

## 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*, 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 the 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 filed in the office of the Town Clerk and may be inspected during regular business hours. (Prior code 19-1-2; Ord. 311 §1, 1996; Ord. 316 §1, 1997; Ord. 495 §1, 2004)

#### Sec. 8-1-20. Deletions.

The 2003 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 inapplicable to this municipality and are therefore expressly deleted:

- §203(4) Unsafe vehicles - spot inspections
- §1701 Municipalities - traffic offenses classified - schedule of fines
- §1702 Counties - traffic offenses classified - schedule of fines
- §1705 Person arrested to be taken before proper court
- §1707 Summons and complaint or penalty assessment notice for traffic offenses - release - registration
- §1709 Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license
- §1710 Failure to pay penalty for traffic offenses - procedures
- §1711 Compliance with promise to appear
- §1712 Procedure prescribed not exclusive

(Ord. 311 §2, 1996; Ord. 495 §2, 2004)

#### Sec. 8-1-30. Additions or modifications.

The said adopted code is subject to the following additions or modifications:

- (1) § 1211, Limitations on backing, is amended to read as follows:

**"§1211. Limitations on backing.**

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

"(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway."

(2) § 1703, Parties to a crime, is amended to read as follows:

"§1703. **Parties to a crime.** Every person who commits, conspires to commit, or aids or abets in the commission of any act declared herein to be a traffic infraction or a traffic offense, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such infraction or offense or liable for such infraction or offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this code is likewise guilty of such offense or liable for such offense."

(Prior code 19-1-3; Ord. 254 §1, 1994; Ord. 311 §3, 1996; Ord. 316 §1, 1997; Ord. 495 §3, 2004)

#### **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 this municipality, the use of which this municipality 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 this municipality. (Prior code 19-1-5; Ord. 311 §5, 1996; Ord. 316 §1, 1997; Ord. 495 §5, 2004)

#### **Sec. 8-1-50. 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) Penalties for civil traffic infractions. Upon conviction, entry of a guilty plea or a plea of nolo contendere to a civil traffic infraction, as defined in Section 8-5-20 of this Code, a fine, not to exceed one thousand dollars (\$1,000.00), may be imposed by the Court. As a guide, penalties may be imposed at twenty dollars (\$20.00) for each point assessed on the summons and complaint.

<b>Points</b>	<b>Penalty</b>
0-point violation	\$ 20.00
1-point violation	20.00
2-point violation	40.00
3-point violation	60.00
4-point violation	80.00
6-point violation	120.00
8-point violation	160.00
12-point violation	240.00

(3) Penalties for noncivil traffic offenses.

a. Upon conviction, entry of a guilty plea or a plea of nolo contendere to a traffic offense as set forth in Subparagraph c below, any adult (person aged eighteen [18] years or older) may be fined by an amount not to exceed one thousand dollars (\$1,000.00), or incarcerated for a period not to exceed one (1) year, or both.

b. Upon conviction, entry of a guilty plea or a plea of nolo contendere to a traffic offense as set forth in Subparagraph c below, any juvenile (person under the age of eighteen [18] years) may be fined by an amount not to exceed one thousand dollars (\$1,000.00).

c. Noncivil traffic offenses subject to penalties as set forth in Subparagraphs a and b above are as follows:

MTC 1101	Speeding violations 25 mph or more over speed limit	6 points
MTC 1105	Speed contest	12 points
MTC 1401	Reckless driving	8 points
MTC 1413	Eluding or attempting to elude police	12 points
MTC 1903	Failure to stop for school bus	6 points
MTC 1409	Compulsory insurance	4 points

\*MTC = Model Traffic Code

(4) Penalties for speeding violations in a maintenance, repair or construction zone designated pursuant to Section 614 of the *Model Traffic Code*, 2003 edition, shall be double the penalty for such violation as set forth above.

(5) Penalties for traffic infractions or traffic offenses that occur in a school zone shall be double the penalty for such violation as set forth above. (Ord. 495 §4, 2004)

## ARTICLE II

### Abandoned and Junked Vehicles

#### **Sec. 8-2-10. Removal of vehicles and equipment generally; when authorized.**

(a) After proper notice pursuant to this Article, any person duly authorized by the Board of Trustees or any officer of a law enforcement agency may authorize removal of any abandoned or junked vehicle or equipment, as defined in this Article, to a garage or other storage or impoundment facility designated or maintained by such law enforcement agency or by the Town.

(b) Without prior notice, any person duly authorized by the Board of Trustees or any officer of a law enforcement agency may authorize removal of any vehicle or equipment under the circumstances hereinafter enumerated:

(1) When any vehicle is left unattended upon any bridge, causeway or viaduct, or in any subway or underpass.

(2) When any vehicle or equipment is left unattended upon a street, highway or roadway and constitutes a hazard or obstruction to traffic or to street and highway maintenance, or when a person in charge of the vehicle or equipment is incapacitated by reason of physical injury or otherwise and is unable to provide for the custody or removal of the vehicle or equipment.

(3) When any vehicle or equipment is driven upon the streets, highways or roadways and is not in the proper condition to be driven due to its mechanical or physical condition, or when a law enforcement officer has probable cause to believe that the vehicle or equipment has been driven upon the streets and is not in proper condition to be driven due to its mechanical or physical condition.

(4) When any vehicle or equipment constitutes a violation of this Code under the provisions of Section 8-2-40.

(5) When the driver of any vehicle is taken into custody by any person duly authorized by the Board of Trustees or by any officer of a law enforcement agency.

(6) When removal is necessary in the interest of public safety because of fire, flood, storm, emergency or any other reason.

(7) When any vehicle or equipment is situated on public property and constitutes a violation of Section 8-2-50.

(8) When any vehicle or equipment fails to properly display current license plates duly and properly issued pursuant to Chapter 42, C.R.S., or when any vehicle or equipment is not properly registered under the laws of this State, unless exempt from such registration, while parked, attended or unattended, or traveling upon the streets, highways or roadways of the Town.

(9) When any vehicle or equipment is parked in a tow-away zone or when any vehicle or equipment is parked in a handicapped zone without a legally authorized and displayed handicapped parking permit.

(10) When there is probable cause to believe that the driver of any vehicle does not have a current and valid operator's license or when there is probable cause to believe that the operator's license of the driver is suspended, revoked, denied or canceled.

(11) When there is probable cause to believe that a driver of any vehicle or equipment is not in rightful possession of the vehicle or equipment and the officer cannot verify ownership through readily available methods. (Ord. 214 §1, 1991; Ord. 316 §1, 1997; Ord. 464 §1, 2003)

**Sec. 8-2-20. Storage and disposal.**

Whenever an authorized person removes and impounds or stores a vehicle or equipment as authorized in Section 8-2-10, such vehicle or equipment will be stored or disposed of in accordance with the provisions of Section 8-6-40 of this Chapter. (Ord. 214 §1, 1991; Ord. 316 §1, 1997; Ord. 464 §2, 2003)

**Sec. 8-2-30. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Article:

*Abandoned vehicle or equipment* means:

a. Any vehicle or equipment left unattended on private property for a period of seventy-two (72) hours without the consent of the owner or lessee of such property or his or her legally authorized agent.

b. Any vehicle or equipment left unattended on private property without the consent of the owner or lessee of the property or his or her legally authorized agent when written notice has been posted upon such private property giving notice that any vehicles or equipment left on the private property without permission may be towed at the owner's expense. Such notice shall be posted with signs visible to ordinarily observant persons on the property.

c. Except as otherwise authorized or allowed by this Chapter, any vehicle or equipment left unattended on public property or property maintained by the Town for a period of seventy-two (72) hours or longer unless the owner or driver has conspicuously affixed thereto a dated notice with contact information indicating his or her intention to return or has otherwise notified the Town or Sheriff's Department of his or her intention to remove the same within twenty-four (24) hours.

*Equipment* means any device or object that is not motorized and cannot be moved along the ground without being attached to or carried upon a vehicle or another piece of equipment, or is propelled only by human power, including but not limited to boat and horse trailers or other types of trailers, flatbeds, buggies, carriages, wagons and any recreational or utility item, including but not limited to campers, mobile homes, boats and other watercraft, but not including bicycles and objects similar to them.

*Junked or inoperable vehicle or equipment* means any vehicle or equipment which:

a. Does not bear valid, unexpired license plates, unless it is the type of vehicle or equipment specifically exempted from motor vehicle licensing by the laws of the State.

b. Is wrecked, damaged, burned or dismantled to the extent that such vehicle or equipment is inoperable or immobile, including but not limited to removal of the engine, wheels or other parts to the extent that such vehicle or equipment is inoperable or immobile.

c. If designed to be capable of moving itself when in proper repair, is incapable of being moved under its own power in its existing condition, or does not have all tires inflated.

*Property* means any real property within the Town which is not a street or highway.

*Street or highway* means the entire width between the boundary lines of every public right-of-way or right-of-way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, including but not limited to pavement, shoulders, curbs and gutters, medians, parkways, alleys and the like.

*Vehicle* means any motorized object designed to travel along the ground by use of wheels, treads, runners or slides that can be driven, propelled or moved from place to place utilizing an engine or motor contained within said object, including but not limited to passenger cars, vans, trucks, motorcycles, motor scooters, truck tractors, recreational vehicles, motor or mobile homes, off-highway vehicles, snowmobiles, construction vehicles (such as, but without limitation, earthmovers and front-end loaders), and agricultural implements (such as, but without limitation, tractors and combines), but not including airplanes or similar machines that are designed to move primarily through the air or locomotives or similar machines designed to be moved exclusively over stationary rails. (Ord. 214 §2, 1991; Ord. 316 §1, 1997; Ord. 464 §3, 2003)

**Sec. 8-2-40. Abandonment prohibited.**

It is unlawful for any person to abandon any vehicle or equipment or any part thereof within the corporate limits of the Town. (Ord. 214 §2, 1991; Ord. 464 §4, 2003)

**Sec. 8-2-50. Junked or inoperable vehicles or equipment prohibited; exceptions.**

It is unlawful for any person to permit any junked or inoperable vehicle or equipment or part thereof to be left upon any street, highway or public property or, being the owner or tenant in possession of any real property in the Town, to cause or permit any junked or inoperable vehicle or equipment or part thereof to be put upon or kept upon any real property in the Town, except that this Section shall not apply to the following conditions, which shall constitute an affirmative defense:

(1) The vehicle or equipment is located upon the premises of a lawfully zoned vehicle and equipment repair or vehicle and equipment storage business.

(2) The vehicle or equipment is stored within a completely enclosed structure or screened by a privacy fence.

(3) A maximum of one (1) vehicle or equipment only per lot or parcel of real property shall be permitted on the exterior and in plain view if said vehicle or equipment is entirely covered with a one-piece opaque heavy tarp or commercial car cover, securely fastened at all times.

(4) In nonresidential areas, said vehicle or equipment is screened by a concealing fence not less than six (6) feet in height and otherwise complying with Town ordinances applicable to such fence, rendering the vehicle or equipment not visible to persons on adjacent private or public property to the extent that such concealment can be reasonably obtained under the conditions of topography and other attendant circumstances.

(5) A maximum of one (1) vehicle or equipment per lot or parcel of real property is permitted on the exterior and in plain view if the vehicle or equipment that is inoperable is having ordinary service or repair operations performed thereon, or is awaiting the settlement of an insurance claim in order to effectuate such repair, provided that the vehicle or equipment is either removed or brought into compliance within sixty (60) days. (Ord. 214 §2, 1991; Ord. 316 §1, 1997; Ord. 464 §5, 2003)

**Sec. 8-2-60. Investigation authorized.**

Any person duly authorized by the Board of Trustees or any law enforcement officer or environmental protection officer is authorized to investigate any circumstance and enforce this Article relating to any vehicle or equipment left at any place within the Town which reasonably appears to be abandoned, junked, inoperable, lost, stolen, illegally possessed, unclaimed or otherwise in violation of this Article. (Ord. 214 §2, 1991; Ord. 464 §6, 2003)

**Sec. 8-2-70. Notice provisions.**

(a) Towing from public property. Notice of an impending tow and impoundment of any vehicle or equipment on public property in violation of this Article shall be given by means of an adhesive sticker placed upon the glass or other suitable portion of the body of the vehicle or equipment stating the date, time and nature of the violation, the date that the towing and impoundment shall occur and the location to which the vehicle or equipment shall be towed. A minimum of twenty-four (24) hours shall transpire between the time that the notice is affixed before the towing occurs, unless, in the judgment of the authorized person, removal is immediately necessary in the interest of public safety because of fire, flood, storm, traffic hazard or other emergency reason.

(b) Towing from private property. Notice of an impending tow and impoundment of any vehicle or equipment on private property in violation of this Article shall be given by means of an adhesive sticker placed upon the glass or other suitable portion of the body of the vehicle or equipment stating the date, time and nature of the violation, the date that the towing and impoundment shall occur and the location to which the vehicle or equipment shall be towed, and by the mailing of a certified letter, return receipt requested, to the registered owner of the vehicle or equipment containing the same items of information as the sticker. A minimum of seven (7) days shall transpire between the time that the notice is affixed and the letter is sent before the towing occurs, unless, in the judgment of the authorized person, removal is immediately necessary in the interest of public safety because of fire, flood, storm, traffic hazard or other emergency reason, or unless said towing is done with the consent of the private property owner. (Ord. 214 §2, 1991; Ord. 464 §7, 2003)

**Sec. 8-2-80. Owner's opportunity to request hearing.**

(a) In the event that any vehicle or equipment is towed or removed from public property pursuant to the direction and authority of any person duly authorized by the Board of Trustees or any law enforcement officer in the enforcement of this Article, the procedural and hearing requirements of Section 8-6-40 shall be followed.

(b) In the event that any vehicle or equipment is towed or removed from private property pursuant to the direction and authority of any person duly authorized by the Board of Trustees or any law enforcement officer in the enforcement of this Article, the procedural and hearing requirements of Section 8-6-40 shall be followed. In addition to the procedural and hearing requirements of Section 8-6-40, the owner or resident of the private property shall be notified in writing of the impoundment, to be sent by U.S. certified mail within twenty-four (24) hours of impoundment. Such notice shall clearly identify the vehicle or equipment towed and shall inform the real property owner of the right to a hearing pursuant to Section 8-6-40.

(c) In the event that the Tow Hearing Officer sustains the legality of the towing pursuant to this Article, an administrative hearing fee of one hundred dollars (\$100.00) shall be assessed against the person requesting the hearing. (Ord. 214 §2, 1991; Ord. 316 §1, 1997; Ord. 464 §8, 2003)

**Sec. 8-2-90. Violation; penalty.**

All provisions of this Article are designated noncriminal violations. Any person violating any provision of this Article shall, upon conviction thereof, be fined as set forth in Section 1-4-20 of this Code. In addition to any other penalty provided herein, any such vehicle or equipment found on any property within the Town to be in violation of the provisions hereof shall constitute a public nuisance, and the Town Attorney shall be authorized to bring a civil action before any court of competent jurisdiction to secure abatement thereof. All costs incurred by the Town in securing the abatement, including towing, impoundment and storage expenses and reasonable attorney's fees, shall be assessed against the person owning said vehicle or equipment and otherwise having occupancy of the private property affected or custody of the junked or abandoned vehicle or equipment involved. (Ord. 214 §2, 1991; Ord. 316 §1, 1997; Ord. 464 §9, 2003)

**ARTICLE III**

**Compulsory Motor Vehicle Insurance**

**Sec. 8-3-10. Owner responsibility.**

No owner of a motor vehicle required to be registered in the State shall operate the vehicle or permit it to be operated on a public street or highway within the Town when he or she has failed to have a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S. (Ord. 208 §1, 1991; Ord. 282 §1, 1995)

**Sec. 8-3-20. Operator responsibility.**

No person shall operate a motor vehicle on a public street or highway within the Town without a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S. (Ord. 208 §1, 1991; Ord. 282 §1, 1995)

**Sec. 8-3-30. Evidence presented upon request.**

When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a police officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S. (Ord. 208 §1, 1991; Ord. 282 §1, 1995)

**Sec. 8-3-40. Testimony at trial.**

Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a police officer, shall constitute prima facie evidence, at a trial concerning a violation charged under Section 8-3-10 or 8-3-20 above, that such owner or operator of a motor vehicle violated Section 8-3-10 or 8-3-20. (Ord. 208 §1, 1991; Ord. 282 §1, 1995)

**Sec. 8-3-50. Production of evidence at trial.**

No person charged with violating Sections 8-3-10, 8-3-20 or 8-3-30 above shall be convicted if he or she produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by Sections 10-4-705 and 10-4-716, C.R.S., at the time of the alleged violation. (Ord. 208 §1, 1991; Ord. 282 §1, 1995)

**ARTICLE IV**

**Safety Regulations**

**Sec. 8-4-10. Safety belt systems; mandatory use; exemptions.**

(a) Definitions. As used in this Section, the following terms are defined to mean:

*Motor vehicle* means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes and pickups. The term does not include motorcycles, motorscooters, motor-bicycles, motorized bicycles, passenger buses, school buses and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

*Safety belt system* means a system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(b) Unless exempted pursuant to Subsection (c) below, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt shall wear a safety belt while the motor vehicle is being operated on a street or highway in the Town.

(c) No driver or passenger in a motor vehicle shall be cited for a violation of Subsection (b) above unless the driver was stopped for an alleged violation of the Model Traffic Code, having been adopted by the Town pursuant to Article I of this Chapter.

(d) It shall be an affirmative defense and the requirement of Subsection (b) above shall not apply to:

(1) A child required by law to be restrained by a child restraint system;

(2) A member of an ambulance team, other than the driver, while involved in patient care;

(3) A peace officer, including a police officer of the Town, while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as Subsection (b) above and which only provide exceptions necessary to protect the officer;

(4) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(5) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(6) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and

(7) A person operating a motor vehicle for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(e) Testimony at trial for a violation charged pursuant to this Section may include:

(1) Testimony by a law enforcement officer that he or she observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of Subsection (b) of this Section; or

(2) Evidence that the driver removed the safety belts, or knowingly drove a vehicle from which the safety belts had been removed.

(f) Penalty. Any person violating the provisions of this Section shall, upon conviction thereof, be punished by a fine of ten dollars (\$10.00). (Ord. 213 §1, 1991; Ord. 282 §1, 1995; Ord. 316 §1, 1997)

**Sec. 8-4-20. Child restraint systems required.**

(a) As used in this Section, unless the context otherwise requires:

*Child care center* means a facility required to be licensed under the "Child Care Act," Article 6 of Title 26, C.R.S.

*Child restraint system* means any device that is designed to protect, hold or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident and that conforms to all applicable federal motor vehicle safety standards.

*Safety belt* means a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt which is physically a part of a child restraint system. *Safety belt* includes the anchorages, the buckles and all other equipment directly related to the operation of safety belts.

*Seating position* means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(b) Unless exempted pursuant to Subsection (e) below, every child who is under four (4) years of age and weighs under forty (40) pounds, being transported in the Town in a privately owned noncommercial passenger vehicle or in a vehicle operated by a child care center, shall be provided with a child restraint system suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure the system according to the manufacturer's instructions.

(c) Unless exempted pursuant to Subsection (e) of this Section, every child, who is at least four (4) years of age but less than sixteen (16) years of age or who is less than four (4) years of age and weighs forty (40) pounds or more, being transported in the Town in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be provided with a safety belt system and shall be properly fastened into the safety belt system according to the manufacturer's instructions.

(d) It is the responsibility of the driver transporting children, subject to the requirements of this Section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(e) The requirement of Subsections (b) and (c) above shall not apply to a child who:

(1) Is being transported in a privately owned noncommercial motor vehicle in which all seating positions equipped with safety belts or child restraint systems are occupied;

(2) Is being transported in a motor vehicle as a result of a medical emergency;

(3) Is being transported in a commercial motor vehicle, as defined in Section 42-2-402(4)(a), C.R.S., that is operated by a child care center; or

(4) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 8-4-10 above.

(f) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this Section, for children under sixteen (16) years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(g) Any violation of this Section shall not constitute negligence per se or contributory negligence per se.

(h) It shall be unlawful for any person to operate a motor vehicle while he or she is in violation of the requirement of Subsections (b) and (c) above. Any violation of this Section shall be deemed a noncriminal traffic infraction. Every person convicted of a violation of this Section shall be punished by a fine of not more than fifty dollars (\$50.00).

(i) The fine may be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase or rental of an approved child restraint system by the time of the court appearance. (Ord. 213 §2, 1991; Ord. 282 §1, 1995; Ord. 286 §3, 1995; Ord. 316 §1, 1997)

**Sec. 8-4-30. Use of earphones while driving.**

(a) No person shall operate a motor vehicle while wearing earphones.

(b) For purposes of this Section, *earphones* includes any headset, radio, tape player or other similar device which provides the listener with radio programs, music or other recorded information through a device attached to the head and which covers all of or a portion of the ears. *Earphones* does not include speakers or other listening devices which are built into protective headgear. (Ord. 213 §3, 1991; Ord. 282 §1, 1995; Ord. 316 §1, 1997)

**ARTICLE V**

**Traffic Infractions**

**Sec. 8-5-10. Definitions.**

As used in this Article, the following definitions shall apply:

*Charging document* means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice or other document charging the person with the commission of a traffic infraction or infractions.

*Defendant* means any person charged with the commission of a traffic infraction including but not limited to the following terms used in the implementing legislation: *cited person, cited party, individual, person charged with a traffic violation, violator or accused.*

*Docket fee* means a fee assessed according to the provisions of this Code, or a fee established by the rules of the Municipal Court.

*Judgment* means the admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability or the entry of default judgment as set forth in this Chapter against any person for the commission of a traffic infraction.

*Officer* means a peace officer who tenders or serves a charging document.

*Penalty* means a fine imposed pursuant to this Code for the violation of a traffic infraction.

*Referee* means any person appointed by the Municipal Judge as a referee pursuant to this Chapter, to determine parking assessments. (Ord. 282 §1, 1995)

**Sec. 8-5-20. Civil traffic infractions.**

Notwithstanding any provision contained to the contrary as set forth in this Code, all violations of any provisions of this Chapter relating to traffic, or any provision of the *Model Traffic Code*, as adopted and amended by the Town, for which a fine only is established as a penalty for the violation thereof, are hereinafter referred to as *traffic infractions* and are deemed and shall constitute civil matters and not criminal violations, except those violations set forth in Section 8-5-50 and any other traffic offense for which, upon conviction, a term of imprisonment is provided. (Ord. 282 §1, 1995; Ord. 316 §1, 1997; Ord. 495 §6, 2004)

**Sec. 8-5-30. Trial before court or referee.**

Civil traffic infractions, except as provided by Section 8-5-50 relating to traffic offenses for which imprisonment may be imposed upon conviction, shall be tried only to the Municipal Judge or associate Municipal Judge. A referee who shall be authorized only to hear parking assessment traffic infractions need not be an attorney at law. (Ord. 282 §1, 1995)

**Sec. 8-5-40. No jury trial of traffic infractions.**

A defendant brought to trial solely upon a traffic infraction or infractions shall have no right to a trial by jury as contemplated by Section 13-10-114, C.R.S., or Rule 223, Municipal Court Rules of Procedure, and trial of civil traffic infractions shall be to the Court or, if the charge contemplates a parking infraction, to the designated referee. No defendant found civilly liable for a traffic infraction shall be punished by imprisonment for said infraction. (Ord. 282 §1, 1995)

**Sec. 8-5-50. Jury trials.**

(a) Any adult (person eighteen [18] years of age or older) charged with any traffic violation punishable upon conviction with the imposition of a penalty which includes the possibility of imprisonment shall have the right to trial by jury. Perfection of such right shall be pursuant to Rule 223, Colorado Municipal Court Rules of Procedure. Such offenses include the following offenses as set forth in the *Model Traffic Code*, as adopted and amended by the Town, as follows:

- (1) MTC 1101, Speeding Violation, only where the speed alleged is twenty-five-plus (25+) mph over the posted speed limit.
- (2) MTC 1105, Speed Contest.
- (3) MTC 1401, Reckless Driving.
- (4) MTC 1409, Compulsory Insurance.

(5) MTC 1413, Eluding or Attempting to Elude Police.

(6) MTC 1903, Failure to Stop for School Bus.

(b) In the event that an adult is charged with more than one (1) traffic violation arising out of the same incident and at least one (1) of the charged offenses is listed in Subsection (a) above, the defendant shall have the right to demand a jury trial to all such offenses, which shall be consolidated for purposes of trial.

(c) No person under the age of eighteen (18) years shall be entitled to a jury trial on a noncivil traffic offense. (Ord. 282 §1, 1995; Ord. 286 §4, 1995; Ord. 316 §1, 1997; Ord. 495 §7, 2004)

**Sec. 8-5-60. Commencement of action.**

An action under this Article charging a civil traffic infraction is commenced by the tender or service of a charging document upon a defendant, or by conspicuously attaching a parking assessment to the subject vehicle, and by filing of the charging document with the Municipal Court. (Ord. 282 §1, 1995)

**Sec. 8-5-70. Payment before appearance.**

(a) The Court Clerk shall accept payment of a penalty assessment notice by a defendant without an appearance before the Court, if payment is received seven (7) days prior to the date set for first hearing.

(b) At the time of payment, which shall include all costs and fees regularly assessed by the Court for the defendant's pleading or being found guilty of noncivil municipal violations, the defendant shall sign a waiver of rights and acknowledgment of guilt or liability upon a form approved by the rules of the Municipal Court.

(c) This procedure shall constitute an entry and satisfaction of judgment. (Ord. 282 §1, 1995)

**Sec. 8-5-80. First hearing.**

(a) If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he or she shall appear before the Court at the time scheduled for first hearing.

(b) The defendant may appear in person or by counsel, who shall enter appearance in the case; provided, however, that if an admission of guilt or liability is entered, the Court may require the presence of the defendant for the assessment of the penalty.

(c) If the defendant appears in person, the Court shall advise him or her in open court of the following:

(1) The nature of the infractions alleged in the charging document;

(2) The penalty, any fees and costs that may be assessed, and the penalty points that may be assessed against the driving privilege;

(3) The consequences of the failure to appear at any subsequent hearing including entry of judgment against the defendant and reporting the judgment to the State Motor Vehicle Division, which may assess points against the driving privilege and may deny an application for a driver's license;

(4) The right to be represented by an attorney at the defendant's expense;

(5) The right to remain silent, because any statement made by the defendant may be used against him or her;

(6) Guilt or liability must be proven beyond a reasonable doubt;

(7) The right to testify, subpoena witnesses, present evidence and cross-examine any witnesses for the State;

(8) Any answer must be voluntary and not the result of undue influence or coercion on the part of anyone; and

(9) An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

(d) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.

(e) If the defendant admits guilt or liability, the Court shall enter judgment and assess the appropriate penalty and the fees and costs after determining that the defendant understood the matters set forth in this Section, and has made a voluntary, knowing, and intelligent waiver of rights.

(f) If the defendant denies the allegations, the matter shall be set for final hearing, and the defendant, the prosecuting attorney's office and the charging officer shall be notified. (Ord. 282 §1, 1995; Ord. 316 §1, 1997)

#### **Sec. 8-5-90. Subpoenas.**

(a) The defendant and the Town shall have the right to the issuance of subpoenas by the Court Clerk as in all other noncivil municipal prosecutions to secure the attendance of witnesses at final hearing.

(b) The service of a subpoena shall be by first class mail, if the person to whom it is delivered waives personal service. No fees or mileage need be tendered with service by mail.

(c) If the person to whom a subpoena is directed does not waive personal service, the issuance and service of a subpoena shall be as provided by Rule 271, Municipal Court Rules of Procedure, except as otherwise provided in this Article. (Ord. 282 §1, 1995; Ord. 316 §1, 1997)

#### **Sec. 8-5-100. Speedy trial.**

The charges shall be dismissed if the final hearing is not held within the time requirements and standards otherwise applicable to the trial of noncivil municipal code violations. (Ord. 282 §1, 1995)

**Sec. 8-5-110. Final hearing.**

The hearing of all traffic infractions, except for parking assessments, shall be conducted pursuant to the Colorado Rules of Evidence, and the conduct of the hearing shall otherwise be in the form applicable to noncivil offenses tried to the Court. (Ord. 282 §1, 1995)

**Sec. 8-5-120. Judgment after final hearing.**

(a) If all elements of a traffic infraction are proven beyond a reasonable doubt, the Court shall find the defendant guilty or liable and enter appropriate judgment.

(b) If any element of a traffic infraction is not proven beyond a reasonable doubt, the Court shall dismiss the charge and enter appropriate judgment; provided, however, that the Court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter appropriate judgment.

(c) If the defendant is found guilty or liable, the Court shall assess any applicable fees, and additional costs otherwise generally imposed in noncivil municipal offenses.

(d) The judgment shall be satisfied upon payment to the Clerk of the total amount assessed as set forth above.

(e) If the defendant fails to satisfy the judgment upon the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, such nonpayment in the full amount of the penalty, fees and costs shall be treated as a default. (Ord. 282 §1, 1995)

**Sec. 8-5-130. Posthearing motions and appeal.**

There shall be no posthearing motions except for a motion to set aside a default judgment as provided by Section 8-5-140. (Ord. 282 §1, 1995)

**Sec. 8-5-140. Default.**

(a) If the defendant fails to appear for any hearing, the Court shall enter judgment against the defendant. The record of such judgment, including the points assessed, shall be forwarded to the State Division of Motor Vehicles.

(b) The amount of the judgment shall be the appropriate penalty assessed after a finding of guilt or liability, outstanding judgment fee and additional costs assessable to municipal violations generally upon conviction of noncivil municipal charges, except such fees and additional costs shall not be added to parking assessment default judgments.

(c) The Court may set aside a judgment entered under this Section on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the Court not more than seven (7) calendar days after entry of judgment.

(d) The defendant may satisfy a judgment entered under this Section by paying the Clerk.

(e) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment. (Ord. 282 §1, 1995; Ord. 316 §1, 1997)

**Sec. 8-5-150. Appeal.**

Appeal of any finding of guilty or liability of traffic infractions shall be subject to the same procedures as applicable to convictions of municipal offenses generally. (Ord. 282 §1, 1995)

**Sec. 8-5-160. Referee appointment; hearing of parking assessments.**

- (a) The Municipal Judge may appoint a referee to hear and determine parking assessments.
- (b) The hearing of parking assessment contents shall be informal, the object being to dispense justice and resolution promptly and economically.
- (c) The Town shall first provide sworn testimony and evidence to the facts concerning the alleged parking infraction, subject to cross-examination.
- (d) Upon the conclusion of testimony and examination, the Court or referee may further examine or allow rebuttal as deemed appropriate.
- (e) Upon the conclusion of all testimony, each party, or their respective counsel, shall be permitted to make a closing statement.
- (f) The State Rules of Evidence shall not apply to hearings relating to parking assessments. (Ord. 282 §1, 1995; Ord. 316 §1, 1997)

**Sec. 8-5-170. Penalties.**

- (a) It is unlawful for any person to violate any of the provisions adopted in this Chapter, or any provisions of the *Model Traffic Code*.
- (b) Traffic infractions. Upon conviction of or entry of guilty plea or plea of nolo contendere to a civil traffic infraction, a fine, not to exceed one thousand dollars (\$1,000.00), may be imposed by the Court. As a guide, penalties may be imposed at twenty dollars (\$20.00) for each point assessed on the summons and complaint.

<b>Points</b>	<b>Penalty</b>
0-point violation	\$ 20.00
1-point violation	20.00
2-point violation	40.00
3-point violation	60.00
4-point violation	80.00
6-point violation	120.00
8-point violation	160.00
12-point violation	240.00

- (c) Penalties for noncivil traffic offenses.

(1) Upon conviction of or entry of a guilty plea or plea of nolo contendere to a traffic offense as set forth in Subparagraph (3) below, any adult (person aged eighteen [18] years or older) may be fined by an amount not to exceed one thousand dollars (\$1,000.00), or incarcerated for a period not to exceed one (1) year, or both.

(2) Upon conviction of or entry of a guilty plea or plea of nolo contendere to a traffic offense as set forth in Subparagraph (3) below, any juvenile (person under the age of eighteen [18] years) may be fined by an amount not to exceed one thousand dollars (\$1,000.00).

(3) Noncivil traffic offenses subject to penalties as set forth in Subparagraphs (1) and (2) above are as follows:

MTC 1101	Speeding violations 25 mph or more over speed limit	6 points
MTC 1105	Speed contest	12 points
MTC 1401	Reckless driving	8 points
MTC 1413	Eluding or attempting to elude police	12 points
MTC 1903	Failure to stop for school bus	6 points
MTC 1409	Compulsory insurance	4 points

\*MTC = Model Traffic Code

(d) Penalties for speeding violations in a maintenance, repair or construction zone designated pursuant to Section 614 of the adopted *Model Traffic Code* shall be double the penalty for such violation as set forth above.

(e) Penalties for traffic infractions or traffic offenses that occur in a school zone shall be double the penalty for such violation as set forth above. (Ord. 282 §1, 1995; Ord. 286 §5, 1995; Ord. 287 §1, 1995; Ord. 311 §4, 1996; Ord. 495 §8, 2004)

## ARTICLE VI

### Regulations for Parking and Use of Public Streets, Alleys and Rights-of-Way

#### Sec. 8-6-10. Definitions.

As used in this Article:

*Commercial vehicle or equipment* means any vehicle or equipment which is designed, maintained or used primarily for the transportation of persons or property or to pull machinery in furtherance of business, commercial or industrial purposes, whether for hire or not for hire.

*Equipment* means any device or object that is not motorized and cannot be moved along the ground without being attached to or carried upon a vehicle or another piece of equipment, or is propelled only by human power, including but not limited to boat and horse trailers or other types of trailers, flatbeds, buggies, carriages, wagons and any recreational or utility item, including but not limited to campers, mobile homes, boats and other watercraft, but not including bicycles and objects similar to them.

*Parking* means the stationary placement of any vehicle, mobile home, recreational vehicle or equipment. The terms *park* and *parked* shall be construed grammatically to equally apply to this definition.

*Stopping or standing* means the stationary placement of any vehicle, mobile home, recreational vehicle or equipment for any continuous period in which the operator is not present at the controls of the vehicle or otherwise in control of the equipment such that the vehicle or equipment can immediately be moved. The terms *stop*, *stopped*, and *stand* shall be construed grammatically to equally apply to this definition.

*Storage* means the stationary placement of any vehicle, mobile home, recreational vehicle or equipment for a continuous period of seventy-two (72) hours or more, or the stationary placement of any vehicle, mobile home, recreational vehicle or equipment with the intention of leaving the vehicle, mobile home, recreational vehicle or equipment in place for seventy-two (72) hours or more. Indicators of the intent to store a vehicle may include, but are not limited to, covering the vehicle or equipment with a tarp, rendering the vehicle or equipment inoperable or immobile in any fashion, or similar actions which demonstrate that such vehicle or equipment is not intended or able to be readily moved. The terms *store* and *stored* shall be construed grammatically to equally apply to this definition.

*Vehicle or motor vehicle* means any motorized object designed to travel along the ground by use of wheels, treads, runners or slides that can be driven, propelled or moved from place to place utilizing an engine or motor contained within said object, including but not limited to passenger cars, vans, trucks, motorcycles, motor scooters, truck tractors, recreational vehicles, motor or mobile homes, off-highway vehicles, snowmobiles, construction vehicles (such as, but without limitation, earthmovers and front-end loaders) and agricultural implements (such as, but without limitation, tractors and combines), but not including airplanes or similar machines that are designed to move primarily through the air or locomotives or similar machines designed to be moved exclusively over stationary rails. (Ord. 462 §1, 2003)

**Sec. 8-6-20. Reserved.**

**Sec. 8-6-30. Commercial vehicle and equipment parking.**

It shall be unlawful for any person or entity to park or allow to be parked any commercial vehicle or equipment exceeding ten (10) feet in width and/or twenty-two (22) feet in length on any public street, highway or right-of-way for a period of longer than twelve (12) hours within a forty-eight-hour period unless such vehicle or equipment is in the continuous process of being loaded or unloaded. (Ord. 462 §1, 2003)

**Sec. 8-6-40. Towing authority.**

(a) The Town, acting through its employees, officials or agents, is hereby authorized to remove and tow away or have removed and towed away any vehicle or equipment that is parked or stored in violation of Article II or Article VI of this Chapter. After towing any vehicle or equipment pursuant to this Section, the Town must provide notice and the opportunity for a hearing as stated below in this Section. The Town is authorized to tow any vehicle or equipment in violation of this Article without prior notice to the driver, owner or person entitled to possession of the vehicle or equipment.

Vehicles or equipment towed pursuant to Article II shall be subject to the prior notice requirements of Section 8-2-70.

(b) Within three (3) days, excluding weekends and holidays, the Town shall provide actual or constructive notice to the owner or person entitled to possession, as provided below.

(c) Any owner or person entitled to possession of a vehicle or equipment towed pursuant to this Section may request a hearing within three (3) days, excluding weekends and holidays, of receiving actual or constructive notice that the vehicle has been towed. Such request must be made to the Town in writing. If a hearing has not been requested within three (3) days, excluding weekends and holidays, after actual or constructive notice has been given, then the owner shall be deemed to have waived any right to a hearing.

(d) Actual notice shall include verbal notification of the owner, driver or person entitled to possession. Constructive notice shall include posting of written notice upon the door of the real property address as determined by state vehicle registration records associated with the license plates or VIN number of the vehicle, or certified mail, return receipt requested, of written notice to the real property address as determined by state vehicle registration records associated with the license plates or VIN number of the vehicle or equipment. In the case of certified mailing, constructive notice shall be deemed to have occurred two (2) days after the date of mailing, excluding weekends and holidays. Failure or refusal to claim certified mail shall not be a defense to the notice requirement.

(e) Written or verbal notice shall include a description of the vehicle or equipment, the reason the vehicle or equipment is being held and a statement that the vehicle or equipment may be subject to sale if the owner or person entitled to possession does not properly reclaim the vehicle or equipment and pay all monies due pursuant to Subsection (h) of this Section within thirty (30) days.

(f) Within forty-eight (48) hours of a request for a tow hearing, the tow hearing date and time shall be determined and set. The date of such tow hearing shall be set not more than ten (10) days after receipt of the request for the hearing.

(g) The Town Manager or other person duly authorized by the Board shall act as the Tow Hearing Officer and shall preside over the tow hearing. The sole issue at the hearing shall be the legality of the impoundment. Witnesses and evidence may be presented by the Town and by the owner or person entitled to possession of the vehicle or equipment. After hearing the evidence, the Tow Hearing Officer shall issue oral findings of fact and conclusions of law. The Town shall bear the burden of proving that the vehicle was in violation of Article II or VI of this Chapter by a preponderance of the evidence. In the event the Tow Hearing Officer finds that the impoundment was legal, the Tow Hearing Officer may assess costs not to exceed one hundred dollars (\$100.00), in addition to all towing and storage fees incurred as a result of the towing.

(h) Vehicles or equipment towed or removed for a violation of Article II or Article VI of this Chapter shall be kept in an impoundment lot designated or engaged by the Town for such purpose. Any impounded vehicle or equipment shall be restored to the owner or operator of such vehicle or equipment upon payment of all towing and storage fees or upon a finding by the Tow Hearing Officer that the vehicle or equipment was not parked or stored in violation of Article II or Article VI of this Chapter.

(i) In the event that an owner fails to request a tow hearing or fails to pay all towing and storage fees within thirty (30) days of constructive notice that the vehicle or equipment has been towed, the Town may sell the vehicle or equipment at public auction and retain the proceeds. The owner or person entitled to possession may recover possession of the property at any time before its sale at public auction upon providing reasonable and satisfactory proof of ownership or right to possession and after paying all towing and storage fees. In the event that an owner or person entitled to possession of the vehicle or equipment fails to comply within thirty (30) days of an order issued by the Tow Hearing Officer, the Town may sell the vehicle or equipment at public auction and retain the proceeds pursuant to this Subsection.

(j) Any person or entity receiving an adverse ruling from the Tow Hearing Officer may appeal such ruling to the Board of Trustees. Any appeal must be filed, in writing, with the Town within fifteen (15) days of the date of the adverse ruling. A person or entity failing to file a written appeal within such time restrictions is deemed to have waived any further right of appeal. An appeal hearing shall be set to be heard by the Board of Trustees at the next available regular meeting of the Board of Trustees.

(k) The Board of Trustees shall review the Tow Hearing Officer's ruling de novo upon the standards set forth in Subsection (g) above. The Board of Trustees shall issue a ruling by motion at the close of the appeal hearing, either reversing the Tow Hearing Officer's decision or affirming the Tow Hearing Officer's decision. The Board of Trustees' ruling by motion shall be deemed to be final agency action for purposes of appeal pursuant to C.R.C.P. Rule 106. (Ord. 462 §1, 2003)

**Sec. 8-6-50. Downtown parking regulations.**

(a) It shall be unlawful for any person or entity to park or allow to be parked any vehicle or equipment on Main Street between Welker Avenue and Martin Avenue for a period longer than twenty-four (24) hours, except as set forth in Subsection (d) below.

(b) All vehicles or equipment parked pursuant to this Section shall be parked within the stripes of the designated angle parking stalls painted on the street pavement on the west side of Main Street. Vehicles or equipment parked with any portion of any wheel, or protrusion of any part of the body of the vehicle or equipment, over the outer edge of the stall stripe shall be deemed to be illegally parked.

(c) All vehicles or equipment parked pursuant to this Section, except motorcycles or vehicles being loaded or unloaded pursuant to Section 8-6-30, shall be parked with the front end of the vehicle facing away from the driving lane of the street. No vehicle or equipment, except motorcycles or vehicles being loaded or unloaded pursuant to Section 8-6-30, shall be parked by backing it into a stall.

(d) Any person wishing to obtain an exemption to the parking regulations contained in Subsection (a) above may apply to the Town for a residential or guest parking permit. The criteria for obtaining a residential permit shall be:

- (1) The parking regulations impose an undue hardship upon the applicant;
- (2) The applicant does not have adequate parking facilities upon his or her private property;

(3) The requested permit is necessary and reasonable; and

(4) The requested permit does not interfere with Town health, safety or welfare.

(e) Any permit shall only be issued for a period of time reasonably necessary to fulfill the purpose of the request. Residential permits shall be issued for not more than one (1) year and may be renewed upon application and approval by the Town, and will be issued at no cost to the applicant. (Ord. 462 §1, 2003)

**Sec. 8-6-60. Stopping or standing prohibited.**

It shall be unlawful for any person or entity to stand or stop, or allow to stand or be stopped, any vehicle or equipment within the driving lanes of any public street or alley, except to momentarily pick up or discharge passengers when the driver remains at the controls of the vehicle, except for vehicles or equipment in use for an emergency call involving general public safety, except for commercial vehicles in a continuous process of expeditious unloading or loading only when the vehicle is not blocking or otherwise interfering with traffic, and except in compliance with directions of an officer of any law enforcement agency or in compliance with a crossing guard or other official or person authorized to regulate traffic and acting within the course of such authorization. (Ord. 462 §1, 2003)

**Sec. 8-6-70. Storage prohibited.**

It shall be unlawful for any person or entity to store or allow to be stored any vehicle or equipment in any public street, alley or public right-of-way, except as provided in Section 8-6-120 below. (Ord. 462 §1, 2003)

**Sec. 8-6-80. Maintenance, repair and cleaning prohibited.**

It shall be unlawful for any person or entity to maintain, repair or otherwise work on any vehicle or equipment in any public street or alley, except for any incidental and temporary work of short duration necessary to render a disabled vehicle or equipment operable in preparation for the towing of the vehicle or equipment to an appropriate location for repair or maintenance, and except for limited work to clean, wash or wax the vehicle or equipment. (Ord. 462 §1, 2003)

**Sec. 8-6-90. Temporary parking restrictions.**

The Town shall have the authority to temporarily restrict parking on any public street or alley for street sweeping or snow removal or other maintenance or repair by posting signs in the vicinity or placing fliers on vehicles or equipment, or such other reasonable manner of public notice, and it shall be unlawful for any person or entity to park vehicles or equipment in violation of the restrictions stated on said signs or notices. (Ord. 462 §1, 2003)

**Sec. 8-6-100. Obstructing traffic prohibited.**

It shall be unlawful for any person or entity to park or allow to be parked any vehicle or equipment in such a manner so as to entirely obstruct traffic in any public street or alley, except in compliance with directions of a law enforcement officer, crossing guard or other authorized official in the course of the conduct of duty in regulating traffic. (Ord. 462 §1, 2003)

**Sec. 8-6-110. Specific "No Parking" areas or restrictions not otherwise governed by Part 12, Parking, of the Model Traffic Code.**

It shall be unlawful to stop, stand or park on any portion of the driveway access that lies within the public right-of-way or within five (5) feet of either side of said access along Welker Avenue for Mead Elementary School and Mead Middle School. (Ord. 462 §1, 2003)

**Sec. 8-6-120. Residential use restricted.**

(a) It shall be unlawful to park any vehicle or equipment utilized for human habitation on any public right-of-way, including any street, alley or public parking lot, for longer than the time limitations allowed by this Chapter, except that visitors may load and unload or park a trailer, camper, mobile home, motor home, recreational vehicle, van or other vehicle or equipment used for human habitation (any combination of living, sleeping, cooking or eating) and/or utilize such vehicles for human habitation for a period not to exceed seven (7) days.

(b) It shall be unlawful to park or store any vehicle or equipment utilized for human habitation on any private property, except that visitors may park and utilize such vehicles for human habitation for a period not to exceed seven (7) days.

(c) A no-cost, temporary permit may be obtained from the Town Manager to allow the parking of any vehicle or equipment utilized for human habitation and the utilization of such vehicles for human habitation for a period exceeding seven (7) days, but not exceeding thirty (30) days in any calendar year. Application for the temporary permit shall be on a form provided by the Town and shall provide information, including but not limited to the proposed location of the vehicle, the requested time period for the permit, the status of the applicant as a resident or owner of land within the Town and the license plate number of the vehicle for which the permit is to be issued.

(d) The Town Manager may prohibit or restrict issuance of a permit for the use of a vehicle for temporary human habitation on a particular street or any portion thereof, or may designate a specific location for any particular permit, if he or she determines that such prohibition, restriction or designation is required for the public good.

(e) The vehicle must prominently display the temporary parking placard issued by the Town at all times when the vehicle is parked on a street or private property and is being used for temporary human habitation. The temporary parking placard shall be displayed in the front window or on the front of the vehicle. (Ord. 668 §1, 2010)

**Sec. 8-6-130. Encroachments and obstructions prohibited.**

It shall be unlawful to obstruct or endanger the free passage or proper use of any street, highway, alley, sidewalk or public right-of-way except as may be permitted by this Code. It shall be unlawful to place or deposit goods, wares, merchandise or matter of any kind upon any street, highway, alley or sidewalk, including but not limited to landscaping materials, such as stone, mulch and pavers, building materials and the like, except for street and utility construction and repair projects of or authorized by the Town. Streets shall not be blocked or barricaded in any fashion except as required or authorized by the Town for construction or public safety purposes, such as traffic control for special events or as established by a law enforcement agency or an officer thereof. No vehicle or

equipment may be stored in such a manner as to obstruct, wholly or partially, any sidewalk. (Ord. 462 §1, 2003)