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10.04

Model Traffic Code

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10.04.010 Adoption of Model Traffic Code.

A. Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, 4201 East Arkansas Avenue, Denver, CO 80222.

B. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the city. 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 city clerk and may be inspected during regular business hours. (Ord. 925 §1, 2003; Ord. 842 §1(part), 1997; Ord. 534 §1, 1979)

10.04.020 Deletions or additions.

The 2003 edition of the *Model Traffic Code* is adopted as if set out at length, and there are no sections specifically excepted therefrom.

A. The adopted code is subject to the addition of Section 1203 as follows:

"1203. Towing by the city of certain parked or unattended vehicles.

"Any vehicle parked or left unattended may be towed by the city or its agent, the cost of which shall be collectable from the owner or driver, if any of the following circumstances exists:

"1. The vehicle is parked in such a way as to block, impede or interfere with the flow of traffic;

"2. The vehicle blocks lawful access to public or private property;

"3. The vehicle blocks or interferes with the maintenance of city streets for purposes such as repair of the streets or removal of snow. The city shall only be able to enforce this subsection (3) after making reasonable efforts to notify all vehicle owners of the need to remove such vehicles for maintenance; or

"4. Any other circumstance deemed by the chief of police, city manager or city attorney to be an emergency situation requiring removal of the vehicle due to an imminent danger caused by the location of a parked vehicle and after all reasonable attempts have been made to locate the owner or driver of the vehicle."

B. A new subsection (5) is hereby added to Section 1701 of the Model Traffic Code, providing the following:

"(5) If an adult person (age 18 or older) receives a penalty assessment notice for a violation under this Section 1701, and such person pays the fine (and any applicable surcharge) for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

"(a) For a violation having an assessment of three (3) or more points under Section 4-2-127, C.R.S., as amended, the total number of points assessed for said violation are reduced by two (2) points;

"(b) For a violation having an assessment of two (2) points under Section 42-2-127(5), C.R.S., as amended, the total number of points assessed for said violation are reduced by one (1) point."

(Ord. 984 §1, 2008; Ord. 925 §1, 2003; Ord. 851 §1, 1997; Ord. 842 §1(part), 1997; Ord. 642 §1, 1984; Ord. 534 §2, 1979)

10.04.030 Applicability.

This chapter shall apply to every street, alley, sidewalk area, driveway, park, and every other public way, public place, public or private 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, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports, shall apply not only to public places and ways but also throughout this municipality. (Ord. 842 §1(part), 1997; Ord. 716 §3, 1988; Ord. 534 §4, 1979)

10.04.040 Interpretation.

The ordinance codified in this chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of said ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 534 §7, 1979)

10.04.050 Certification; copies on file for public inspection.

The city clerk shall certify to passage of the ordinance codified in this chapter and make not less than three (3) copies of the adopted code available for inspection by the public during regular business hours. (Ord. 534 §8, 1979)

10.04.060 Violation; penalty.

The following penalties, herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions stated or adopted in the ordinance codified in this chapter.

B. Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, except that no conviction for a noncriminal traffic infraction or offense shall be punishable by imprisonment.

C. No defendant shall have a right to a trial by jury for any noncriminal traffic infraction or offense. Except as defined in subsection D of this section, all offenses that violate any provision of "The Model Traffic Code for Colorado Municipalities," as adopted with additions and modifications, are declared to be noncriminal traffic infractions or offenses.

D. Any defendant charged with a violation of any of the following provisions of "The Model Traffic Code for Colorado Municipalities," as adopted with additions and modifications, shall have the right to a trial by jury:

1. Section 1101, exceeding speed limits, only where the speed alleged is greater than nineteen (19) miles per hour over the lawful speed limit;
2. Section 1105, speed contests;
3. Section 1401, reckless driving;
4. Section 1413, eluding or attempting to elude a police officer; and
5. Section 1903, failure to stop for a school bus.

E. In the event that a defendant is charged with more than one (1) traffic offense arising out of the same incident and at least one of the charged offenses is listed in subsection D of this section, the defendant shall have the right to demand a trial by jury as to all such offenses, which shall be consolidated for purposes of trial. (Ord. 991 §1, 2009; Ord. 842 §1(part), 1997; Ord. 719 §3, 1988; Ord. 534 §3, 1979)

Chapter 10.08

Parking Regulations

Sections:

- 10.08.010 Private property; parking without permission
- 10.08.020 Private property; complaint signature
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10.08.010 Private property; parking without permission.

No person shall park a vehicle in a private drive or on private property without the direct or implied consent of the owner or person in lawful possession of such driveways or property. Any vehicle parked in violation of the provisions of this section may be removed from said property and impounded at the expense of the owner of the vehicle. (Ord. 581 Part 1 §1, 1981)

10.08.020 Private property; complaint signature.

No complaint shall be issued for any violation of the foregoing section unless signed by the owner or person in control of the entire property or a representative of such owner who is authorized in writing to act on behalf of the owner of the private property. (Ord. 581 Part 1 §2, 1981)

10.08.030 Private property; signs required.

A property owner or manager enforcing the provisions of this chapter must post signs on private property indicating a limitation or prohibition on parking thereon. The signs must be of a size and location that they can be seen by an ordinarily observant person. There is an exception to the requirement to post signs where the private property consists of a single family residence or a duplex. (Ord. 842 §3, 1997; Ord. 581 Part 1 §3, 1981)

10.08.040 Trailers and semi-trailers.

No person shall park any trailer or semi-trailer upon any highway, street, alley or public way or upon any public place otherwise ordinarily used for vehicular parking. The provisions of this section shall not apply to any trailer or semi-trailer which does not exceed twenty-two (22) feet in overall length, as measured from the foremost part of the trailer hitch to the rear extremity of the trailer body, or to any trailer or semi-trailer exceeding such length which is designed for the transportation of a boat or which is designed for human habitation for camping or recreational purposes, nor shall such restriction apply to any trailer or semi-trailer which is:

- A. In the process of being loaded or unloaded;
- B. Disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semi-trailer on that portion of the highway, street, alley or public way or upon any public place or otherwise ordinarily used for public parking;
- C. Leased or owned by any permittee granted a permit for construction or repair work or by a public utility engaged in work for which no such permit is required, or a vehicle leased or owned by any contractor hired by such permittee or public utility, provided that the trailer or semi-trailer is used in such construction or repair site or within one hundred fifty (150) feet thereof as measured from the limits of the work area as specified in the permit and only during the period of actual construction;
- D. Leased or owned by a city department or a contractor or vendor hired by a city department for construction or repair work by a subcontractor thereof, provided that such trailer or semi-trailer is used in connection with such construction or repair work and is parked upon the construction or

repair site or within one hundred fifty (150) feet thereof as measured from the limits of the work area and only during the period of actual construction or repair. (Ord. 581 Part 2 §1, 1981)

10.08.050 Commercial vehicles; Residential areas.

No person shall park or leave standing any commercial vehicle or any other vehicle exceeding twenty-two (22) feet in length as measured from bumper to bumper, other than a house car, between the hours of 2:00 a.m. and 6:00 a.m., or otherwise, for more than two (2) hours on any public street where a majority of the buildings situated on the property contiguous thereto are used for residential purposes, whether as a single-family dwelling or as a multiple-family dwelling, nor shall any person park or leave standing any commercial vehicle for more than ten (10) hours on any public street except that any vehicle regulated herein may park during such prohibited periods or in excess of such time limitations:

A. While loading or unloading property and additional time is necessary to complete such work;
or

B. When the vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which the vehicle is parked, additional time as necessary to complete the service. (Ord. 581 Part 3 §1, 1981)

10.08.060 Commercial vehicles; Defined.

As used in Section 10.08.050, the term *commercial vehicle* means:

A. A truck-tractor; or

B. A motor vehicle with commercial license plates and exceeding twenty-two (22) feet total length from bumper to bumper. (Ord. 581 Part 3 §2, 1981)

10.08.070 Penalty for violation.

Every person convicted of violation of any provision in this chapter shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment. (Ord. 581 Part 4 §1, 1981)