

CHAPTER 8

Vehicles and Traffic

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ARTICLE 1

Model Traffic Code

Sec. 8-1-10. Adoption.

(a) Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2009 edition of the Model Traffic Code, 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 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.

(b) Not less than one (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Town Clerk and may be inspected during regular business hours.

(c) To the extent the term *Model Traffic Code* or *Traffic Code* is used elsewhere in this Municipal Code or the ordinances of the Town or any of its rules or regulations, that term is hereby deemed and ordained to refer to the 2009 revised edition of the Model Traffic Code, as adopted and modified by this Chapter. (Prior code 9-1-1; Ord. 302 Part 1.1, 2005; Ord. 330 §1, 2007; Ord. 356 Parts 1.1, 1.2, 2009)

Sec. 8-1-20. Additions or modifications.

The Model Traffic Code is subject to the following additions or modifications:

(1) Article I, Subsection 1701(l) of the Model Traffic Code is hereby amended to read as follows:

"It is a traffic infraction for any person to violate any of the provisions of this Code unless such violation is, by any provisions of this Code or by any other law of this state, declared to be a misdemeanor traffic offense. Such a traffic infraction shall constitute a civil matter. A person charged with a traffic infraction shall be issued a penalty assessment notice in accordance with Section 1709 of the Model Traffic Code, as adopted by the Town of Fraser."

(2) Article I, Section 1709 of the Model Traffic Code is amended by the addition of new Subsections (6), (7), (8) and (9), which shall read as follows:

"(6) Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgement of guilt by such person of his or her violation of the offense stated in such notice.

"(7) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the Town, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. Checks tendered and accepted and on which payment is received shall be deemed sufficient receipt.

"(8) Should the defendant charged by a penalty assessment notice accept the notice but fail to pay the prescribed penalty thereon within twenty (20) days thereafter, he or she shall be allowed to pay such penalty thereon to the clerk of the Fraser Municipal Court prior to the time for appearance as specified in the notice.

"(9) The provisions of Section 42-2-127(5.5), Colorado Revised Statutes, are hereby made applicable to penalty assessment notices issued pursuant to this Article, as follows:

"(a) If a person receives a penalty assessment notice for a violation under Section 1701 of the Model Traffic Code, as adopted by the Town of Fraser, and such person pays the fine and surcharge for the violation within twenty (20) days from the date the citation is issued, the points assessed for the violation are reduced as follows:

"(i) For a violation having an assessment of three or more points under Section 42-2-127(5), Colorado Revised Statutes, or any successor statute, the points are reduced by two points;

"(ii) For a violation having an assessment of two points under Section 42-2-127(5), Colorado Revised Statutes, or any successor statute, the points are reduced by one point."

(3) Article I, Section 1204 of the Model Traffic Code is amended by the addition of new Subsections (6) and (7), which shall read as follows:

"(6) The Fraser Town Manager or his or her designee is hereby delegated the authority and responsibility to determine the appropriate restrictions or prohibitions on vehicular standing or parking to be applied to various streets and other public places within the Town of Fraser and to post or cause to be posted official signs to give notice of such restrictions or prohibitions.

"(7) Police officers of the Town are authorized to issue a citation and may immediately remove, or cause to be removed, a vehicle parked or stopped in violation of this Section or the signs posted in accordance herewith."

(Prior code 9-1-2; Ord. 302 Part 1.2 [part], 2005; Ord. 319, Part 1.1, 2006; Ord. 356 Part 1.3, 2009)

Sec. 8-1-30. Speed limits.

In accordance with the provisions of Article I, Sections 1101 and 1102 of the Model Traffic Code, the absolute speed limits applicable to various streets or portions of streets within the Town shall be established and may be amended from time to time by resolution of the Board of Trustees. (Prior code 9-1-2; Ord. 302 Part 1.2 [part], 2005; Ord. 319 Part 1.1, 2006)

Sec. 8-1-40. Civil and criminal violations; right to jury trial.

(a) It is a criminal traffic offense for any person to violate any of the following provisions of Article I of the Model Traffic Code as adopted by the Town:

(1) Section 107, Disregarding a police officer directing traffic;

(2) Subsection 1101(1), Speed limits, where the violation charged is driving more than twenty (20) miles per hour in excess of the reasonable and prudent speed or in excess of the lawful speed limit;

(3) Section 1105, Speed contests;

(4) Section 1401, Reckless driving;

(5) Section 1402, Careless driving;

(6) Section 1409, Operation of an uninsured motor vehicle;

(7) Section 1413, Eluding or attempting to elude a police officer;

(8) Section 1716, Failure to obey summons;

(9) Subsection 1903(1), Failure to stop for school bus.

(b) Except for those violations classified as criminal traffic offenses pursuant to Subsection (a) above, all violations of this Article or of the Model Traffic Code are hereby classified as noncriminal traffic infractions which shall be deemed to be civil matters. The Colorado Municipal Court Rules of Procedure shall apply to proceedings in which the defendant is charged with such a noncriminal traffic infraction, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal traffic infraction. Instead, the Court may enter a judgment of liability by default against the defendant for any such failure to appear; assess any penalty and costs established by law; and report the judgment to the State Motor Vehicle Division which may assess points against the defendant's driving privileges and may deny an application for or renewal of the defendant's driver's license until the judgment and all other lawful costs are satisfied. Further, no writ of mittimus shall issue where the only basis for the fine and costs imposed was the finding of guilty or liability for a noncriminal traffic infraction.

(c) Any defendant charged with a criminal traffic offense, as defined in Subsection (a) above, shall have the right to demand a trial by jury upon compliance with the provisions of state law and the Colorado Municipal Court Rules of Procedure. No defendant shall have a right to a trial by jury for any noncriminal traffic infraction, as defined in Subsection (b) above. In the event that a defendant is charged with more than one (1) traffic violation arising out of the same incident and at least one (1) of the charged violations is listed in Subsection (a), 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. (Prior code 9-1-3; Ord. 302 Part 1.3, 2005; Ord. 319 Part 1.2, 2006)

Sec. 8-1-50. Application.

This Article and the Model Traffic Code adopted herein shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, place or parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction over and authority to regulate. The provisions of Article I, 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. (Prior code 9-1-1, 9-1-5; Ord. 302 Part 1.4, 2005; Ord. 319 Part 1.3, 2006; Ord. 330 §1, 2007)

Sec. 8-1-60. 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 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 9-1-6)

Sec. 8-1-70. Penalties.

The following penalties shall apply to traffic offenses and infractions under this Article:

(1) Any person convicted of a criminal traffic offense, as defined in Subsection 8-1-40(a) above, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

(2) Any person admitting liability for, found to be guilty of or against whom a default judgment has been entered for any noncriminal traffic infraction, as defined in Subsection 8-1-40(b) above, shall be fined in an amount not exceeding one thousand dollars (\$1,000.00). No defendant found to be guilty of any noncriminal traffic infraction shall be punished by imprisonment for such infraction. (Prior code 9-1-4; Ord. 302 Part 2, 2005; Ord. 330 §1, 2007)

ARTICLE 2

Railroad Crossings

Sec. 8-2-10. Obstruction of Town intersections.

It shall be deemed unlawful to block, obstruct or otherwise prevent the passage of traffic over any intersection of operating railroad tracks within the Town limits and the streets of the Town for a period in excess of fifteen (15) minutes. In the event that this Article is violated, the train crew is subject to arrest, fines and court costs. (Prior code 9-2-1; Ord. 330 §1, 2007)

ARTICLE 3

Snowmobiles

Sec. 8-3-10. Title.

This Article shall be entitled the "Fraser Snowmobile Regulations." (Prior code 9-3-1)

Sec. 8-3-20. Authority.

This Article is authorized by Article 14 of Title 33, C.R.S. (Prior code 9-3-2)

Sec. 8-3-30. Purpose.

This Article is enacted to regulate the conduct of snowmobile activities on the streets of the Town and to secure the safety of the public thereon and to provide for the most general use thereof. It is the intent of this Article to supplement the state statutes with respect to the operation of snowmobiles, and this Article shall be interpreted in conjunction with and in such a manner as to minimize the conflict with the state statutes. (Prior code 9-3-3)

Sec. 8-3-40. Definitions.

For the purpose of this Article, the terms contained herein shall have the following meanings:

Operate means to ride in or on and control the operation of a snowmobile.

Operator means every person who operates or is in actual physical control of a snowmobile.

Owner means a person, other than a lien holder, having the property in or title to a snowmobile and entitled to the use and possession thereof.

Person includes an individual, partnership, corporation, the State and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Snowmobile means a self-propelled vehicle primarily designed for travel on snow or ice and supported in part by skis, belts or cleats.

Street, alley or highway means the entire right-of-way between boundary lines of any of such public ways when any part thereof is open to the use of the public as a matter of right for purpose of motor vehicle travel. (Prior code 9-3-4)

Sec. 8-3-50. Operation of snowmobiles within the Town.

The streets and alleys of the Town, excepting U.S. Highway No. 40, may be used for the operation of snowmobiles as a means of getting snowmobiles out of and into the Town. Snowmobiles shall not be operated on the streets and alleys for recreational purposes, or for any other purpose not specifically authorized by this Article. (Prior code 9-3-5)

Sec. 8-3-60. Crossing of U.S. Highway No. 40.

When crossing U.S. Highway No. 40, operators shall proceed as follows:

(1) Crossing shall be made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The snowmobile shall be brought to a complete stop before crossing the shoulder or, if none, the roadway, before proceeding.

(3) The operator shall yield the right-of-way to all motor vehicle traffic on said highway which constitutes an immediate hazard to such crossing. (Prior code 9-3-6)

Sec. 8-3-70. Operation upon streets and alleys.

Operation of a snowmobile upon the streets and alleys as herein provided shall be as follows:

- (1) The snowmobile shall be driven as near as safely possible to the right-hand side of the roadway and, when there is more than one (1) such snowmobile, the snowmobiles shall proceed single-file in such direction.
- (2) The snowmobile shall come to a complete stop at the intersection of every street in the Town, whether or not such intersection is marked with a stop sign.
- (3) The maximum speed shall be fifteen (15) miles per hour.
- (4) All turns shall be signaled for.
- (5) The right-of-way shall be yielded to all other vehicular traffic.
- (6) Headlights and taillights shall be on at all times. (Prior code 9-3-7; Ord. 330 §1, 2007)

Sec. 8-3-80. Operation prohibited.

Operation of snowmobiles within the Town shall be prohibited in the following areas:

- (1) On property within a distance of two hundred (200) feet from the building of the elementary school at any time when such school is in regular session.
- (2) Upon the right-of-way of any operating railroad, except for crossing the tracks at their intersection with a road or highway.
- (3) Upon private property except that property owned or leased by the operator, or except when prior permission has been obtained from the owner, lessee or agent of the owner or lessee of said private property. (Prior code 9-3-8)

Sec. 8-3-90. Restrictions.

It is unlawful for any person to operate a snowmobile in the Town:

- (1) At any place while under the influence of intoxicating liquor, narcotics or habit-forming drugs.
- (2) At any place in a careless, reckless or negligent manner so as to endanger any person or property or to cause injury or death thereto.
- (3) On any sidewalk in the Town or area set apart for the use of pedestrians.
- (4) For purposes other than using the most direct route out of or into the Town from forest lands and/or snowmobile areas. (Prior code 9-3-9)

Sec. 8-3-100. Excessive noise prohibited.

Excessive noise shall not be permitted. No tuned exhausts or racing engines not having a conventional exhaust shall be permitted. (Prior code 9-3-10)

Sec. 8-3-110. State laws applicable.

Except as specifically altered by the provisions of this Article, the operation of snowmobiles upon the streets and alleys as herein provided shall be subject to all provisions of the laws of the State. (Prior code 9-3-11)

Sec. 8-3-120. Penalties and enforcement.

Any person admitting liability for, found to be guilty of or against whom a default judgment has been entered for a violation of this Article shall be subject to a civil penalty of not more than one thousand dollars (\$1,000.00). Proceedings for the determination of such liability and imposition of such civil penalty shall be conducted in the Municipal Court in the same manner as proceedings relating to noncriminal traffic infractions, in accordance with the provisions of Article 1 of this Chapter. In no case shall any defendant found guilty of any violation of this Article be punished by imprisonment for such violation. (Prior code 9-3-12; Ord. 330 §1, 2007)