general circulation in the City. Following the hearing, if the Board of Appeals decides to continue with the designation, it shall adopt a resolution to that effect. This shall be the exclusive process for appealing a fire lane designation. (Prior code 7.7.302; Ord. 2005-O-19 §5; Ord. 2007-O-14 §1)

Sec. 8-3-50. Criteria for designating fire lanes.

The following criteria shall be used in determining whether a fire lane designation, either through the land development process or by administrative order, is appropriate:

(1) Public or private streets. Any street on which vehicles or other permanent obstructions, including but not limited to landscaping planters, reduce the minimum twenty-foot width requirement for unobstructed access for fire apparatus, may be designated as a fire lane, as appropriate to protect the health, safety and welfare of the public and properties served by the street.

(2) Private property. All buildings located in the City should have unobstructed access from a fire access road to the exterior of the building, and sufficient space should be provided to park and maneuver fire apparatus immediately adjacent to the building. When fire apparatus access to the building is obstructed by narrow vehicle access, parking spaces, landscaping islands or other obstructions, areas around the building may be designated as fire lanes, as appropriate to protect the health, safety and welfare of the public and users of the building. (Prior code 7.7.302)

Sec. 8-3-60. Enforcement and fines.

(a) Noncompliance with any provision set forth in this Article, as well as failure of a property owner to maintain required signage in compliance with any sign plan required to be submitted with the application for designation or with the 2000 Manual on Uniform Traffic Control Devices, constitutes a violation of this Article.

(b) Upon determination by the City's law enforcement or zoning enforcement officers or a fire chief or fire marshal of a fire protection district serving the City that the provisions of this Article have been violated, such officers are authorized to issue a summons to the Municipal Court and, if necessary, have any offending obstruction removed. Any person who violates the requirements of this Article may be fined up to one hundred dollars (\$100.00) per violation and assessed for the recovery costs of removal of any obstruction. Separate violations will be deemed to occur for each day that a violation exists. (Prior code 7.7.303)

Sec. 8-3-70. Disposition of fines.

All fines imposed and collected for the violation of this Article shall be paid into the General Fund. (Prior code 7.7.304)

ARTICLE 4

Permit Requirements for Oversized Vehicles and Overweight Loads

Sec. 8-4-10. Permit required.

(a) It shall be unlawful for any person to operate a vehicle which is in excess of the maximum legal weight and/or size limitations contained within Part 5, Article 4, Title 42, C.R.S., within the City unless such person has first obtained a permit from the City in accordance with this Article.

(b) The Public Works Director or his or her designee may, upon application in writing and for good cause being shown, issue a single-trip, a special, a segment, a perpetual fleet or an annual permit authorizing the applicant to operate or move a vehicle which is in excess of the weight and/or size limitations contained within Part 5, Article 4, Title 42, C.R.S. However, no permit shall be issued for vehicles to cross structures if such vehicles are of a size and/or weight in excess of the structural capacity of such structures as determined by the City.

(c) The Public Works Director or his or her designee is authorized to promulgate administrative rules, regulations and forms not inconsistent with this Article for the efficient administration of this Article. (Ord. 2008-O-13 §1)

Sec. 8-4-20. Types of permits.

The following types of permits may be issued by the Public Works Director or his or her designee for oversized and/or overweight vehicles operating within the City:

(1) Single-trip permit: A permit that is valid for only a single daily trip for a set number of days, as determined by the Public Works Director or his or her designee, over specifically designated roadways for an oversized and/or overweight vehicle or load exceeding the maximum legal limits specified in Part 5, Article 4, Title 42, C.R.S.

(2) Special permit: A permit that is valid for only a single trip over specifically designated roadways within the City for an oversized and/or overweight vehicle or load exceeding the maximum legal limits as specified in Part 5, Article 4, Title 42, C.R.S.

(3) Segment permit: A permit that is valid for one (1) year from the date of issuance on specifically designated segments of roadways for an oversized and/or overweight vehicle or load exceeding the maximum legal limits as specified in Part 5, Article 4, Title 42, C.R.S.

(4) Perpetual fleet permit: For purposes of this Section, *fleet* shall mean any group of two (2) or more vehicles owned by one (1) person or company. A perpetual fleet permit is valid and perpetual in duration, unless and until otherwise revoked in accordance with Section 8-4-80 of this Article, on all or any specifically designated roadways or portions thereof for an oversized and/or overweight vehicle or load exceeding the maximum legal limits as specified in Part 5, Article 4, Title 42, C.R.S.

(5) Annual permit: A permit that is valid for one (1) year from the date of issuance on all or any specifically designated roadways for an oversized/overweight vehicle or load exceeding the maximum legal limits as specified in Part 5, Article 4, Title 42, C.R.S. (Ord. 2008-O-13 §1)

Sec. 8-4-30. Application for and issuance of permit.

(a) The Public Works Director or his or her designee shall prepare and promulgate application forms and other documents to implement the provisions of this Article. Such forms and documents may require from any applicant information deemed necessary or desirable by the Public Works Director or his or her designee, including but not limited to information needed to identify the applicant, evaluate the applicant's proposed use of public streets, assess the extent and duration of such use and determine the impacts of such use.

(b) The Public Works Director or his or her designee shall administratively review any submitted application for completeness. Upon a determination that an application is complete, the Public Works Director or his or her designee shall administratively issue the permit if, in his or her opinion, the application and the permit issuance meet all requirements of this Article and any other applicable law. In rendering such decision, the Director or his or her designee shall consider whether the applicant's use of the public right-of-way in accordance with the permit will adversely or potentially adversely impact the health, safety or welfare of the public or cause or risk damage to the public rights-of-way. The Director or his or her designee may impose reasonable conditions on any permit to mitigate in whole or in part any adverse impact or damage as a condition of issuance of the permit. (Ord. 2008-O-13 §1)

Sec. 8-4-40. Permit fees.

(a) The following permit fees shall apply for oversized vehicles and/or loads exceeding the legal weight limits specified in Part 5, Article 4, Title 42, C.R.S.:

- (1) Single-trip permit: Twenty-five dollars (\$25.00) per day.
- (2) Special permit: Twenty-five dollars (\$25.00).
- (3) Segment permit: Two hundred fifty dollars (\$250.00).
- (4) Perpetual fleet permit: One thousand five hundred dollars (\$1,500.00) per permit.
- (5) Annual permit: Seven hundred fifty dollars (\$750.00).

(b) In addition to the above fees, the Public Works Director or his or her designee is authorized to impose additional fees in order to mitigate and remediate roadway damage and degradation, to fund roadway and drainage improvements and to provide for capacity enhancements. The amount of such fees shall be based on factors, including but not limited to traffic volume, vehicle size and weight, trip frequency and number of vehicles within a fleet for perpetual fleet permits. (Ord. 2008-O-13 §1)

Sec. 8-4-50. Limitations on permits.

As a condition of issuance or a requirement of any permit, the Public Works Director or his or her designee may, at his or her discretion:

- (1) Restrict the applicant's or vehicle's use under a permit to specific roads or segments of roads.
- (2) Limit the number of trips or establish seasonal or other time limitations within which the vehicles described may be operated on the roadways indicated in the permit.
- (3) Limit or prescribe conditions of operation of such vehicles when deemed by the Director or his or her designee as necessary to protect the safety of the public, to protect the efficient movement of traffic or to protect the public rights-of-way from damage to road foundation, road surfaces or other City-owned property or structures. (Ord. 2008-O-13 §1)

Sec. 8-4-60. Permittee's responsibilities.

The Permittee shall be responsible for the safe movement of the oversized and/or overweight vehicle or load and shall be responsible for compliance with:

- (1) All terms and conditions in the permit.
- (2) All terms and conditions of this Code, the Land Development Code and all other City ordinances, resolutions and regulations.
- (3) All other applicable legal requirements. (Ord. 2008-O-13 §1)

Sec. 8-4-70. Inspection of permit.

Every permit issued in accordance with this Article shall be carried in the vehicle or combination of vehicles to which the permit refers and shall be open to inspection by any law enforcement officer or authorized agent of the City, except that if a law enforcement officer or authorized agent of the City that granted the permit determines that the permit can be electronically verified at the time of contact, a copy of the permit need not be carried in the vehicle or combination of vehicles to which it refers. (Ord. 2008-O-13 §1)

Sec. 8-4-80. Revocation of permit.

The City may, after a hearing, revoke, suspend, refuse to renew or refuse to issue any permit upon a finding that the permit holder has violated any conditions of his or her permit, or any ordinance or resolution of the City. (Ord. 2008-O-13 §1)

Sec. 8-4-90. Administrative remedies.

(a) All appeals and hearings which are required by law regarding denial, suspension, revocation, limitation or modification of a permit shall be requested, provided and conducted pursuant to the Administrative Procedures Act (APA), Section 24-4-101, et seq., C.R.S.

(b) Any hearing required by this Article shall be presided over by the City Council. (Ord. 2008-O-13 §1)

Sec. 8-4-100. Reserved.

Sec. 8-4-110. Permit exemptions.

No permit shall be necessary for:

(1) The operation of trucks owned or operated by the State, a county, a municipality, a public utility or a contractor authorized by the City to engage in the repair, maintenance or construction of streets, street improvements or utilities upon any street in the City.

(2) Authorized emergency vehicles or public transportation vehicles operated by the City or other political subdivisions of the State.

(3) Implements of husbandry and farm equipment as defined in Section 42-1-102(44), C.R.S. (Ord. 2008-O-13 §1)

Sec. 8-4-120. Penalties.

It shall be unlawful and a violation of this Code for any person to fail to comply with any requirement of this Article or the conditions of any permit. Such violation shall be subject to the general penalty for violation of municipal ordinances provided by Article 4 of Chapter 1 of this Code. (Ord. 2008-O-13 §1)

Sec. 8-4-130. Liability for damage to roadway.

(a) Any person who drives, operates or moves upon or over any roadway or roadway structure any vehicle, object or contrivance weighing in excess of the maximum weight authorized under Part 5, Article 4, Title 42, C.R.S., in such a manner so as to cause damage to said roadway or roadway structure, and the damage sustained to said roadway or roadway structure is the result of the operating, driving or moving of such vehicle, object or contrivance, shall be liable for all damage which said roadway or roadway structure may sustain as a result thereof.

(b) Whenever the driver of such vehicle, object or contrivance is not the owner thereof but is operating, driving or moving such vehicle, object or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such roadway or roadway structure may be enforced through a civil action by the City.

(c) It shall be no defense to any action, either civil or criminal, brought by the City against such person that the weight of the vehicle was authorized by a permit issued pursuant to this Article. (Ord. 2008-O-13 §1)