

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, 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* (the *Model Traffic Code* or the *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 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. Three (3) copies of the *Model Traffic Code* adopted herein are now on file in the office of the City Clerk, and may be inspected during regular business hours. All references to the 2003 edition of the *Model Traffic Code for Colorado Municipalities*, the *Model Traffic Code* or the *code* shall include all subsequent official amendments and updates thereto and to applicable provisions of Title 42, C.R.S. (Ord. 04-08 Art. 1; Ord. 04-17 §1; Ord. 08-02 Art. 4)

Sec. 8-1-20. Modifications.

- (a) The 2003 edition of the *Model Traffic Code* is adopted as if set out at length.
- (b) The adopted code is subject to the following additions or modifications:
 - (1) Section 613 is amended to read as follows:

"613. Designation of speed safety sensitive zones – mandatory surcharge.

"(1) The City may designate portions of a highway, street or roadway as speed safety sensitive zones. Any person who commits a speeding violation in a speed safety sensitive zone that is designated pursuant to the provisions of this section is subject to the mandatory surcharge imposed by Section 8-1-60(4) of this Chapter, in addition to any penalties and other surcharges imposed by this Chapter or by the Municipal Court.

"(2) The City shall designate a speed safety sensitive zone by erecting or placing an appropriate sign in a conspicuous place where the speed safety sensitive zone begins. Such sign shall notify the public that a mandatory surcharge for speeding violations is in effect in such zone. The City shall erect or place a second sign after such zone indicating that the mandatory surcharge for speeding violations is no longer in effect. A speed safety sensitive zone begins at the location of the sign indicating that a mandatory surcharge is in effect and ends at the location of the sign indicating that the mandatory surcharge is no longer in effect.

"(3) Signs used for designating the beginning and end of a maintenance, repair or construction zone shall conform to City requirements."

- (2) Section 614 is amended to read as follows:

"614. Designation of highway maintenance, repair or construction zones – signs – mandatory surcharge for speeding.

"(1) If a maintenance, repair or construction project has commenced on a portion of a highway, street or roadway, the City may designate such portion of the highway, street or roadway as a maintenance, repair or construction zone at all times between commencement and completion of the project. For purposes of this Section, a maintenance, repair or construction project has commenced when a sign or signs are in place that notify motorists of reduced speed limits, double fines or other safety information in connection with the project. A maintenance, repair or construction project has been completed when all such notification signs have been removed. Any person who commits a speeding violation in a maintenance, repair or construction zone that is designated pursuant to the provisions of this Section is subject to the mandatory surcharge imposed by Section 8-1-60(4) of this Chapter, in addition to any penalties and other surcharges imposed by this Chapter or by the Municipal Court.

"(2) The City shall designate a maintenance, repair or construction zone by erecting or placing an appropriate sign in a conspicuous place where the speed safety sensitive zone begins. Such sign shall notify the public that a mandatory surcharge for speeding violations is in effect in such zone. The City shall erect or place a second sign after such zone indicating that the mandatory surcharge for speeding violations is no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that a mandatory surcharge is in effect and ends at the location of the sign indicating that the mandatory surcharge is no longer in effect.

"(3) Signs used for designating the beginning and end of a maintenance, repair or construction zone shall conform to City requirements. The City may place such a sign on a moving vehicle if required for certain department activities, including but not limited to highway and street painting."

(3) Section 615 is amended to read as follows:

"615. School zones – increase in penalties for moving traffic violations.

"(1) Any person who commits a moving traffic violation in a school zone is subject to the mandatory surcharge imposed by Section 8-1-60(4) of the Lone Tree Municipal Code, in addition to any penalties and other surcharges imposed by section 1701 of this code or by the court.

"(2) For the purpose of this section, *school zone* means an area that is designated as a school zone and has appropriate signs posted indicating that a mandatory surcharge is in effect. The City shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the City shall consider when a mandatory surcharge in addition to penalties and other surcharges is necessary to protect the safety of school children.

"(3) This section does not apply if the mandatory surcharge for a violation has been imposed pursuant to section 613 or 614 because such violation also occurred within a speed safety sensitive zone or highway maintenance, repair or construction zone."

(c) Whenever the *Model Traffic Code* uses the term *traffic offense*, such language is modified to read or refer to *traffic infraction*. (Ord. 04-08 Arts. 2, 3; Ord. 04-17 §1; Ord. 05-12 Art. 3; Ord. 08-02 Art. 4)

Sec. 8-1-30. Photo red light cameras.

(a) The Police Department (the "Department") is authorized to use red light cameras within the City to detect violations of Section 603 of the *Model Traffic Code* ("Section 603") at signalized intersections.

(b) As used in this Section, *red light camera* means a device operated by a peace officer or by a contractor designated by the City that is placed in a fixed location at a signalized intersection and that is programmed to automatically produce photographs of any vehicle, the driver of which has violated Section 603 at that intersection.

(c) The photograph produced by a red light camera shall depict the vehicle's location, license plate and driver. The date of the violation, the approximate time of the violation, the approximate location of the violation and the speed of the vehicle shall be printed on the photograph.

(d) When a peace officer, based on evidence obtained in whole or in part by means of a red light camera, has probable cause to believe that a vehicle has been driven in violation of Section 603, the peace officer may issue, or cause to be issued through a contractor designated by the City, a notice of violation or a summons and complaint charging the person in whose name the vehicle is registered with a violation of Section 603. If the vehicle is registered in more than one (1) person's name, the notice of violation or summons and complaint shall be issued to the registrant who the issuing peace officer determines, under all the facts and circumstances, was the person most likely depicted in the photographs produced by the red light camera. The notice of violation or summons and complaint shall bear the signature, or a reasonable facsimile thereof, of the peace officer issuing the notice of violation or summons and complaint.

(e) To obtain personal jurisdiction in the Municipal Court (the "Court") over the person charged with a violation, a copy of a summons and complaint shall be personally served upon the person charged or, in lieu of personal service, by leaving a copy of the summons and complaint at the person's usual place of residence with an individual over the age of eighteen (18) years residing therein, or by mailing a copy to the person's last known address by certified mail, return receipt requested, within ninety (90) days after the alleged violation occurred and not less than five (5) days prior to the time the person charged is required to appear in Court pursuant to the summons and complaint. The person charged may waive service of the summons and complaint and voluntarily submit to the Court's jurisdiction by paying the fine or by other affirmative act constituting a waiver of service.

(f) When a person is served with a summons and complaint pursuant to this Section, the person shall:

(1) If admitting the charge, complete the summons and complaint form by providing his or her driver's license number and other information requested in the form, and return the completed form, together with payment of the fine assessed, to the court on or before the date and time specified in the summons and complaint for the person charged to appear; or

(2) If contesting the charge, appear on the date and time specified in the summons and complaint for arraignment.

(g) Proof that a particular vehicle was in a location and at a time in an intersection that constitutes a violation of Section 603, together with proof that the particular vehicle is registered in the name of the person charged, shall raise the evidentiary presumption and constitute prima facie evidence that the person charged was the person driving the vehicle depicted in the photograph. Such evidence and presumption may be rebutted by the presentation of any probative and competent evidence that the person charged was not the driver shown in the photograph. The City may not require a registered owner of a vehicle to disclose the identity of a driver who was detected by the use of a red light camera. However, the vehicle owner may be required to submit evidence that he or she was not the driver at the time of the alleged violation.

(h) In any proceeding pursuant to this Section, any photograph produced by a red light camera concerning the violation shall be admissible in Court as prima facie evidence of a violation of Section 603, provided that the peace officer or contractor designated by the City who activated and tested the red light camera prior to the photographs being taken testifies as to the placement of the red light camera and the accuracy of the scene depicted in the photographs, and that he or she tested the red light camera for proper operation within a reasonable period of time both before and after the photographs were taken. The photographs must be of sufficient quality to allow identification of the driver of the vehicle.

(i) In any proceeding under this Section, the Court may impose as an additional cost the actual cost of service of a summons and complaint upon the person charged if service is effected through either certified mail or personal service as set forth in the Colorado Municipal Court Rules of Procedure, provided that the cost is reasonable and does not exceed the amount actually charged for service.

(j) The maximum penalty for a violation of Section 603 that is detected by a red light camera, including surcharge, shall be seventy-five dollars (\$75.00). No portion of any fine collected for a violation detected by a red light camera may be paid to the manufacturer or vendor of, or contractor associated with, the red light camera equipment. Any compensation paid by the City for equipment or services associated with the red light camera equipment shall be based on the value of the equipment and shall not be based on the number of traffic citations issued or the revenue generated by the equipment.

(k) The City shall not report to the Colorado Department of Revenue any conviction, entry of judgment, outstanding judgment or warrant based on a violation of Section 603 that was detected solely by means of a red light camera. The Department does not have authority to assess points against a driver's license if a violation is detected by use of a red light camera. The Department shall not keep any record of such violation in the official records maintained by the Department. (Ord. 07-09 Art. 3)

Sec. 8-1-40. 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. (Ord. 04-08 Art. 5; Ord. 07-09 Art. 3)

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 *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. (Ord. 04-08 Art. 8; Ord. 04-17 §1; Ord. 07-09 Art. 3)

Sec. 8-1-60. Penalty assessment procedure and penalty schedule. (Vehicles and Traffic – Model Traffic Code).

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

(1) Any person who violates any of the provisions of this Article commits a traffic infraction, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. The penalty assessment procedures for traffic infractions as set forth in Sections 42-4-1701, 42-4-1703 and 42-4-1708 through 42-4-1718, C.R.S., shall apply to all violations of this Article. In addition to the penalties prescribed in Paragraph (3) below, any person convicted of a violation of this Article, whether said person acknowledges guilt or liability, is found guilty by the Municipal Court or has judgment entered against him or her, shall be subject to a surcharge of ten dollars (\$10.00). This surcharge shall be paid to the Clerk of the Court by each person so convicted. Said moneys shall be used by the City for funding of necessary police services and victims and witness assistance programs.

(2) The City hereby elects to have the provisions of Section 42-2-127(5.5), C.R.S., apply to violations of this Article. If a violator receives a penalty assessment notice for a violation of this Article, 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 are 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.

(3) The mandatory fines set forth below shall apply whether the alleged violator acknowledges guilt or liability, is found guilty by the Municipal Court or has judgment entered against him or her. If the penalty assessment procedure is not used and the alleged offender is found guilty, court costs and surcharges shall be assessed in addition to a fine. The penalties for violating the Model Traffic Code, as adopted in this Chapter, shall be as follows:

a. For assessed point offenses, as defined in Section 42-2-127(5), C.R.S., per point: twenty-five dollars (\$25.00).

b. For no point offenses, unless stated otherwise: twenty-five dollars (\$25.00).

c. For violation of Section 1208(6), (7) or (9), Parking privileges for persons with disabilities: one hundred dollars (\$100.00).

d. For violation of Section 802(1), Pedestrians' right-of-way in crosswalks: one hundred fifty dollars (\$150.00.)

e. For violation of Sections 507 or 508:

<i>Excess Weight – Pounds</i>	<i>Penalty</i>
1—5000	\$ 135.00
5001—5,250	168.00
5,251—5,500	189.00
5,501—5,750	209.00
5,751—6,000	229.00
6,001—6,250	249.00
6,251—6,500	283.00
6,501—6,750	317.00
6,751—7,000	351.00
7,001—7,250	384.00
7,251—7,500	438.00
7,501—7,750	492.00
7,751—8,000	546.00
8,001—8,250	600.00
8,251—8,500	668.00
8,501—8,750	735.00
8,751—9,000	803.00
9,001—9,250	870.00
9,251—9,500	951.00
9,501—9,750	1,032.00
9,751—10,000	1,113.00
10,001—10,250	1,194.00
10,251—10,500	1,242.00
10,501—10,750	1,289.00
10,751—11,000	1,336.00
Over 11,000	1,348.00

(4) In addition to any penalty and other surcharge imposed for any traffic violation, if the traffic violation occurs within a school zone, in a maintenance, repair or construction zone or in a speed safety sensitive zone by the City, the applicable fine shall be doubled.

(5) In the case of multiple traffic offenses or infractions involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense or infraction. For purposes of this Subsection, *aggressive driving* means committing any two (2) or more of the following violations in a single act or series of acts in close proximity to another motor vehicle:

- a. Exceeding the speed limits (1101);
- b. Following too closely (1008);

- c. Failure to obey official traffic control devices (603);
- d. Passing on shoulder of road (1004);
- e. Failure to give an adequate signal (903);
- f. Failure to yield right-of-way (701, 702, 703); and
- g. Unsafe lane change (903).

(6) In enforcing this Chapter, the Municipal Court shall not have the authority to suspend all or any part of any fine, penalty or costs for violation hereof, it being the intent of the City Council that this Chapter be strictly and diligently enforced, except that should the Municipal Court determine that a defendant is financially unable to pay the imposed fine for violation of this Chapter, the Municipal Court may reduce the fine by up to fifty percent (50%) and/or, in place of imposing a fine, impose a penalty of useful community service, to be calculated at a rate to be determined by the Municipal Court. (Ord. 01-07 Art. 4; Ord. 02-02 Art. 3; Ord. 02-05 Art. 2; Ord. 04-08 Art. 4; Ord. 04-17 §1; Ord. 05-08 Art. 4; Ord. 05-12 Art. 3; Ord. 07-09 Art. 3; Ord. 09-01 Art. 3)

ARTICLE II

Vehicles and Parking

Sec. 8-2-10. Definitions.

Wherever used in this Article, the following terms shall have the meanings indicated which are applicable to both the singular and plural thereof:

Abandoned vehicle means a vehicle that is left unattended and the owner or operator of the vehicle is not present on the property immediately adjacent to or within the reasonable vicinity of the vehicle for a period of twenty-four (24) hours, unless the owner or operator of the vehicle has conspicuously affixed a date notice to the vehicle indicating the intention to return or has otherwise notified the Police Department of the intention to remove the vehicle within twenty-four (24) hours.

Authorized sign means all signs, signals, markings and devices placed or erected by authority of the Director of Public Works, for the purpose of regulating, limiting, restricting or prohibiting parking on any public street. All signs, signals, markings and devices in the City at the time of passage of the ordinance codified herein are authorized signs.

Derelict vehicle means any vehicle which is wrecked, damaged or dismantled to the extent that such vehicle is inoperable or is incapable of moving under its own power. This term shall include any vehicle missing one (1) or more wheels and any vehicle which lacks a current license plate or insurance.

Emergency access lane means that portion of a public street, including a fire lane, providing access for authorized emergency vehicles, with horizontal and vertical clearances determined by

the Fire Department, which is designated as such by the Director of Public Works, and which is posted with authorized signs, prohibiting the parking or stopping of vehicles other than authorized emergency vehicles.

Municipal property means any property owned or operated by the City.

Public street means any street surface, right-of-way or parking area dedicated to or maintained by the City.

Vehicle means any vehicle propelled or drawn by mechanical power, including but not limited to automobile, truck, motorcycle, all-terrain recreational vehicle, motor home, motor vehicle, trailer, camper, boat or any other vehicle which is propelled or drawn by mechanical power. (Ord. 10-09 Art. 5)

Sec. 8-2-20. Authority to designate parking restrictions.

The Director of Public Works shall have authority to designate or cause to be designated, by conspicuous and appropriately posted authorized signs, emergency access lanes, snow routes, tow-away zones and streets upon which parking is restricted or prohibited. When such signs are so posted upon any street or portion thereof, the parking of vehicles thereupon shall be deemed restricted or prohibited in accordance with the terms thereof. (Ord. 10-09 Art. 5)

Sec. 8-2-30. Temporary parking restrictions.

(a) The Director of Public Works shall have authority from time to time to designate or cause to be designated, by conspicuous and appropriately posted authorized signs, any street upon which parking is temporarily restricted or prohibited. When such temporary signs are so posted upon any street or portion thereof, the parking of vehicles shall be deemed restricted or prohibited in accordance with the terms thereof, notwithstanding other permanently affixed notices or signs.

(b) Such temporary signs shall be posted a reasonable time before the temporary restriction or prohibition commences.

(c) Parking shall be restricted or prohibited for only such time as is necessary.

(d) It shall be unlawful to park a vehicle upon any street or portion thereof designated in accordance with this Section in violation of the parking restrictions or prohibitions set forth on such temporary signs. (Ord. 10-09 Art. 5)

Sec. 8-2-40. Prohibited parking.

(a) At any place within the City where authorized signs are posted giving notice of parking restrictions or prohibitions, it shall be unlawful for any person to park a vehicle in any manner in violation of, or contrary to, the provisions contained on such signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or momentarily for the purpose of loading or unloading passengers when such parking does not obstruct, impede or endanger any traffic.

(b) At any place within the City where authorized signs are posted giving notice of parking restrictions or prohibitions and giving notice that such area or portion of the street is a tow-away zone, it shall be unlawful for any person to park a vehicle in any manner in such zone, except when necessary to avoid conflict with other traffic, or in compliance with the instructions of a police officer. When a vehicle is found in violation of this Subsection, it may be removed or impounded. (Ord. 10-09 Art. 5)

Sec. 8-2-50. Emergency access lanes.

At any place within the City where authorized signs designating an emergency access lane are posted along a public street, giving notice of parking restrictions or prohibitions, it shall be unlawful for any person to park a vehicle in any manner in violation of or contrary to the provisions contained on such signs, except in compliance with the directions of a member of the Police Department or Fire Department, or except momentarily for the purpose of loading or unloading passengers when such vehicle is not unattended and does not obstruct, impede or endanger any traffic. Any vehicle parked on such street may be immediately removed or impounded. (Ord. 10-09 Art. 5)

Sec. 8-2-60. Snow routes.

Whenever there is any coating or covering of snow, sleet or ice on any street designated as a snow route, where authorized signs designating a snow route are posted, it shall be unlawful for any person to park or allow a vehicle to remain parked on such street. Any vehicle parked on such street may be immediately removed or impounded. (Ord. 10-09 Art. 5)

Sec. 8-2-70. Parking restrictions; abandoned and derelict vehicles.

(a) No vehicle shall be parked or stored on public streets within the City for more than seventy-two (72) consecutive hours in any seven-day period. The hours for which a vehicle has been parked on a public street shall be determined by adding all consecutive periods in which the vehicle has been parked on any public street. For purposes of this Article, periods shall be deemed consecutive unless interrupted by a period of four (4) or more hours.

(b) No abandoned vehicle shall be left on any public street for more than twenty-four (24) hours. Vehicles left temporarily on public streets while disabled, for periods not to exceed twenty-four (24) hours, shall not be considered abandoned.

(c) No derelict vehicle shall be parked or stored on any public street within the City. Derelict vehicles that have current license plates and insurance may be parked on a public street for no more than twenty-four (24) hours. All other derelict vehicles are prohibited from being parked on public streets.

(d) No vehicle or derelict vehicle shall be parked or stored overnight on any municipal property, except vehicles owned by the City, vehicles of on-duty persons engaged in City business or vehicles parked with the written permission of the City Manager or designee.

(e) Notwithstanding any other provision found within this Article, no vehicle shall stop or park on any public street, municipal property or on public or private property where authorized signs

prohibit the same, or where such stopping or parking is otherwise prohibited by City ordinance, the Model Traffic Code, as adopted by the City, or state statute. (Ord. 10-09 Art. 5)

Sec. 8-2-80. Removal of vehicles.

Any City police officer is hereby authorized to remove or impound, or cause to be removed or impounded, at the officer's direction, a vehicle, an abandoned vehicle or a derelict vehicle from any public place under any of the circumstances enumerated below. The City, a police officer and any person acting under the officer's direction shall not be liable for any damage to such vehicle occasioned by such removal. A vehicle may be removed or impounded:

(1) When a vehicle is parked or left standing upon any area or portion of a public street in violation of a parking restriction or prohibition, provided such area or portion of such public street has been posted with an authorized sign giving notice of a tow-away zone and such restriction or prohibition;

(2) When a vehicle is left on a public street and appears to be abandoned, or a complaint is received that it is abandoned, and remains there continuously for a period of seventy-two (72) hours after notice is posted on the windshield that it will be removed or impounded;

(3) When a vehicle is left on a public street and appears to be a derelict vehicle, or a complaint is received that it is a derelict vehicle, and remains there continuously for a period of seventy-two (72) hours after notice is posted on the windshield that it will be removed or impounded;

(4) When a vehicle is parked or stored on any municipal property and remains there continuously for a period of seventy-two (72) hours after notice is posted on the windshield that it will be removed or impounded;

(5) When a vehicle is parked or stopped in any emergency access lane in violation of a parking restriction or prohibition, provided that such emergency access lane has been posted with an authorized sign giving notice of a tow-away zone and such restriction or prohibition;

(6) When a vehicle is parked or stopped in any snow route in violation of a parking restriction or prohibition, provided that such snow route has been posted with an authorized sign giving notice of a tow-away zone and such restriction or prohibition; or

(7) When a vehicle is parked or stopped in a public street and when such vehicle is unattended and obstructs, impedes or endangers the free movement of traffic. (Ord. 10-09 Art. 5)

Sec. 8-2-90. Provisions supplemental.

The provisions of this Article are supplemental and in addition to any parking provisions provided by City ordinance, the Model Traffic Code, as adopted by the City, or state statutes. (Ord. 10-09 Art. 5)

Sec. 8-2-100. Enforcement.

The provisions of this Article shall be enforced by the Police Department. (Ord. 10-09 Art. 5)

Sec. 8-2-110. Violations and penalties.

A violation of any provision of this Article shall be punishable by a fine of not more than three hundred dollars (\$300.00), plus court and administrative costs, as applicable. Each violation shall be deemed a separate offense for purposes of assessing a fine. Pursuant to this Article, the City may cause the towing, removal and impoundment of any vehicle, abandoned vehicle or derelict vehicle, including its contents, that is parked or stored in violation of this Article, and the cost of such towing, removal and impoundment shall be imposed upon the owner or operator of the vehicle. (Ord. 10-09 Art. 5)