

CHAPTER 8

Vehicles and Traffic

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ARTICLE 1

Model Traffic Code

Sec. 8-1-10. Adopted by reference.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is 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, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the Nation. The 2003 edition of the Model Traffic Code is adopted as if set out at length. (Prior code 8-1; Ord. 15-2008 §1)

Sec. 8-1-20. Copy on file.

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 8-1)

Sec. 8-1-30. Amendments.

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 to be inapplicable to this municipality and are therefore expressly deleted: none. The Model Traffic Code as adopted by the Town is subject to the following deletions, additions or modifications: none. (Prior code 8-2, 8-3; Ord. 26-2003 §§2, 3; Ord. 15-2008 §1)

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 Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning 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 8-5)

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 adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof. (Ord. 15-2008 §1)

Sec. 8-1-60. 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) Every person convicted of a violation of any provision adopted in this Article shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. (Prior code 8-4; Ord. 15-2008 §1)

ARTICLE 2

Abandoned and Junked Vehicles

Sec. 8-2-10. Abandonment of a motor vehicle.

(a) Any person who abandons any motor vehicle upon a street, highway, right-of-way or any other public property, or upon any private property without the express consent of the owner or person in lawful charge of that private property, commits abandonment of a motor vehicle.

(b) To *abandon* means to leave a thing with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving.

(c) The following are prima facie evidence of the necessary intent:

(1) The motor vehicle has been left for more than seven (7) days unattended and unmoved;

(2) License plates or other identifying marks have been removed from the motor vehicle;

(3) The motor vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or

(4) The owner has been notified by a law enforcement agency to remove the motor vehicle, and it has not been removed within three (3) days after notification. (Prior code 8-41)

ARTICLE 3

Operation of Snowmobiles

Sec. 8-3-10. Definitions.

As used in this Article, unless the context otherwise requires:

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

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

Owner means a person, other than a lienholder, having title to a snowmobile and entitled to the use or possession thereof.

Person means any individual, association, partnership or public or private corporation, any municipal corporation, county, city, city and county or other political subdivision of the State or any other public or private organization of any character.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel.

Snowmobile means a self-propelled vehicle weighing nor more than eight hundred (800) pounds primarily designed or altered for travel on snow or ice when supported in part by skis, belts or cleats. *Snowmobile* does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

Street, road, freeway or highway means the entire right-of-way between boundary lines of any of such public ways when any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel. (Prior code 8-61)

Sec. 8-3-20. General operations.

Pursuant to statutory law of the State, snowmobiles are hereby permitted to be operated on the roadway of any street, road or highway within the Town, except on any street or road which is part of the state highway system. The operator of a snowmobile when legally operating the same as provided herein shall conform to and abide by all state statutes and regulations and municipal regulations and ordinances governing the movement of snowmobiles within the Town. (Prior code 8-62)

Sec. 8-3-30. Compliance.

No snowmobile shall be operated within the Town unless and until said snowmobile shall fully comply with statutory laws of the State in regard to snowmobile registration, operation on rights-of-way of streets, roads or highways, crossing road and highways, operation of snowmobiles on private property, required equipment on snowmobiles, notice of accidents and other operation restrictions. (Prior code 8-63)

Sec. 8-3-40. Operating regulations.

(a) A snowmobile may be operated on the right-of-way of roads, streets and highways as far as practicable from the roadway thereof on the right-hand side, in the same direction as vehicular traffic.

(b) All snowmobiles being operated on the roads, streets and highways within the corporate limits of the Town shall travel in a single file and shall not pass any other snowmobile being operated on the roads, streets and highways.

(c) Snowmobiles shall be brought to a complete stop at all intersections, and the operator thereof shall yield the right-of-way to all motor vehicle traffic on such road or highway which constitutes an immediate hazard to the crossing of such road, street or highway and intersection.

(d) No snowmobile shall be operated at a speed greater than twelve (12) miles per hour within the corporate limits of the Town except as allowed by a conditional use permit or special use permit issued by the Town.

(e) No snowmobile shall be operated within the corporate limits of the Town before the hour of 7:00 a.m. and after the hour of 10:00 p.m.

(f) All snowmobiles shall be equipped with brakes in good working order and working mufflers.

(g) All turns shall be signaled.

(h) The right-of-way shall be yielded at all times to all pedestrians and all other vehicular traffic.

(i) Headlights and tail lamps shall be on at all times, and all snowmobiles shall be equipped with side reflectors.

(j) No towing is allowed except by means of a rigid device or, in the case of a disabled snowmobile, where an operator is in control of each snowmobile.

(k) Each person operating a snowmobile upon streets, roads or roadways within the Town shall be licensed by the State to operate a motor vehicle on public streets and roads, and be at least sixteen (16) years of age.

(l) No person shall operate a snowmobile in a careless or imprudent manner without due regard for width, grade, corners, curves or traffic of trails and roads.

(m) No person shall operate a snowmobile in a manner as to indicate either a wanton or a willful disregard for the safety of persons or property.

(n) No person shall operate a snowmobile on private property except that owned or leased by the operator or except when prior permission has been obtained from the owner, lessee or agent of the owner or lessee.

(o) Every person operating a snowmobile within the corporate limits of the Town shall, upon demand of any peace officer, produce for inspection the certificate of registration and shall furnish to such officer any information necessary for the identification of such snowmobile, its operator and its owner.

(p) No owner of a snowmobile shall permit such snowmobile to be operated by any other person in violation of the provisions of this Article. (Prior code 8-64)

Sec. 8-3-50. Penalties and remedies.

Any person who shall be convicted of a violation of any of the provisions of this Article may, for each violation, be punished in accordance with the provisions of Section 1-4-20 of this Code. (Prior code 8-65; Ord. 15-2008 §1)

ARTICLE 4

Driver's Licenses

Sec. 8-4-10. Driving vehicle without valid driver's license.

No person shall drive any motor vehicle upon a highway unless such person has been issued a currently valid driver's, minor driver's or provisional driver's license, or an instruction permit, unless such person is classified as being exempt from obtaining a driver's license pursuant to the provisions of Section 42-2-102, C.R.S. (Prior code 8-81)

Sec. 8-4-20. Resident for more than thirty days.

No person shall drive any motor vehicle upon a highway without a valid Colorado driver's, minor driver's or provisional driver's license or instruction permit after thirty (30) days of becoming a resident of the State. (Prior code 8-82)

Sec. 8-4-30. License expired one year or less.

No person shall drive any motor vehicle upon a highway if such person's driver's, minor driver's or provisional driver's license has been expired for one (1) year or less and such person has not been issued another such license by the State or another state or country subsequent to such expiration. (Prior code 8-83)

Sec. 8-4-40. Proper class driver's license required.

No person who has been issued a currently valid driver's, minor driver's or provisional driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a highway for which such person has not been issued the correct type or general class of license or permit. (Prior code 8-84)

Sec. 8-4-50. Valid license on person required.

No person who has been issued a currently valid driver's, minor driver's or provisional driver's license or an instruction permit shall operate a motor vehicle upon a highway without having such license or permit in such person's immediate possession. (Prior code 8-85)

Sec. 8-4-60. Motorized bicycles; license required.

An operator of a motorized bicycle shall possess a valid driver's, minor driver's or provisional driver's license. Motorized bicycles may be operated upon roadways and in bicycle lanes included within such roadways. No motorized bicycles may be operated on any sidewalk or pathway or upon any public lands unless such operation is specifically designated. (Prior code 8-86)

Sec. 8-4-70. Special restrictions on certain drivers.

(a) No person under the age of eighteen (18) years shall drive any motor vehicle used to transport explosives or inflammable material or as a school bus for the transportation of pupils to or from school: nor shall any person under the age of eighteen (18) years drive a motor vehicle used as a

commercial, private or common carrier of persons or property unless such person has experience in operating motor vehicles and has been examined on such person's qualifications in operating such vehicles. The examination shall include safety regulations of commodity hauling and the driver shall be licensed as a driver or provisional driver.

(b) Notwithstanding the provisions of Subsection (a) above, no person under the age of twenty-one (21) years shall drive a commercial motor vehicle as defined in Section 42-2-402(4), C.R.S., except as provided in Section 42-2-404(4), C.R.S. (Prior code 8-87)

Sec. 8-4-80. Refusal to give license, permit or ID card to peace officer on demand.

No person who operates a motor vehicle and has been issued a driver's, minor driver's or provisional driver's license, an instruction permit or a Colorado State identification card, and who has such license, permit or identification card in his or her immediate possession, shall refuse to remove such license, permit or identification card from any billfold, purse, cover or other container and to hand the same to any peace officer who has requested such person to do so if such peace officer reasonably suspects that such person is committing, has committed or is about to commit an offense. (Prior code 8-88)

Sec. 8-4-90. License restrictions.

No person shall operate a motor vehicle upon a highway or elsewhere in any manner in violation of the restrictions, limitations or conditions imposed in a special restricted license, in a driver's, provisional driver's or minor driver's license, or in an instructional permit or temporary instructional permit issued to such person by the State or another state or country. (Prior code 8-89)

Sec. 8-4-100. Notification of change of name or address.

A person commits an offense if he or she fails to notify the State of Colorado Department of Revenue of any change in his or her name by marriage or otherwise, or change in address, within ten (10) days of such change. (Prior code 8-90)

Sec. 8-4-110. Altered or fictitious license or permit.

(a) It is an offense for any person to have in his or her possession a lawfully issued driver's, minor driver's or provisional driver's license, instruction permit or identification card, knowing that such license, permit or identification card has been falsely altered by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter or any other means so that such license or permit in its thus altered form falsely appears or purports to be in all respects an authentic and lawfully issued license, permit or identification card.

(b) It is an offense for any person to knowingly have in his or her possession a paper, document or other instrument which falsely appears or purports to be in all respects a lawfully issued and authentic driver's, minor driver's or provisional driver's license, instruction permit or identification card, knowing that such instrument was falsely made and was not lawfully issued.

(c) It is an offense for any person to knowingly display or represent as being such person's own any driver's, minor driver's or provisional driver's license, instructional permit or identification card which was lawfully issued to another person.

(d) It is an offense for any person to knowingly permit any unlawful use of a driver's, minor driver's or provisional driver's license, instruction permit or identification card. (Prior code 8-91)

Sec. 8-4-120. Permitting unlicensed person to drive.

(a) It is an offense for any parent or guardian to knowingly cause or permit his or her child or ward under the age of eighteen (18) years to drive a motor vehicle upon any highway when such minor has not been issued a currently valid minor driver's or provisional driver's license or instruction permit, or knowingly cause or permit such child or ward to drive a motor vehicle upon any highway in violation of the conditions, limitations or restrictions contained in a license or permit which has been issued to such person.

(b) It is an offense for any person to knowingly authorize or permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any highway by any person who has not been issued a currently valid driver's, minor driver's or provisional driver's license or an instruction permit, or shall knowingly cause or permit such person to drive a motor vehicle upon any highway in violation of the conditions, limitations or restrictions contained in a license or permit which has been issued to such person. (Prior code 8-92)

ARTICLE 5

Registration and Title

Sec. 8-5-10. Registration required.

(a) It is an offense for any person who owns a motor vehicle, trailer, semitrailer or vehicle which is primarily designed to be operated or drawn upon any highway, or who owns a trailer coach or mobile machinery, whether or not it is operated on a highway, within forty-five (45) days after the purchase of such vehicle, to fail to apply and obtain registration therefor, except when an owner is permitted to operate a vehicle under the special provisions of Section 42-3-103, C.R.S.

(b) It is an offense for any owner, operator or occupant of a vehicle which is or has been duly registered for the current year in another state or country of which such owner, operator or occupant has been a resident, becomes a resident of this State to fail to immediately apply for and obtain registration for such vehicle in this State. (Prior code 8-131)

Sec. 8-5-20. Registration card in vehicle.

It is an offense for any person driving a motor vehicle to fail to have in his or her possession or carry in the vehicle a current registration card issued for the vehicle, and subject to inspection by any peace officer. (Prior code 8-132)

Sec. 8-5-30. No number plates attached.

(a) It is an offense for any person in control of a self-propelled motor vehicle to fail to attach to such motor vehicle number plates during the current registration year, one (1) in the front and the other in the rear. The number plate assigned to a motorcycle, trailer or semitrailer, any other vehicle drawn by a motor vehicle or any item of mobile machinery or self-propelled construction equipment shall be attached to the rear thereof.

(b) It is an offense for any person in control of any vehicle described in this Subsection to fail to securely fasten number plates to the vehicle to which it is assigned so as to prevent the plate from swinging, to be horizontal at a height not less than twelve (12) inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and to be maintained free from foreign materials and in a condition to be clearly legible.

(c) It is an offense for any person in control of any vehicle described in this Subsection to knowingly display or affix to such vehicle any number plates or temporary registration permit that is not issued by the State for the specific vehicle to which the number plates or temporary registration permit is attached, except as provided for in Section 42-3-103, C.R.S.

(d) It is an offense for any person:

(1) To knowingly display, cause or permit to be displayed or to have in his or her possession any certificate of title or registration number plate knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered;

(2) To lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card or registration number plate issued to the person so lending or permitting the use thereof;

(3) To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application;

(4) To use or permit the use of any noncommercial or recreational vehicle to transport cargo or passengers for profit or hire or in any business or commercial enterprise. (Prior code 8-133)

Sec. 8-5-40. Expired number plates or temporary permit.

It is an offense for any person who owns, operates or is in control of any motor vehicle described in this Article to fail to display license plates or a temporary registration permit other than those of the registration period to which they pertain. (Prior code 8-134)