

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.04

Model Traffic Code

Sections:

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10.04.010 Short title.

This chapter of the municipal code shall be known as the "Model Traffic Code." (Ord. 208 §1, 1985; prior code §12-2)

10.04.020 Model Traffic Code—Adopted—Copy on file.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, 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 town. The purpose of 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 nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the town clerk, and may be inspected during regular business hours. (Ord. 552 §1, 2004; Ord. 332 §1, 1996; prior code §12-1)

10.04.030 Model Traffic Code—Applicability.

This chapter and the Model Traffic Code adopted herein shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way, or public place or public parking area, either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout the town. (Ord. 332 §2, 1996; prior code §12-3)

10.04.040 Interpretation of provisions.

This chapter and the Model Traffic Code adopted by this chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained in this chapter. Article and section headings of this chapter and the 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. (Prior code §12-4)

10.04.050 Additions or modifications.

The following additions, amendments or deletions are made to Article I of the Model Traffic Code:

A. **Section 106, Who may restrict right to use highways**, is amended by the addition of a new subsection (4) to read as follows:

(4) When official signs are posted giving notice thereof, no person shall operate a truck or other commercial vehicle with a gross weight in excess of 10,000 pounds at any time upon any municipal street within the town except for Grant Avenue.

B. **Section 1101, Speed limits**, subsection (4) and subsection (7) are deleted, and subsection (2) is amended to read as follows:

(2) Where speed limits are posted by an official traffic control device, it shall be unlawful for any person to drive any vehicle in excess of the posted speed limits. Where speed limits are not posted, and where no special hazard exists that requires a lower speed, the following speeds shall be lawful:

(a) Twenty-five (25) miles per hour in any residence district, as defined in Section 42-1-102(80), C.R.S.;

(b) Thirty (30) miles per hour in any business district, as defined in Section 42-1-102(11), C.R.S.;

(c) Fifteen (15) miles per hour in alleys.

C. **Section 1204, Stopping, standing, or parking prohibited in specific places**, is amended by the addition of a new subsection (1)(l) to read as follows:

(1)(l) Adjacent to any municipal park unless the occupants of the parked vehicle are using the park or park facilities.

D. **Section 1212, Trailer, trailer coach, utility trailer, bus, motor home or mobile home parking**, is added to read as follows:

Section 1212. Trailer, trailer coach, utility trailer, bus, motor home or mobile home parking.

(1) Except as provided in subsection (2) of this section, no trailer, trailer coach, utility trailer, bus or motor home, as defined in Title 17 of the Firestone Municipal Code, shall be parked, attached or detached, on any public right-of-way within the town.

(2) A motor home or trailer coach may be parked within a residential area for a period of time not to exceed forty-eight hours within any seven-day period provided the home or coach is being parked for the purpose of loading or unloading during such period, and not for storage.

(3) Whenever a motor home or trailer coach is parked as permitted under subsection (2) of this section, the owner thereof shall post or place a conspicuous notice on the home or coach to advise third parties of the approximate time when the home or coach will be moved.

E. **Section 1213, Bus, camper coach, trailer coach, mobile home, motor home, and recreational vehicle restrictions**, is added to read as follows:

Section 1213. Bus, camper coach, trailer coach, mobile home, motor home, and recreational vehicle restrictions. No bus, camper coach, trailer coach, mobile home, motor home, or recreational vehicle shall be used for living, sleeping or residing on any street or public right-of-way within the town.

F. **Section 1214, Parking not to obstruct traffic or maintenance**, is added to read as follows:

Section 1214. Parking not to obstruct traffic or maintenance. No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

G. **Section 1402, Careless driving**, is amended to read as follows:

Section 1402. Careless driving.

(1) Any person who drives any motor vehicle, bicycle or motorized bicycle anywhere within the Town in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, traffic control devices, traffic markings, objects, pedestrians, or the use of the streets and highways, or any other attendant circumstances, is guilty of careless driving.

(2) It shall be prima facie evidence of a violation of this section for a person driving a motor vehicle to have caused the squealing of the tires of the vehicle as the result of the sudden acceleration of the vehicle, or for such person to have caused the vehicle to weave from side to side.

(3) It shall be prima facie evidence of a violation of this section for a person driving a motor vehicle, bicycle or motorized bicycle to have collided with any stationary object, including but not limited to a building or other structure, fence, sign post, parked vehicle, utility pole or barricade.

H. Subsections (1) and (2) of **Section 1705, Persons arrested to be taken before the proper court**, are amended to read as follows:

(1) Whenever a person is arrested for any violation of this Code, the arrested person, unless admitted to bail, shall be taken without unnecessary delay before the municipal judge, in any of the following cases:

(a) When a person arrested demands an appearance without unnecessary delay before a judge;

(b) When the person is arrested and charged with an offense under this Code causing or contributing to an accident resulting in injury or death to any person;

(c) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries or property damage.

(2) Whenever any person is arrested by a police officer for any violation of this Code and is not required to be taken before the municipal judge as provided in subsection (1) of this section, the arrested person shall, in the discretion of the officer, either be given written notice or summons to

appear in court as provided in section 1707 and admitted to bail or released upon personal recognizance, or be taken without unnecessary delay before the municipal judge when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court as directed by a summons. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

I. Section 1709, Penalty assessment notice for traffic offenses – violations of provisions by officer – driver's license, is amended to read as follows:

Section 1709. Penalty assessment notice for traffic offenses – refusal. Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

J. Section 1717, Conviction - attendance at driver improvement school, is amended to read as follows:

Section 1717. Conviction - attendance at driver improvement school. Whenever a person has been convicted of violating any provision of this Article, which regulates the operation of vehicles on highways, the municipal court, in addition to the penalty provided for the violation or as a condition of either probation, a deferred sentence or the suspension of all or any portion of any fine or sentence of imprisonment for a violation, may require the defendant, at his own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations and instruction in traffic accident prevention. Unless otherwise provided by law, such school shall be approved by the court.

K. The following sections of Article I of the Model Traffic Code are specifically not adopted as part of the adoption of said code: Section 227(3)(b); Section 229(1); Section 235(3); Section 601; Section 1412(10)(d); Section 1707, Subsections (2) and (5); Section 1710, Subsections (2), (3) and (4); Section 1901; Section 1903, Subsections (6) and (7); and Section 1904. (Ord. 552, §2, 2004; Ord. 505 § 1, 2002; Ord. 468 §1, 2001; Ord. 372 §1, 1997; Ord. 371 §1, 1997; Ord. 332 §3, 1996)

10.04.060 Deletions.

The following sections of Article I of the Model Traffic Code for Colorado Municipalities, 1995 Edition, are specifically not adopted as part of the adoption of said Code: Section 227(3)(b); Section 229(1); Section 235(5); Section 601; Section 1401(2); Section 1412(10)(d); Subsections (2) and (5) of Section 1707; Subsections (2), (3) and (4) of Section 1710; Section 1901; Subsections (6) and (7) of Section 1903; Section 1904. (Ord. 332 §4, 1996)

10.04.070 Designation of speed limits.

The chief of police, in addition to the board of trustees, is designated and authorized to set speed limits within the town which are increased or decreased specifically from those set forth under Section 1101 of the Model Traffic Code for Colorado Municipalities, as adopted from time to time by the town. Such modifications of speed limits shall be maintained as set forth under the Model Traffic Code for Colorado Municipalities, as adopted from time to time by the town. (Ord. 468 §2, 2001)

10.04.190 Municipal court to designate cases to violations bureau.

The municipal court may designate the specified offenses under the traffic ordinances of this municipality and the state traffic laws in respect to which payment of fines may be accepted by the traffic violations bureau in satisfaction thereof, and may specify by suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law, and may further specify what offenses shall require appearance before the court. (Ord. 208 §3, 1985; prior code §12-4.2)

10.04.200 Violations—Penalties.

A. It shall be unlawful for any person to violate any of the provisions of this chapter or the Model Traffic Code adopted herein for which no specific penalty has been provided or for which the sole penalty provided is a fine, both of which types of violations are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available and for which a penalty assessment notice shall be issued. Every person who is convicted of a traffic infraction, who admits liability or guilt for a traffic infraction or against whom a judgment is entered for a traffic infraction, is subject to a fine, exclusive of any court costs and surcharges, which shall be determined by the points assigned to each violation and assessed at a rate of fifty dollars per point; provided, however, that no fine shall be less than twenty-five dollars nor more than one thousand dollars.

B. For any violation of any provision of this chapter or the Model Traffic Code adopted herein which is a traffic infraction, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear or to pay, no privilege against self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters.

C. For any violation of any provision of this chapter or the Model Traffic Code adopted herein which is a traffic infraction, the court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalties, together with such court costs and surcharges, as are established by law; provided, however, that court costs shall be fifty dollars, the penalty for failure to pay an assessment of the court shall be one hundred dollars and the penalty for failure to appear shall be two hundred dollars. The court may establish, by written order, rules and regulations consistent with this chapter for the administration of any violation of this chapter or the Model Traffic Code adopted herein which is a traffic infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance, and schedules establishing discounts from those amounts for early payment of penalties. Such early payment discounts shall apply only to penalties paid within twenty days of issuance of the penalty assessment notice for the infraction.

D. The town attorney may establish a town attorney's plea bargain procedure, which shall be printed on the penalty assessment form and which, in conjunction with any early payment discount, shall provide for the automatic reduction of points assessed for a traffic infraction as set forth in this Subsection D; provided, however, that the town attorney shall retain all lawful authority to determine what, if any, plea bargain to offer those defendants appearing in the municipal court.

1. A four- or three-point violation may be reduced to a two-point violation; and
2. A two-point violation may be reduced to a one-point violation.

E. It is unlawful for any person to violate any of the following provisions of this chapter, which violations are hereby deemed criminal offenses. Every person convicted of a violation of the following provisions of this chapter shall be subject to the penalties set forth in Section 1.16.010 of this code:

1. Section 1101 of the Model Traffic Code, where the speed as driven is twenty miles per hour or more over the lawful speed.
2. Section 1105 of the Model Traffic Code, speed contest.
3. Section 1401 of the Model Traffic Code, reckless driving.
4. Section 1402 of the Model Traffic Code, careless driving.
5. Section 1413 of the Model Traffic Code, eluding or attempting to elude a police officer.
6. Section 1409 of the Model Traffic Code, compulsory insurance.
7. Section 1903 of the Model Traffic Code, stopping for school buses. (Ord. 571 §4, 2005; Ord. 446, 2000; Ord. 332 §6, 1996; Ord. 208 §5, 1985; prior code §12-4.3)

Chapter 10.08

Permits for Overweight Vehicles

Sections:

- 10.08.010 Application standards.
- 10.08.020 Contents of application.
- 10.08.030 Town may issue conditional permit.
- 10.08.040 Permit to be carried in vehicle.

10.08.010 Application standards.

The town administrator or the town administrator's designee may, upon application in writing and good cause being shown therefor, issue in writing an annual permit or a single trip permit, authorizing the applicant to operate or move a vehicle of a weight exceeding the maximum specified in Section 10.04.050 or otherwise not in conformity with the provisions of this title; provided, however, that no annual or single trip permit shall be issued for vehicles to cross structures if such vehicles are of weights in excess of the structural capacity of such structures as determined by the town engineer. (Ord. 393 §1(part), 1998)

10.08.020 Contents of application.

The application for any such permit shall specifically describe the vehicle and load to be operated or moved and the particular streets or other public ways for which the permit to operate is requested and whether such permit is for a single trip or for continuous operation and the time of such movement. The application shall be accompanied by a permit fee in the amount of two hundred dollars for an annual permit, or twenty-five dollars for a single trip permit. (Ord. 571 §5, 2005; Ord. 393 §1(part), 1998)

10.08.030 Town may issue conditional permit.

When granting a permit, the town administrator or the town administrator's designee may, at his or her discretion, limit the number of trips or establish seasonal or other time limitations within which the vehicles described may be operated on the public ways indicated, and may otherwise limit or prescribe conditions of operation of such vehicle, when necessary to assure against undue damage to streets, viaducts, bridges and other public highways or highway structures. The town administrator or the town administrator's designee may also require such undertaking or security as may be deemed necessary to compensate for any injury to any street, viaduct, bridge or other public highway or public highway structure. (Ord. 393 §1(part), 1998)

10.08.040 Permit to be carried in vehicle.

Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such permit. (Ord. 393 §1(part), 1998)