

## CHAPTER 8

### Vehicles and Traffic

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## ARTICLE 1

### Model Traffic Code

#### Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16, of Title 31, and Part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the Model Traffic Code 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 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. (Ord. 2004-12 §1)

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

One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length. (Ord. 2004-12 §1; Ord. 2007-04 §1)

#### Sec. 8-1-30. Amendments.

The Model Traffic Code is subject to the following additions, modifications and amendments:

- (1) Part 12 of the adopted code is amended by the addition of the following Section 1212:

**"1212. On-street parking prohibited by signs.** To provide for on-street parking prohibitions and limitations within the City, official signs shall be erected providing notice of the parking prohibitions as determined by the City Administrator, or his or her designee, pursuant to Ordinance No. 2004-13 of the City of Cripple Creek. It shall be a violation of this Code for any person to violate any parking prohibition, to post or install a parking sign without authorization from the City Administrator or his or her designee, or to remove or deface any sign that is posted or installed in accordance with said Ordinance No. 2004-13."

- (2) Part 12 of the adopted code is amended by the addition of the following Section 1213:

**"1213. Parking space marking.** On-street parking prohibitions and limitation shall be indicated by official signage as set forth in Section 1212. Where appropriate and as determined by the City Administrator or his or her designee, the beginning and end of each parking space may be painted on the roadway surface to indicate the boundaries of such on-street parking space. In addition to official signage and painted parking space boundaries, curbs may be painted to indicate where parking is prohibited or limited. It shall be a violation of this Code for any person to remove, alter, deface or add to any such painted parking space boundaries or painted curbs."

- (3) Part 12 of the adopted code is amended by the addition of the following Section 1214:

**"1214. Prohibited parking space uses.** The following acts are prohibited as improper uses of on-street parking spaces:

"(a) Occupying a parking space for a period of time in excess of the posted limitations for parking in said parking space without a valid parking permit issued for that purpose by the City.

"(b) Fully or partially occupying more than one parking space at one time with one vehicle, with or without an attached trailer.

"(c) Occupying a parking space with anything other than a vehicle and a properly attached trailer, including but not limited to signs, items of equipment, refuse containers, traffic cones, barrels, barricades or any other traffic control devices without possessing a valid Right-of-Way Permit issued for such purpose by the City pursuant to Ordinance No. 2005-1, with the exception of official traffic control devices placed in a parking space with the knowledge and consent of the City Administrator."

(Ord. 2004-12 §2; Ord. 2005-03 §§1—3; Ord. 2007-04 §1)

**Sec. 8-1-40. Application.**

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, or place or parking area, either within or outside the corporate limits of the City, the use of which the City 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 the City. (Ord. 2004-12 §5; Ord. 2007-04 §1)

**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. Article and 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. (Ord. 2004-12 §8; Ord. 2007-04 §1)

**Sec. 8-1-60. Violation; penalty.**

(a) It is unlawful for any person to violate any of the provisions of this Article or the Model Traffic Code as adopted herein.

(b) Every person convicted of a violation of any provision of this Article or the Model Traffic Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. (Ord. 2004-12 §3; Ord. 2007-04 §1)

## ARTICLE 2

### Parking Regulations

#### Sec. 8-2-10. Definitions.

The following definitions shall apply to this Article:

*Authorized emergency vehicle* means such vehicles as Fire Department and police vehicles, ambulances and other special purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with the state laws regulating emergency vehicles; and such privately owned vehicles as are designated by the State Motor Vehicle Licensing Agency, necessary to the preservation of life and property, which are to be equipped and to operate as emergency vehicles as prescribed by state law.

*Motor vehicle* means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways. This term shall include all classes of motorized vehicles, including but not limited to automobiles, motorcycles, motor-driven cycles and/or motorized bicycles.

*Park or parking* means the standing of a motor vehicle, whether occupied or not, otherwise than very briefly for the purpose of and while actively engaged in loading or unloading property or passengers.

*Resident* means any person who maintains his or her permanent place of residence in the City or owns real property within the R-1, R-2, R-10, R-3 and/or R-4 zones of the City, as said zones are defined in Chapter 16 of this Code.

*Stand or standing* means the halting of a motor vehicle, whether occupied or not, other than momentarily for the purpose of and while actively engaged in receiving or discharging property or passengers. (Ord. 1992-14 Art. I; Ord. 2007-04 §1)

#### Sec. 8-2-20. Business district parking restrictions.

(a) Parking of all motor vehicles shall be prohibited on Bennett Avenue, Carr Avenue and Myers/Masonic Avenues between "B" Street and Fifth Street; on Third and Fourth Streets between Carr Avenue and Warren Avenue; and on Second Street between Carr Avenue and Myers Avenue, except as expressly set forth herein.

(b) All City-owned parking lots shall have a four-hour parking limit.

(c) This Article shall not apply to authorized emergency vehicles or motor vehicles owned and/or operated by the City or City employees.

(d) Loading zones shall be exempt from the provisions of this Article. Loading zones shall be marked and shall allow parking for twenty (20) minutes only while loading and unloading operations are in progress. Parking for loading or unloading property shall be limited to those areas marked and designated for such purpose.

(e) Construction and delivery vehicles shall apply to the Police Department for, and may be entitled to receive, a police permit to allow parking for times in excess of those listed in this Article. The terms, conditions and restrictions for parking of said construction or delivery vehicles shall be as set forth in the police permit and shall include, but not be limited to, duration of the permit, location and times parking shall be allowed and the type of motor vehicle involved. The Police Department shall have exclusive authority to grant and/or revoke any and all construction or delivery vehicle parking permits. The fee for receipt of such a permit shall be ten dollars (\$10.00).

(f) Handicapped parking will be allowed in designated areas.

(g) Parking of any motor vehicle, regardless of whether said vehicle has any special parking permit, shall not be allowed between the hours of 2:00 a.m. and 6:00 a.m., to allow for street cleaning and snow removal on all paved streets.

(h) No double-parking of any motor vehicle shall be allowed. *Double parking* is defined as the parking of any motor vehicle such that the closest part of the motor vehicle to the curb is more than twelve (12) inches from the curb.

(i) In the event any motor vehicle is parked in violation of the terms of this Article, the motor vehicle shall be ticketed and the fine for such violation shall be fifteen dollars (\$15.00). In the event any motor vehicle receives and has more than two (2) such parking tickets outstanding and unpaid, said motor vehicle shall be towed at the expense of the owner thereof and shall be impounded until all outstanding parking tickets are paid.

(j) The provisions of this Article notwithstanding, the City Administrator may adopt regulations allowing the limited parking of promotional and antique automobiles and motor vehicles on Bennett Avenue. For purposes of this Subsection, the term *promotional automobile or motor vehicle* means an automobile or motor vehicle displayed by a business located on Bennett Avenue as an award or giveaway offered for purposes of promoting that business. *Antique automobile or motor vehicle* means a motor vehicle of model year 1959 or earlier displayed as an advertisement or attraction by a business located on Bennett Avenue. Any such regulations adopted by the City Administrator shall be in written form and shall be available for inspection at the office of the City Clerk during business hours. (Ord. 1992-14 Art. II; Ord. 2004-13 §§1, 3; Ord. 2007-04 §1; Ord. 2008-08)

**Sec. 8-2-30. Residential parking restrictions.**

(a) Parking on all public streets within the City and located in any R-1, R-2, R-3 and/or R-4 zone, as set forth in Chapter 16 of this Code, shall be limited to residents only.

(b) All residents and their guests shall display on each motor vehicle parked on any residential street a permit, issued by the City, identifying that motor vehicle as belonging to said resident and/or guest of the resident.

(c) Residents shall be entitled to receive any number of permits for motor vehicles owned or operated by them by registering the motor vehicle with the City Clerk's office, including the name of the owner, the make and color of the motor vehicle, the license plate number and a valid registration for such motor vehicle indicating an address within the City limits.

(d) The City shall charge no fee for the permits.

(e) The permits shall be displayed on the lower right-hand (passenger) side of the rear window of each motor vehicle owned or operated by the residents and/or guests of the residents.

(f) No parking on private property shall be allowed without the express consent of the owner of the property.

(g) In the event any motor vehicle is parked upon private property without such consent, the owner of the property shall be entitled to have the motor vehicle towed at the motor vehicle owner's expense.

(h) No motor vehicle shall be parked in such a manner as to block any public way or driveway, whether the driveway is public or private.

(i) In the event any motor vehicle is parked in violation of the terms of this Section, the motor vehicle shall be ticketed and/or towed. The fine for such violation shall be twenty-five dollars (\$25.00). In the event any motor vehicle receives and has more than two (2) such parking tickets outstanding and unpaid, said motor vehicle shall be towed at the expense of the owner thereof and shall be impounded until all outstanding parking tickets are paid. (Ord. 1992-14 Art. III; Ord. 2007-04 §1)

**Sec. 8-2-40. Posting of signs.**

The City Administrator may determine that parking for motor vehicles on City streets causes hazardous traffic conditions, impairs the City's ability to conduct street-cleaning or maintenance, or interferes with snow removal. Upon such a determination, the City Administrator may post signs pursuant to this Article to limit the duration of or prohibit parking on City streets. (Ord. 2004-13 §2)

**Sec. 8-2-50. Bus parking.**

(a) The drivers of all tour buses, commuter buses, Ramblin Express buses and any other such buses serving the City, excluding school buses, shall, after dropping off passengers at an intended destination, park their buses in the City's designated bus parking lots until such time as the bus leaves the lot to pick up passengers or depart the City.

(b) Immediately after parking in the City's designated bus parking lots, all bus engines shall be turned off and remain turned off until not more than ten (10) minutes before departure from the lots.

(c) Parking of tour buses, commuter buses, Ramblin Express buses or any other such buses at any other location within the City is hereby expressly prohibited.

(d) The City's designated bus parking lot is particularly described as First Addition, Block 1, Lots 11—20, with a street address of 217 East Warren. A second designated bus parking lot shall be used for overflow parking and is particularly described as First Addition, Block 1, Lots 1—10, with a street address of 261 East Warren. (Ord. 2003-20 §§1—4; Ord. 2007-04 §1)

**Sec. 8-2-60. Preservation of adopted code.**

The provisions of this Article shall not supersede any provision of Chapter 12 of the Model Traffic Code, adopted by reference in Article 1 of this Chapter. (Ord. 2004-13 §4)

**ARTICLE 3**

**Trailer Regulations**

**Sec. 8-3-10. Trailer defined.**

*Trailer* means any coach, truck cabin, camper, mobile home, truck, car or other vehicle or structure intended for, or capable of, being occupied as a human dwelling, or for sleeping purposes, mounted upon wheels or supports or supported and/or capable of being moved by its own power or transported by another vehicle. (Prior code 10.04.010)

**Sec. 8-3-20. Compliance required.**

It is unlawful for any person to place, keep or maintain any trailer upon any lot, piece or parcel of ground, except as permitted under Sections 8-3-30 through 8-3-50 below. (Prior code 10.04.020)

**Sec. 8-3-30. Storage; temporary guests.**

(a) It is permissible for the owner of a trailer or trailers to park for storage one (1) trailer only on a lot, piece or parcel of ground in the City limits when both the trailer and the lot, piece or parcel of ground are owned by the same person.

(b) It is permissible for the owner of any parked or stored trailer to allow the same to be occupied by his or her bona fide guests for a period of time not exceeding two (2) weeks; provided, however, that no money or other consideration shall be paid to the owner; and further provided that during such times and adequate water supply are available at all times, both day and night, to occupants of the trailer and that all health regulations and laws are strictly observed. This exception is especially intended to provide for guests of citizens, but in no case shall this exception extend beyond the two-week limitation as stated in this Section. (Prior code 10.04.030)

**Sec. 8-3-40. Approval required for parking areas.**

It is unlawful for any person to use lots, pieces or parcels of property situated in the City for the purposes of hire or lease as a parking area for trailers or as a trailer court for trailers, without prior approval by the City Council. (Prior code 10.04.050; Ord. 2007-04 §1)

**Sec. 8-3-50. Conflict not authorized.**

Nothing contained in this Article shall be construed to license nonconformity with or a violation of the health and zoning regulations and laws of the City. (Prior code 10.04.060)

**Sec. 8-3-60. Penalty for violation.**

Any violation of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code. (Prior code 10.04.070; Ord. 2007-04 §1)

**ARTICLE 4**

**Miscellaneous Provisions**

**Sec. 8-4-10. Engine brakes.**

- (a) The use of nonmuffled engine brakes is hereby prohibited within the City limits.
- (b) The fines for the use of nonmuffled engine brakes within the City shall be as follows:
  - (1) One hundred dollars (\$100.00) or warning for the first offense.
  - (2) Two hundred dollars (\$200.00) for the second offense.
  - (3) Three hundred dollars (\$300.00) for each subsequent offense.

(c) The Chief of Police is hereby authorized to issue warnings and/or citations for violation of the terms of this Section. (Ord. 1997-02 §§1—3)

**Sec. 8-4-20. Weight limitations.**

(a) Except for Highway 67, Teller County 1 and "B" Street between Carr and Bennett Avenues and any other officially designated and marked truck routes through the City, no motor vehicle with a gross vehicle weight in excess of fifty-six thousand (56,000) pounds and no more than twenty thousand (20,000) pounds per axle shall be allowed on any street, alley or roadway within the City limits. As a further restriction, no motor vehicle with a gross vehicle weight in excess of ten thousand (10,000) pounds shall be allowed on any street, alley or roadway within any area zoned R-1, R-2, R-3 and/or R-4 pursuant to Chapter 16 of this Code. These weight limitations shall not apply to City-owned vehicles or vehicles under contract with the City.

(b) Vehicles in excess of these weight limitations may apply to the Police Department for a permit to exceed the weight limitations. The terms, conditions and restrictions for such permit shall be as set forth in the police permit and shall include, but not be limited to, duration of the permit, location and times the weight limitation may be exceeded and the type of motor vehicle involved. The Police Department shall have exclusive authority to grant and/or revoke any and all such permits. The fee for receipt of such a permit shall be ten dollars (\$10.00). (Ord. 1992-14 Art. V)

**Sec. 8-4-30. Towing and impound fees.**

(a) The towing charge for vehicles towed at the request of the City will be the same towing charge which is charged to individuals by the private towing company providing the towing services within the City.

(b) The cost of any daily impound fee charged by any private towing company shall be the responsibility of the automobile owner. The City may charge a daily impound fee of not more than one hundred dollars (\$100.00) per day. The daily impound fee shall be posted, along with the hours of operation, at the City's impound lot.

(c) In addition to the towing charge, a gate fee in the amount of ten dollars (\$10.00) will be charged to help defer the cost of the administrative expenses associated with towing motor vehicles.

(d) The towing charge and the gate fee may be amended from time to time by the City Council by resolution or ordinance. (Ord. 1998-02 §§2—5; Ord. 2007-04 §1)