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Chapter 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 2010 edition of the *Model Traffic Code for Colorado*, 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. 1005 §1, 2010; Ord. 925 §1, 2003; Ord. 842 §1(part), 1997; Ord. 534 §1, 1979)

10.04.020 Deletions or additions.

The 2010 Edition of the Model Traffic Code is adopted as if set out at length, with Section 1409(9) 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.

"5. Any vehicle, as defined in sections 8.12.010 F and L of the Craig municipal code, parked or left unattended on public or private property."

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. 1005 §1, 2010; Ord. 1003 §2, 2009; 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 one thousand dollars (\$1,000.00), or by imprisonment not exceeding one hundred eighty (180) 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," 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," 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. 1005 §1, 2010; 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
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- 10.08.040 Trailers and semi-trailers
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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)

Chapter 10.09

Use of ATV/OHVs

Sections:

- 10.09.010 Registration
- 10.09.020 Definitions
- 10.09.030 Terms and conditions; fees
- 10.09.040 Limitation of liability
- 10.09.050 Violations and fines

10.09.010 Registration.

A. It shall be legal for licensed drivers at least eighteen (18) years of age to operate an all-terrain vehicle, here after known as ATV (all-terrain vehicle) or OHV (off-highway vehicle) on the public streets within the city, providing that said vehicle is registered with the city and meets all requirements of this chapter. Owners wishing to register their vehicle with the city may do so at the police department.

B. Registration with the city will be completed only when the vehicle being registered meets the criteria set forth by the city in accordance with local traffic ordinances already in place.

C. Owners must provide the following:

1. Bill of sale, title of vehicle or proof of ownership;
2. Proof of current insurance (which must meet requirements of motorcycles licensed by the state of Colorado); and
3. Valid drivers license (a valid drivers license will be required to operate an ATV/OHV on the streets and alleys of the city.) (Ord. 1001 §1, 2009)

10.09.020 Definitions.

As used in this chapter:

All-terrain vehicle type I (ATV) means any motor vehicle fifty (50) inches or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of twenty-four (24) inches when measured at the forward edge of the seat bottom, with handlebars for control and designed for or capable of traveling over unimproved terrain.

Insured means the same insurance requirements needed to operate a street legal motorcycle in the state of Colorado.

Operator means the person who is in actual physical control of a vehicle.

State and city traffic laws means any traffic codes adopted by the city.

Utility type vehicle (UTV) means any recreational vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of thirty (30) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

Valid driver's license means any current, legal license not subject to revocation or suspension. (Ord. 1001 §1, 2009)

10.09.030 Terms and conditions; fees

A. Terms and conditions of ATV/OHV use: city streets (hereinafter called "legal route"), except for any state highway, are open for ATV/OHV use under the following conditions and restrictions:

1. ATV/OHV vehicle must be brought to the police department for VIN inspection, issuance of a permit and payment of registration fees;
2. Stickers must be placed on both front fenders of the ATV/ OHV;
3. ATV/OHV is insured. Proof of insurance required with vehicle at all times. Must maintain liability insurance coverage. Minimum required by state law;
4. ATV/OHV operator is licensed driver eighteen (18) years of age or older;
5. Limited to one (1) person on OHV unless the OHV is designed for two (2) riders and there is foot rest and hand holds for each rider. Side-by-sides (UTVs) must have and wear seatbelts for each occupant. All safety equipment on the OHV must be used. If UTV has a windshield, it must have operational wipers;
6. ATV/OHV operator must obey all state and city traffic laws;
7. No three-wheel ATV/OHV type vehicles are allowed on city streets;
8. The operator of an ATV/OHV may not exceed the posted speed limit or a maximum speed of thirty-five (35) mph;
9. The operator of an ATV/OHV on legal routes shall have all the rights and duties applicable to the driver of any other vehicle under the provisions of Colorado statutes and laws, except when those provisions cannot be reasonably applied to ATV/OHVs and except as otherwise specifically provided for in Colorado statutes; and
10. Motor vehicles that have been modified to be used as ATV/OHVs are not permitted.

B. Must meet the following safety equipment requirements:

1. Headlamp;
2. Tail lamp and reflector;

3. Stop lamps on the rear;
4. A horn or other audible warning device;
5. A muffler and emissions system;
6. Rear view mirror;
7. A windshield or eye protection for the operator;
8. For side-by-side vehicles, a seat belt is required for each occupant;
9. Anyone under the age of sixteen (16) who is riding as a passenger on a UTV (side-by-side) or two-person ATV must wear a helmet; and
10. A footrest and hand hold for each passenger. (Ord. 1001 §1, 2009)

10.09.040 Limitation of liability.

Nothing in this chapter shall be construed as an assumption of any duty of care by the city with respect to, or the assumption of any liability by the city for any injuries to persons or property which may result from the operation of an ATV/OHV on the streets within the city limits. (Ord. 1001 §1, 2009)

10.09.050 Violations and fines.

A. Any persons in violation of any city or state traffic laws will be ticketed and assessed fines that are applicable to said violations. The police department or any other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter.

B. With respect to any violation of traffic laws contained in this code (and Model Traffic Code incorporated therein), the minimum fine shall be one hundred dollars (\$100.00).

C. The city shall revoke the registration of any owner who is convicted of three (3) or more violations of any city or state traffic laws within one (1) year. (Ord. 1001 §1, 2009)