

CHAPTER XV

Traffic

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SECTION I

Model Traffic Code

Sec. 15-1-1. Adoption.

(a) Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., as amended, there is adopted by reference the 1995 Edition of the "Model Traffic Code For Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 E. Arkansas Avenue, Denver, Colorado 80222.

(b) The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Chapter and the code adopted in this Chapter is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation.

(c) Three (3) copies of the Model Traffic Code adopted in this Section are now filed in the office of the Town Clerk and may be inspected during regular business hours.

(d) The 1995 Edition of the Model Traffic Code is adopted as if set out at length. (Ord. 341 §1, 1977; Ord. 460 §1, 1996)

Sec. 15-1-2. Additions or modifications.

The following modifications and additions are made to the 1995 Edition of the Model Traffic Code:

(1) Section 1203 shall be added to read as follows:

"(a) Angle-Parking is approved for all cul-de-sacs within the Town limits but angle-parking shall only be permitted within the curved portion of such cul-de-sacs."

(2) Section 1415 shall be added to read as follows:

"Section 1415. Driving while license denied, suspended, or revoked.

"1. It shall be unlawful for any person to drive a motor vehicle or off-highway vehicle upon any street or roadway in this Town with knowledge that such person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason.

"2. For the purposes of this Section, the following definitions shall apply:

"(a) 'Knowledge' means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint or knowledge of the duration of restraint.

"(b) 'Restraint' or 'Restrained' means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in this State, or any combination of denials, revocations, or suspensions.

"3. In any trial for a violation of this Section, a duly authenticated copy of the Defendant's former convictions and judgments and alcohol-related driving offenses pursuant to C.R.S. 42-4-

1301(1) or (2) from any court of record or certified copy of the record of any denial or revocations of a Defendant's driving privilege under C.R.S. 42-2-126(2)(a) from the State of Colorado Department of Motor Vehicles shall be prima facie evidence of such convictions, judgment, denial, or revocations and may be used in evidence against such Defendant.

"4. In any prosecution for a violation of this Section, the fact of the restraint may be established by certification that a notice was mailed by First Class mail pursuant to C.R.S. 42-2-110(2), to the last known address of the Defendant, or by delivery of such notice to the last known address of the Defendant, or personal service of such notice upon the Defendant."

(3) Section 1415(6) shall be added to read as follows:

"Section 1415(6). Automatic Point Reduction. If a person receives a penalty assessment notice for a violation and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation will be reduced as follows:

"(a) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points.

"(b) For a violation having an assessment of two (2) points, the points are reduced by one (1) point."

(4) Section 1416 shall be added to read as follows:

"Section 1416. Permitting unauthorized person to drive.

"1. No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any street or highway within the Town by any person who has not been issued a current valid driver's, minor driver's or provisional driver's license or an instruction permit or shall cause or knowingly permit such a person to drive a motor vehicle upon any street or highway in violation of the conditions or restrictions contained in a license or permit which has been issued to such other person."

(5) Section 1417 shall be added to read as follows:

"Section 1417. Expired license plates/registration/temporary permit.

"1. Pursuant to State law (C.R.S. 42-3-124), every vehicle registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, by the payment of the fees required by law, not later than thirty days after the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operating on any street or highway within the Town.

"2. No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof.

"3. A temporary vehicle registration may not be used on any vehicle after the expiration of the period for which the permit was issued."

(6) Section 1418 shall be added to read as follows:

"Section 1418. Driving without a current valid driver's license.

"1. No person shall drive a motor vehicle upon a street or road in this Municipality unless such person has been issued a currently valid driver's, minor driver's, or provisional driver's license or an instruction permit by the State Department of Motor Vehicles.

"2. No person shall drive any motor vehicle upon a street or road in this Municipality unless such person has in his immediate possession a current driver's, minor driver's, or provisional driver's license or an instruction permit issued by the State Department of Motor vehicles.

"3. No person who has been issued a currently valid driver's, minor driver's, or provisional driver's license or instruction permit shall drive a type or general class of motor vehicle upon a street or road in this Municipality for which such person has not been issued the correct type or general class of license or permit.

"4. No person who has been issued a current driver's, minor driver's, or provisional driver's license or an instruction permit shall operate a motor vehicle upon a street or road in this Municipality without having such license or permit in such person's immediate possession.

"5. A charge of a violation of subsection (4) of this Section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's court appearance, exhibits to the court a currently valid license or permit issued to such person or an officially issued duplicate thereof if the original is lost, stolen, or destroyed.

"6. The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this Section is justifiable and not unlawful when:

"(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this Section; or

"(b) The applicable conditions for exemption, as set forth in C.R.S. 42-2-102, exist.

"7. The issue of justification or exemption is an affirmative defense. As used in this subsection, 'affirmative defense' means that, unless the prosecutor's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the charge."

(7) Section 1419 shall be added to read as follows:

"Section 1419. Open alcoholic beverage containers in motor vehicles prohibited.

"1. Definitions. As used in this Section, unless the context otherwise requires:

"(a) 'Alcoholic beverage' means a beverage as defined in Section 12-47-103, C.R.S.

"(b) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

"(c) 'Open alcoholic beverage container' means a bottle, can or other receptacle that contains any amount of alcoholic beverage and:

"(I) That is open or has a broken seal; or

"(II) The contents of which are partially removed.

"(d) 'Passenger area' means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.

"2. Except as otherwise permitted in Paragraph 3 below, a person while in the passenger area of a motor vehicle that is on a public street in this Town or the right-of-way of a public street in this Town may not knowingly:

"(a) Drink an alcoholic beverage; or

"(b) Have in his or her possession an open alcoholic beverage container.

"3. The provisions of this Subsection shall not apply to:

"(a) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation;

"(b) The possession by a passenger, other than the driver or a front seat passenger, of an open alcoholic beverage container in the living quarters of a house coach, house trailer, motor home, as defined in Section 42-1-102(57), C.R.S., or a trailer coach, as defined in Section 42-1-102(106)(a), C.R.S.;

"(c) The possession of an open alcoholic beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or

"(d) The possession of an open alcoholic beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk."

(Ord. 397, 1987; Ord. 408 §1, 1989; Ord. 422 §1, 1992; Ord. 460 §1, 1996; Ord. 463 §1, 1996; Ord. 498 §1, 2002; Ord. 524 §1, 2005)

Sec. 15-1-3. Traffic control schedules.

The traffic control schedules previously adopted by resolutions of the Town Board are hereby adopted as the traffic control schedules for the 1995 Edition of the Model Traffic Code for Colorado Municipalities as applied to the Town. Any future modification of such schedules shall be made by resolution of the Town Board. (Ord. 460 §1, 1996)

Sec. 15-1-4. Applicability.

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, public place or public parking areas, 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. 341 §4, 1977; Ord. 460 §1, 1996)

Sec. 15-1-5. Violation; penalty.

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

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this Chapter.

(2) Every person convicted of a violation of any provision stated or adopted in this Chapter shall be punished by a fine not exceeding five hundred dollars (\$500.00), except the following offenses shall be subject to 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:

1401. Reckless Driving.

1402. Careless Driving.

1415. Driving While License Denied, Suspended, or Revoked.

(Ord. 460 §1, 1996; Ord. 467 §1, 1997)

SECTION II

Abandoned or Inoperable Vehicles

Sec. 15-2-1. Findings of Town Board.

The Town Board finds that junked, wrecked, dismantled, inoperable, discarded or abandoned vehicles in and upon real property within the Town is a matter affecting the health, safety and general welfare of the citizens of Eaton, Colorado for the following reasons:

(1) Such vehicles serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;

(2) They are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports and because they are a ready source of fire and explosion;

(3) They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located, thereby causing a loss in property value to surrounding property;

(4) They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures. (Ord. 337 §1, 1977)

Sec. 15-2-2. Definitions.

Inoperable means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

Vehicle means any automobile, truck, tractor or motorcycle which, as originally built, contained an engine, regardless of whether it contains an engine at any other time. (Ord. 337 §2, 1977)

Sec. 15-2-3. Prohibitions.

Except as provided in Sections 15-2-4 and 15-2-5 below, it shall be unlawful for any person, partnership, corporation or their agent, either as owner, lessee, tenant or occupant, of any lot or land within the Town, to park, store or deposit or permit to be parked, stored or deposited thereon, an inoperable vehicle unless it is enclosed in a garage or other building. (Ord. 337 §3, 1977)

Sec. 15-2-4. Temporarily disabled vehicles.

The provisions of Section 15-2-3 above shall not apply to any person, partnership or corporation or their agent with one (1) vehicle inoperable for a period of thirty (30) consecutive days or less. (Ord. 337 §4, 1977)

Sec. 15-2-5. Business activity and screening.

The provisions of Section 15-2-3 above shall not apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; provided, however, that nothing in this Section shall authorize the maintenance of a public nuisance. (Ord. 337 §5, 1977)

Sec. 15-2-6. Presumptions.

Any of the following conditions shall raise the presumption that a vehicle is inoperable:

- (1) Absence of an effective registration plate upon such vehicle;
- (2) Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports;
- (3) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways. (Ord. 337 §6, 1977)

Sec. 15-2-7. Administrative procedures.

Whenever an informal complaint is made to the Chief of Police or to any other appropriate Town official or member of the Town Board regarding an alleged violation of Section 15-2-3 above, or whenever any police officer of the Town observes an apparent violation of Section 15-2-3, a police officer may cause a written notice to be served upon the person in possession or the owner of the real property upon which such inoperable vehicle is located. Such notice shall inform such person of the violation and direct that he or she take action within ten (10) days after receipt of such notice to comply with Section 15-2-3 or that prosecution will be commenced for violation thereof. If compliance is not

made as directed, prosecution proceedings against the responsible person or persons shall be commenced. (Ord. 337 §7, 1977)

Sec. 15-2-8. Violation and penalty. (Repealed by Ord. 420 §1, 1991. See Section 1-3-1 for applicable penalty.)

Sec. 15-2-9. Removal by Town; costs.

(a) If a violation continues after notice has been given pursuant to Section 15-2-7 above, then the Chief of Police may cause such vehicle to be towed away and shall immediately notify the owner of the property, the person in possession of the property and the owner of the automobile if known, of the location of such automobile.

(b) The towing charges of said automobile shall be assessed as costs by the Court in any prosecution in which the defendant is found guilty. (Ord. 337 §9, 1977)

SECTION III

Parking of Trucks on Town Streets

Sec. 15-3-1. Prohibited parking.

No trailer, semitrailer, truck, truck-tractor, bus or part of such vehicle shall be parked or stored upon the streets and alleys within the corporate limits of the Town, whether such vehicle be attended or unattended, for more than one hundred twenty (120) minutes, not including the time during which such vehicle actually is being loaded or unloaded. (Ord. 366 §1, 1981)

Sec. 15-3-2. Exceptions.

The above prohibition shall apply throughout the Town, except:

(1) Passenger vehicles, as defined by the Model Traffic Code as from time to time adopted or amended;

(2) Trailers, buses or trucks not exceeding thirty (30) feet in length; but this exception shall not apply to trucks/tractors weighing in excess of ten thousand (10,000) pounds.

(3) Trucks or truck-tractors currently licensed by the State Department of Motor Vehicles which, while on business calls, may be parked on permanently constructed driveways and upon streets in a residential zone or zones.

(4) Those vehicles which are otherwise lawfully stopped, parked or left standing on a street within the Town as described and as designated as follows:

a. East and west sides of Oak Avenue from the north Town limit to the south Town limit.

b. All streets east of Oak Avenue which lie in an industrial zone.

(5) Buses owned, leased or chartered by a public school, college or university. (Ord. 366 §2, 1981; Ord. 439 §1, 1993; Ord. 510 §1, 2003)

Sec. 15-3-3. Penalties. (Repealed by Ord. 420 §1, 1991. See Section 1-3-1 for applicable penalty.)

SECTION IV

Parking of Trailers, Campers and Boats on Streets

Sec. 15-4-1. Detached trailers, pickup campers and boats.

For purposes of this Section, *trailer* means any wheeled vehicle without motive power and designed to be drawn by a motor vehicle. A *pickup camper* means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

- (1) No trailer shall be detached from a towing vehicle and left standing in any public right-of-way.
- (2) No pickup camper shall be unloaded from a pickup truck and left standing in any public right-of-way.
- (3) No boat, whether standing on a trailer or standing by itself, shall be left standing on any public right-of-way unless attached physically to a motor vehicle. (Ord. 373 §1, 1984)

Sec. 15-4-2. Parking of oversized vehicles.

For the purpose of this Section, *oversized private vehicle* means any vehicle registered, licensed or used for private purposes, including but not limited to buses, motorized mobile homes and motorized recreational coaches, and exceeding thirty-four (34) feet in length or eight (8) feet or more in width. Oversized vehicles are prohibited from parking in any area of the Town, either on the street, traveled road or public right-of-way, except:

- (1) Temporary parking of vehicles used for loading or unloading of personal goods or property for a period not to exceed twenty-four (24) hours.
- (2) Temporary parking of passenger vehicles, such as automobiles and pickup trucks, with attached trailers, campers or boats for a period not to exceed twenty-four (24) hours.
- (3) Temporary parking of oversized private vehicles by nonresident visitors pursuant to a permit issued by the Chief of Police. Such permits shall be issued only to the owner or regular driver of such vehicle and shall not be transferred or assigned to another owner, driver or location. Such permits shall not exceed fourteen (14) days and may be renewed for a period not to exceed fourteen (14) days. (Ord. 373 §2, 1984; Ord. 439 §2, 1993)

Sec. 15-4-3. Measurements.

Measurements made in the enforcement of this Section shall be made as follows:

- (1) The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle, including loads or any projections attached thereto, with the exception of radio antennae, exhaust pipes and vents.
- (2) The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto. (Ord. 373 §3, 1984)

Sec. 15-4-4. Penalties. (Repealed by Ord. 420 §1, 1991. See Section 1-3-1 for applicable penalty.)

Sec. 15-4-5. Application.

This Section IV shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. (Ord. 373 §4, 1984)