

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., 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 Municipalities," promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Ave., 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 throughout the State and within the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed with the office of the City Clerk and may be inspected during regular business hours. (Prior code 10-416-1; Ord. 645 §1, 1993; Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1)

Sec. 8-2. Deletions.

This edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

- (1) Section 602.(2) {relates to synchronizing of traffic signals}.
- (2) Section 711 {relates to driving on mountain highways}.
- (3) Section 1210 {relates to private property parking in unincorporated areas of the County}.
(Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1)

Sec. 8-3. Additions or modifications.

Said adopted code is subject to the following additions or modifications:

- (1) The title of Section 109 shall be amended to read as follows:

"109. Motorized scooters, motorized skateboards, go-carts, motorized bicycles, animals, skis, toy vehicles and all-terrain recreational vehicles on roadways."
- (2) All of Section 109 shall be amended to delete the word "skates" and Section 109(9) shall be amended by the addition of a first and second sentence, to wit:

"It shall be unlawful to operate motorized scooters, motorized skateboards, and go-carts on any roadway or alley, or sidewalk (per Code section 11-7), within the City. This section does not apply to motorized wheelchairs, and other such motorized vehicles designed for and used by the mobility impaired."
- (3) Section 202(1) is modified by the addition of the following two (2) sentences at the end of paragraph 202(1), to wit:

"As used herein, 'highway' shall also mean any street, roadway or alley. Motorized scooters, motorized skateboards, go-carts, or other such vehicles designed primarily for off-road use are unsafe to operate on highways, streets, roadways or alleys as they do not have the required equipment to do so."

(4) Section 202(3) is modified to read as follows:

"(3) A vehicle is in an unsafe condition if its exhaust system does not have its point of exit of exhaust gases at the rear of the vehicle, or the side of the vehicle, or the top of the vehicle. Exhaust gases exiting underneath the vehicle will cause carbon monoxide and other harmful gases to seep into the occupied portions of the vehicle causing impairment, illness, or death to the occupants."

(5) Section 513 is added to read as follows:

"513. Bridge and Road Weight Restrictions.

"It shall be unlawful to park or move a vehicle upon roads or bridges when such vehicles weigh in excess of a posted road or bridge weight limit, unless the driver of such vehicle has in his or her possession a permit specifically allowing the same. It shall be rebuttably presumed that a vehicle weighs at least as much as its weight shown on printing displayed on or plates or placards affixed to the vehicle. The penalty for this violation shall be \$50 per each 1,000 pounds overweight."

(6) Section 514 is added to read as follows:

"514. Inspection and Immobilization of Commercial Vehicles.

"(a) A police officer may, at any time, require the driver of any commercial vehicle to stop so that the officer may inspect the vehicle and all required documents for compliance with the 'Rules and Regulations Governing the Safety Standards and Specifications of All Commercial Vehicles,' Volume 8, Colorado Code of Regulations 1507-1, as promulgated by the Colorado Department of Safety, and as the same may be amended from time to time.

"(b) A police officer may immobilize, impound or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment or disposition is appropriate under the 'Rules and Regulations Governing the Safety Standards and Specifications of All Commercial Vehicles,' Volume 8, Colorado Code of Regulations 1507-1, as promulgated by the Colorado Department of Safety, and as the same may be amended from time to time."

(7) Section 515 is added to read as follows:

"Section 515. Overweight vehicle, penalty.

"(a) Except as provided in Section 513, the penalty for exceeding the wheel or axle load limits herein, 'Wheel and Axle Loads,' or the gross weight limits herein, 'Gross Weight of Vehicles and Loads,' shall be as follows:

<i>"Excess Weight – Pounds</i>	<i>Penalty</i>	<i>Surcharge</i>
1 — 3,000	\$15.00	\$5.00
3,001 — 4,250	\$25.00	\$9.00
4,251 — 4,500	\$50.00	\$18.00
4,501 — 4,750	\$55.00	\$20.00
4,751 — 5,000	\$60.00	\$22.00
5,001 — 5,250	\$65.00	\$24.00
5,251 — 5,500	\$75.00	\$27.00
5,501 — 5,750	\$85.00	\$31.00
5,751 — 6,000	\$95.00	\$35.00
6,001 — 6,250	\$105.00	\$38.00
6,251 — 6,500	\$125.00	\$46.00
6,501 — 6,750	\$145.00	\$53.00
6,751 — 7,000	\$165.00	\$61.00
7,001 — 7,250	\$185.00	\$68.00
7,251 — 7,500	\$215.00	\$80.00
7,501 — 7,750	\$245.00	\$90.00
7,751 — 8,000	\$275.00	\$101.00
8,001 — 8,250	\$305.00	\$112.00
8,251 — 8,500	\$345.00	\$127.00
8,501 — 8,750	\$385.00	\$142.00
8,751 — 9,000	\$425.00	\$157.00
9,001 — 9,250	\$465.00	\$172.00
9,251 — 9,500	\$515.00	\$190.00
9,501 — 9,750	\$565.00	\$209.00
9,751 — 10,000	\$615.00	\$227.00
10,001 — 10,250	\$665.00	\$246.00
Over 10,250	\$30.00 and \$11.00 for each 250 additional pounds overweight	

"If one vehicle or combination of vehicles exceeds more than one weight limit in any one occurrence, only the penalty for the greatest violation may be imposed.

"(b) The clerk of the Municipal Court shall separately account for the surcharge, and shall remit it periodically to the Court's Victim Compensation Fund."

(8) Section 601 is modified to delete the phrase:

"Conforming to the 'Manual of Uniform Traffic Control Devices' and specifications."

(9) Section 603 shall be amended by the addition of Section 603(5), to read as follows:

"(5) It is unlawful for a driver to avoid an official traffic control device by cutting across public or private property adjacent to such traffic control device. It shall be presumed that a driver is avoiding a traffic control device if a driver traversing property adjacent to such device does not stop to do business on such property. This violation may be charged as 'Avoiding a traffic control device, or other appropriate description and is a three-point violation.' "

(10) Section 604 shall be amended by the addition of Section 604(1)(f), to read as follows:

"(f) It is unlawful for a driver to avoid stopping at an intersection controlled by a traffic control signal legend by cutting across public or private property adjacent to the intersection. It shall be presumed that a driver is avoiding stopping at a traffic control signal legend if a driver traversing business property does not stop to transact business. This violation may be charged as 'Disobeying a Red Light' or 'Avoiding a Red Light' or other appropriate description and is a four-point violation."

(11) Section 615 shall be amended to read as follows:

"615 School zone speed limits are effective from 7 A.M. to 5 P.M., on school days. Any person who commits a speeding violation in a school zone from 7 A.M. to 5 P.M., on school days, shall be fined twice the scheduled, or normal, amount for such violation."

(12) Section 703 shall be amended by the addition of Section 703(5), to read as follows:

"(5) It is unlawful for a driver to avoid stopping at an intersection controlled by a stop sign by cutting across public or private property adjacent to the intersection. It shall be presumed that a driver is avoiding stopping at a stop sign if a driver traversing business property does not stop to transact business. This violation may be charged as 'Disobeying a Stop Sign' or 'Avoiding a Stop Sign' or other appropriate description and is a four-point violation."

(13) The first sentence of Section 1004(1) is modified to read:

"The driver of a vehicle may pull up beside another vehicle on the right or may overtake and pass upon the right of another vehicle only under the following conditions:"

(14) Section 1101 shall be modified to read as follows:

"1101 Speeding.

"(1) No person shall drive a vehicle on a highway, street or alley at a speed greater than the maximum lawful speed. The maximum lawful speed on any street or highway within the City is 25 miles per hour, unless otherwise posted.

"(2) The maximum lawful speed in alleys is 15 miles per hour. The maximum lawful speed is 45 miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507.

The maximum lawful speed is 55 mph on open highways which are not on the interstate system as defined in section 43-2-101, C.R.S., and are not surfaced, four-lane freeways or expressways, or which are posted 'Speed Limit 55 MPH'. The maximum lawful speed is 65 mph on surfaced four-lane highways which are not on the interstate system as defined in section 43-2-101, C.R.S., or are freeways or expressways or which are posted 'Speed limit 65 mph'.

"(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. (This section is referred to as 'Driving too fast for conditions.')

"(4) In every charge of violating subsection 1 and 2 of this section, the complaint or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged maximum lawful speed applicable at the specified time and location of the alleged violation. (Example: 1101 – Speeding 49 mph in a 35 mph zone)

"(5) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

"(6) The local government within its jurisdiction shall not authorize any speed limit which exceeds 75 mph on any highway.

"(7) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of the 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 consequence sought to be prevented by this section. It shall not be a defense to prosecution for a violation of this section that the defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence, or the defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle or the maximum lawful speed applicable to the location driven through."

(15) Section 1208 is modified to add Subsection (10), to read as follows:

"(10) The fact that the person driving the vehicle, or the person riding in the vehicle, parked in a disabled parking space was actually a disabled person is not a defense to the violation of this section. Further, evidence of actual disability has no bearing on the authority of the City to impound and tow a vehicle parked in a space reserved for disabled parking that does not have the official authorized disabled plate or placard. Without the plate or placard, a vehicle cannot lawfully be parked in a space reserved for disabled parking."

(16) Section 1211(1) is modified to read:

"(1) The driver of a vehicle on public property, or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made without interfering with other traffic and without striking parked vehicles or stationary objects or pedestrians."

(17) Section 1212 is added to read:

"1212. Unlawful truck parking.

"(a) It shall be unlawful to park a truck or trailer on any street or alley within this municipality off designated truck routes, which are (1) First Street East and West through the City, and (2) Denver Avenue North from Highway 52 (First Street) through the City.

"(b) It shall be unlawful to park any truck or trailer on any street or alley or highway with the City of Fort Lupton for more than twenty-four (24) hours.

"(c) It shall be unlawful to park any truck or trailer within fifty (50) feet of any intersection or alley within the City of Fort Lupton.

"(d) It shall be unlawful to drop, park, or place any commercial trailer, truck-trailer or semi-trailer separated from the truck tractor on any street or alley within the City.

"(e) It shall be unlawful to store any hazardous material in any truck, truck-trailer or semi-trailer requiring a hazardous material placard anywhere within the City of Fort Lupton.

"(f) This section shall not apply to authorized emergency vehicles.

"(g) The registered owner of any unattended truck or trailer shall be rebuttably presumed to have caused the unlawful parking, dropping, or placing of any such vehicle.

"(h) 'Truck or trailer' shall mean any commercial truck, road truck tractor, semi trailer, tractor-trailer, commercial trailer, or any vehicle having more than two axles, but 'truck' does not mean pickup truck, whether or not marked or used as a commercial vehicle. Trucks with mounted booms, and tow trucks, whether or not they have been pickup trucks modified to these uses, are commercial trucks. This does not include trucks with mounted booms that are public utility trucks, such as United Power, Xcel Energy, Comcast Cable and City of Fort Lupton utility trucks. This exclusion does not exempt such vehicles from the parking regulations found elsewhere in this code."

(18) Section 1402 shall be amended to replace Paragraph (2), to read as follows:

"(2) Loss of control of a vehicle, resulting in the striking of pedestrians, other vehicles, or stationary objects shall raise a rebuttable presumption that the driver was driving in a careless and imprudent manner, without due regard for all attendant circumstances. Road conditions cannot adjust to the way in which a vehicle is driven; the way in which a vehicle is driven must be adjusted to road conditions."

(19) Section 1416 is added to read as follows:

"1416. Unlawful to use engine brakes.

"It shall be unlawful for any vehicle to use an engine brake (a.k.a. jake brake) anywhere within this municipality except on the traveled through lanes, turn lanes, and shoulders of US Highway 85."

(Prior code 10-423-1, 10-423-2, 10-423-3, 10-423-4; Ord. 476, 1981; Ord. 569, 1988; Ord. 621, 1992; Ord. 645 §1, 1993; Ord. 660, 1994; Ord. 95-673 §1, §2; Ord. 96-697 Pt. 2; Ord. 2000-768 §1; Ord. 2002-800 §1, §2; Ord. 2004-819, Pt. 1; Ord. 2005-846 Pt. 1)

Sec. 8-4. Penalties.

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

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

(2) Except as set forth herein, it is a traffic infraction for any person to violate any of the provisions of this code. Such traffic infraction shall constitute a civil matter. As such, the burden of proof upon the City at trial or final hearing shall be by a preponderance of the evidence. The Colorado Municipal Court Rules of Procedure shall apply to traffic infraction proceedings, and any person convicted of a violation of this code shall be punished by a penalty not exceeding one thousand dollars (\$1,000.00). The Colorado Rules for Traffic Infractions shall not apply, as they govern practice in County Courts. Law enforcement officers have jurisdiction and authority to contact, cite and process persons committing traffic infractions, just as they have in criminal traffic offenses or other violations of the law.

(3) The following violations constitute criminal traffic offenses and shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), by imprisonment not exceeding three hundred sixty-five (365) days or by both such fine and imprisonment:

1101	Speed Limits — Speeding 20 or more mph over the posted limit
1105	Speed Contests, including exhibition of speed and acceleration
1401	Reckless Driving
1402	Careless Driving, involving injury to any person
1413	Eluding or attempting to elude a police officer

(4) Any person charged with a traffic infraction under this Article for which a penalty assessment notice may be issued and for which payment of a penalty and costs may be made to the Municipal Court Clerk shall have the option of paying such penalty and costs within the time and at the place specified in said notice upon entering a plea of guilty or an admission of liability and upon waiving appearance in Court and, upon a plea of not guilty or denial of liability, shall be entitled to a nonjury trial as authorized by law.

(5) Payment of a penalty assessment notice by a person to whom the notice is tendered shall constitute an acknowledgment of guilt or an admission of liability by such person of his or her violation of the infraction stated in such notice.

(6) Payment of the prescribed penalty, together with applicable court costs, shall be deemed a complete satisfaction for the violation, and the Municipal Court Clerk, upon accepting the prescribed penalty and costs, 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.

(7) Failure to accept summons or notice. Tender by a police officer of the summons or penalty assessment notice to a defendant charged with a traffic infraction shall constitute sufficient service for all purposes of this Section. Refusal to accept the same shall constitute notice to the defendant to appear in Municipal Court at the time specified on such summons or to pay the required penalty. No warrant shall be issued for the arrest of a defendant who fails to appear at or fails to satisfy a judgment for any noncriminal traffic infraction.

(8) No defendant shall have a right to a trial by jury for any noncriminal traffic infraction.

(9) In the event that the defendant is charged with a noncriminal traffic infraction and is charged with any other criminal violation arising out of the same incident, the defendant shall have the right to demand and, if such demand is in conformance with applicable law and the Colorado Municipal Court Rules of Procedure, receive a trial by jury as to all such offenses, which shall be consolidated for purposes of trial, unless all criminal charges are dismissed before a jury trial date is set, and unless the defendant, at the time of the alleged violation, was under the age of eighteen (18) years old. Pursuant to Section 16-10-109, C.R.S., no juvenile under eighteen (18) years of age shall be entitled to a jury trial in any municipal ordinance or municipal code case (not just traffic infractions), as there is no jail term possible for such juveniles in the Municipal Court for any primary violation.

(10) If the only violations charged on a summons and complaint would constitute noncriminal traffic infractions, no warrant of arrest may be issued. Instead, the Municipal Court may enter a judgment of liability by default against the defendant and assess any penalty and costs established by law and process an abstract of any judgment entered against said person to the Motor Vehicle Division of the Department of Revenue, and cause the Municipal Court Clerk to pursue payment of all amounts owing (together with costs of collection) in accordance with the Municipal Court's collection policies. (Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1; Ord. 2006-864 §1)

Sec. 8-5. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, public place or public 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 1211, 1401, 1402, 1413 and part 16 of the adopted Model Traffic Code respectively concerning limitations on backing, 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. (Prior code 10-416-4; Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1)

Sec. 8-6. Validity.

If any part or parts of this Article are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it

would have passed this Article and each part or parts thereof, irrespective of the fact that any one (1) part or parts be declared invalid. (Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1)

Sec. 8-7. Repeal.

Existing or parts of ordinances or code sections covering the same matters as embraced in this Article and specifically Ordinance No. 645 and Code Sections 8-1 through 8-9 are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Article are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Article. (Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1)

Sec. 8-8. 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 the Article 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. (Prior code 10-416-7; Ord. 645 §1, 1993; Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1)

Sec. 8-9. Certification.

The City Clerk shall certify to the passage of this Article and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours. (Prior code 10-416-8; Ord. 96-697 Pt. 2; Ord. 2004-819, Pt. 1)

Secs. 8-10—8-20. Reserved.

ARTICLE II

Traffic Regulations Generally

Sec. 8-21. Enforcement.

(a) Whenever any vehicle is found in violation of this Article, any police officer or Code Enforcement Officer issuing a summons and complaint for violation may serve the summons and complaint by conspicuously placing the summons and complaint upon such vehicle directing the registered owner or other defendant to respond to Court to answer the charge brought by the summons and complaint to may perfect service of the summons and complaint by other methods authorized by law, such as personal service or service by certified mail.

(b) It shall be presumed that the registered owner of a vehicle parked or caused to be parked the vehicle where it was found. This presumption may be overcome by competent evidence.

(c) Any vehicle found in violation of this Article shall be subject to immediate removal and impounding through the authority of the City by any private or public towing entity. Unless sooner contacted by the owner or person in lawful possession of said vehicle, the City shall cause to be mailed a notice to the registered owner specifying that the vehicle has been towed and impounded for

violation of this Article within forty-eight (48) hours of such action. Whether or not the registered owner receives such notice is irrelevant to the procedures of enforcement of this Article.

(d) Any vehicle towed and impounded under the provisions of this Article shall not be released to the registered owner or person in lawful possession thereof until such fees of said towing, and storage fees, are paid by the owner or person in lawful possession thereof. Any vehicle not claimed from impoundment may be sold according to law for collection of towing and storage fees.

(e) In order to give additional notice to persons who may park or cause to be parked prohibited vehicles on residential areas, the City shall post signs at the main entrances of the City stating as follows: "Large trucks and other oversize vehicles are prohibited from parking in residential areas in this City and subject to immediate tow at owner's expense." Such signs shall be posted in such form and at such places to be reasonably observable to traffic coming into the City. (Prior code 10-498-2; Ord. 96-697 Pt. 2)

Sec. 8-22. Denver Avenue as a public street.

It is hereby declared that the portion of Denver Avenue in the City which extends south from the intersection of Denver Avenue and State Highway 52 to the south corporate limits of the City, which said portion of Denver Avenue was abandoned as a State highway effective 2/1/56 by the State Highway Commission by Resolution No. 356-C, is necessary for use as a public street, and said portion of Denver Avenue is hereby designated a public street. (Prior code 10-247-1; Ord. 96-697 Pt. 2)

Sec. 8-23. Through streets.

The following named streets and intersections are hereby declared to be through streets, to wit:

- (1) Denver Avenue at all intersections;
- (2) First Street at all intersections, except where First Street intersects with Denver Avenue and with McKinley Avenue. (Prior code 10-245-1; Ord. 645 §1, 1993; Ord. 96-697 Pt. 2)

Sec. 8-24. Traffic signs and signals.

The Chief of Police, subject to the approval of the City Administrator, shall determine and designate the character or type of all official traffic signs and signals and is hereby authorized to place and maintain all such traffic signs and signals, including stop lines or crosswalks or other roadway markings such as yellow painted no parking zones and safety zones. (Prior code 10-204-94, 10-204-95, 10-204-96; Ord. 645 §1, 1993; Ord. 96-697 Pt. 2)

Sec. 8-25. School crossing guards.

It shall be unlawful to disobey the directions of any school crossing guard at any place within this municipality. (Ord. 2002-800; §3)

Secs. 8-26—8-50. Reserved.

ARTICLE III

Parking Regulations

Sec. 8-51. Zones for parking.

Upon the recommendation of the Chief of Police, the City Council may by resolution create places or zones in the streets or avenues where motor cars may be parked. Such places or zones shall be properly designated, and the Chief of Police shall prescribe proper rules governing the method of parking within same, the time during which zones may be used and the method of driving in and out of such zones, and shall fix such other rules and regulations concerning same as he or she deems desirable. Such rules and regulations shall be subject to the approval, by resolution, of the City Council. (Prior code 10-204-115)

Sec. 8-52. Unlawful parking.

(a) No person or entity shall park or cause to be parked any prohibited truck or trailer outside of an enclosed structure in any residential area. This prohibition is necessary to be consistent with and support residential zoning uses and restrictions, and to promote compatibility of adjacent uses.

(b) Parking on public or private property in residential areas is reserved for customary and ordinary residential uses as defined in the zoning part of this code. While commercial or large trucks are allowed to stop for deliveries and services in residential areas to be of use to residents and businesses there, these vehicles, due to size, weight, noise and visual differences, cannot be parked unattended or stored there. It is the intent of this Section to prevent the use of residential areas as substitute or auxiliary commercial parking areas. Because of their common and mixed uses, the parking of pickup trucks is allowed, even though they may be marked with business signs and carry business equipment. Thus, as used in this Section 8-52, a prohibited truck or trailer, except as provided in Subsection (d) herein, shall mean any commercial truck, road truck tractor, semi-trailer, tractor-trailer, commercial trailer or any vehicle having more than two (2) axles, but truck does not mean pickup truck, whether or not marked or used as commercial vehicles. Trucks with mounted booms, and tow trucks, whether or not they have been pickup trucks modified to these uses, are commercial vehicles. This does not include trucks with mounted booms that are public utility trucks, such as United Power, Xcel Energy, Comcast Cable and City of Fort Lupton utility trucks. This exclusion does not exempt such vehicles from the parking regulations found in the Model Traffic Code. Vehicles parked in violation of this Section on public property are subject to towing by the City at the owner's expense without further notice, after a one-time warning, and towed vehicles shall have a lien upon them for stowage and towing charges and shall be held until paid, or sold if charges are not paid within thirty (30) days.

EXCEPTION: Truck and trailer parking is not allowed along or on private property adjacent to South Grand Avenue (unless temporarily for deliveries to businesses there), and not on vacant lots merely for the purpose of temporary or permanent storage. Truck and trailer parking is allowed in industrial and in commercial areas incidental to a permitted and existing use.

(c) As used herein, the term residential shall include any area where residences, such as apartments or single- or multiple-family dwellings, occupy the majority of the property abutting or adjacent to any roadway, alley or street.

(d) No person shall park or cause to be parked any motor home, personal trailer, camper trailer, camper, boat or boat trailer on any street or alley within the City longer than temporarily while being prepared for use or being cleaned up from use away from the premises. Such temporary placement may last up to forty-eight (48) hours, but trying to avoid the intent of this Section by moving the unit a short distance or driving it around the block does not start a new forty-eight-hour period. The City Council may establish, by resolution, permits and fees to allow limited occasional temporary parking of recreational vehicles on residential streets and alleys. It is the intent of this Section to prohibit the use of the public streets and alleys for storage of these units, and doing so is unlawful. Vehicles parked in violation of this Section shall be subject to towing, after a one-time only warning, by the City without notice at the expense of the owner; and vehicles towed shall have a lien upon them by the City or by the tow company for towing and storage charges and shall be held until paid, or sold if charges are not paid within thirty (30) days.

(e) As used herein, the words park or parked shall mean the standing of a vehicle, whether occupied or not, whether running or not, otherwise than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers. (Prior code 10-498-1; Ord. 628 §5, 1992; Ord. 99-746, Parts 1, 2; Ord. 2000-768 §§2, 3; Ord. 2004-819, Part 2; Ord. 2005-846 Part 2)

Sec. 8-53. Parking trucks and trailers on Denver Avenue.

It shall be unlawful for the operator, driver, owner or person in charge of any motor vehicle or any other vehicle, if the same exceeds twenty-two (22) feet in length, including trailers attached thereto, to park the same upon that portion of Denver Avenue commencing at Second Street and extending to Fifth Street of the City; provided, however, that said operator, owner, driver or other person in charge of said motor vehicle or other vehicle shall have the right to park said motor vehicle or other vehicle upon that portion of Denver Avenue as hereinabove described and defined for the purpose of loading or unloading said motor vehicle or other vehicle of its cargo, but for no longer period of time. (Prior code 10-204-116)

Sec. 8-54. Parking vehicles for sale upon street.

It shall be unlawful for any person to park upon a street any vehicle for sale or that is offered or displayed for sale, except that an owner of a vehicle may have one (1) "for sale" sign in one (1) or two (2) windows of one (1) of their vehicles in the driveway of their residence or, if there is no driveway, in one (1) vehicle of theirs on the street directly in front of their residence; provided, however, that such vehicle may not be a derelict vehicle as prohibited in Section 7-36(h) of this Code. (Prior code 10-204-123; Ord. 99-736)

Sec. 8-55. Parking vehicles for advertising upon street.

It shall be unlawful for any person to operate or to park on any street any vehicle for the primary purpose of displaying advertising. (Prior code 10-204-123, 10-204-124)

Sec. 8-56. First Street no parking zone.

It shall be unlawful for the operator, driver, owner or other person in charge of any motor vehicle or any other vehicle to park the same upon that portion of First Street commencing at the east

boundary of the City limits and extending to the west boundary of the City limits. (Ord. 655 §1, 1994)

Secs. 8-57—8-70. Reserved.

ARTICLE IV

Railroads

Sec. 8-71. Speed limit.

It shall be unlawful for any person or any railroad company or corporation or any persons in their employ to move, propel or cause to be moved, propelled or driven any railroad car or locomotive engine by means of steam or other power on any portion of the railroad of said person, company or corporation within the corporate limits of the City at a rate of speed exceeding forty (40) miles per hour. (Prior code 10-413-1)

Sec. 8-72. Obstruction of free traffic.

It shall be unlawful for any person or railroad company or corporation to block or obstruct the free passage of any street or public highway within the City by means of any railroad car or cars, signal devices or locomotive engine, or permit the same to remain in or upon any street or public highway, across or along which any railroad may be constructed or operated, exceeding five (5) minutes at any one (1) time. (Prior code 10-413-2)

Secs. 8-73—8-90. Reserved.