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## CHAPTER 7.01

### Violations Generally

#### 7.01.010 Compliance with Title required.

It is unlawful for any person to violate any of the provisions stated or adopted in this Title. (Ord. 5.06.4 §2(Art. 7 (part)), 1989)

#### 7.01.020 Adoption of *Model Traffic Code*.

(a) Adoption. Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference the 2010 edition of the *Model Traffic Code* promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222, as modified in Subsection (b) of this Section. The subject matter of the *Model Traffic Code* relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Chapter 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. One (1) copy of the *Model Traffic Code* adopted herein shall be filed in the office of the Town Clerk and may be inspected during regular business hours

(b) Amendments. The 2010 edition of the *Model Traffic Code* is adopted as if set out at length save and except the following additions, deletions or modifications:

(1) Section 105 of the *Model Traffic Code* is hereby deleted in its entirety.

(2) Subsection 110(4) of the *Model Traffic Code* is modified to read as follows:

"The appropriate local court shall have jurisdiction over violations of traffic regulations enacted or adopted by the Town Council."

(3) In Subsection 223(1) of the *Model Traffic Code*, all references to "Section 235(1)(a)" are modified to read "Section 42-4-235(1)(a), C.R.S."

(4) Subsection 225(1.5) of the *Model Traffic Code* is modified to read as follows:

"(1.5) It shall be unlawful for any vehicle to use engine compression brakes while operating a motor vehicle upon any Town street, except on the traveled through lanes, turn lanes and shoulders of Colorado State Highway 83.

"a. As used in this Section, the term 'engine compression brakes' means the use of an engine retarder or dynamic braking device used primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. Such braking systems are commonly referred to as 'Jacobs Brakes,' 'Jake Brakes,' 'Dynatard Brakes' or 'Compression Brakes.'

"b. Signs shall be posted at reasonable locations within the boundaries of the Town indicating that 'engine compression brakes prohibited' or substantially similar wording."

(5) In Subsection 225(3) of the *Model Traffic Code*, the reference to "Section 205(5.5)(a)" is modified to read "Section 43-4-205(5.5)(a), C.R.S."

(6) In Subsection 228(5)(c)(III) of the *Model Traffic Code*, the reference to "Section 235(1)(a)" is modified to read "Section 42-4-235(1)(a), C.R.S."

(7) In Subsection 229(4) of the *Model Traffic Code*, the reference to "Section 219" is modified to read "Section 42-3-219, C.R.S."

(8) In Subsection 236(1)(a) of the *Model Traffic Code*, the reference to "Code 6" is modified to read "Article 6."

(9) In Subsection 237(3)(g) of the *Model Traffic Code*, the reference to "Section 235(1)(a)" is modified to read "Section 42-4-235(1)(a), C.R.S."

(10) In Subsection 238(1) of the *Model Traffic Code*, the reference to "Section 42-1-102(6)" is modified to read "Section 42-1-102(6), C.R.S."

(11) In Subsection 239(5) of the *Model Traffic Code*, all references to "Section 42-4-1701(3)" are modified to read "Section 42-4-1701(3), C.R.S."

(12) In Subsection 504(4) of the *Model Traffic Code*, the reference to "Section 42-4-510" is modified to read "Section 42-4-510, C.R.S."

(13) Section 509 of the *Model Traffic Code* shall be modified by deleting therefrom the existing Section 509 and substituting in its place the following:

"a. Any police officer who has stopped a vehicle for inspection under Part 5 of the *Model Traffic Code*, as amended, or has reason to believe that the weight of a vehicle and load is otherwise unlawful, is authorized to require the driver to stop and submit to a weighing of the same, either by means of portable or stationary scales or to require that such vehicle be driven to the nearest certified public scales, port-of-entry portable or stationary scales, or portable or stationary scales operated by the Town, in the event such scales are within a five-mile radius of the location of such stop.

"b. Except as provided in Paragraph c. of this Section, whenever an officer, upon weighing a vehicle and load, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and leave such vehicle standing until such portion of the load is removed or shifted as may be necessary to reduce the gross weight of such vehicle or the weight upon a single axle or tandem axle of such vehicle, to such limit as permitted under Part 5 of the *Model Traffic Code*, as amended. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

"c. Whenever an officer, upon weighing a vehicle and load, determines that the weight is unlawful and the load consists of either explosives or hazardous materials, such officer shall permit the driver of such vehicle to proceed to his or her destination without requiring the driver to unload the excess portion of such load.

"d. It shall be unlawful for any driver of a vehicle, when directed by a police officer, to fail or refuse to stop and submit the vehicle and load to a weighing or to fail or refuse when directed by an officer to allow the unloading of the vehicle to the gross weight of such vehicle or the weight upon any single axle or tandem axle of such vehicle, permitted in Part 5 of the *Model Traffic Code*, or otherwise to fail or refuse to comply with the provisions of this Section.

"e. In the event that a police officer or other Town employee must take any action in shifting or removing any portion of an excess load, the driver and/or owner of such vehicle shall reimburse the Town for the officers' or employees' efforts in removing or shifting such load at the rate of one hundred dollars (\$100.00) per hour, or a minimum of one hundred dollars (\$100.00) for any efforts lasting less than one (1) hour."

(14) Section 602 of the *Model Traffic Code* is hereby deleted in its entirety.

(15) In Subsection 604(1)(a)(III) of the *Model Traffic Code*, the reference to "Section 42-4-802" is modified to read "Section 42-4-802, C.R.S."

(16) In Subsection 608(1) of the *Model Traffic Code*, the reference to "Section 42-4-903" is modified to read "Section 42-4-903, C.R.S." and the reference to "Section 42-4-609" is modified to read "Section 42-4-609, C.R.S."

(17) In Subsection 613 of the *Model Traffic Code*, the reference to "Code 4" is modified to read "Article 4."

(18) Subsection 614(1)(a) of the *Model Traffic Code* is modified to read as follows:

"If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a State highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits the equivalent to certain State violations listed in Section 42-4-1701(4), C.R.S., in a maintenance, repair, or construction zone that is designated pursuant to this Section is subject to the increased penalties and surcharges imposed by Section 42-4-1701(4)(c), C.R.S."

(19) Subsection 614(1)(b) of the *Model Traffic Code* is modified to read as follows:

"If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a State highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits the equivalent to certain State violations listed in Section 42-4-1701(4), C.R.S., in a maintenance, repair, or construction zone that is designated pursuant to this Section is subject to the increased penalties and surcharges imposed by Section 42-4-1701(4)(c), C.R.S."

(20) In Subsection 615(1) of the *Model Traffic Code*, the reference to "Section 1701(4)(d)" is modified to read "Section 42-4-1701(4)(d), C.R.S."

(21) In Subsection 705(3)(b) of the *Model Traffic Code*, the reference to "Section 42-4-1402" is modified to read "Section 42-4-1402, C.R.S."

(22) Section 802 of the *Model Traffic Code* is hereby amended by the amendment of Subsection 802(1) and the addition of Subsection 802(1.5) to read as follows:

"802. Pedestrians' right-of-way in crosswalks. (1) Except as provided in Subsection (1.5) of this Section 802, when traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in immediate danger.

"(1.5) In all safety sensitive zones within the Town of Parker that are two lane roadways, regardless of whether a median is present, when traffic signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk, regardless of whether the pedestrian is upon the half of the roadway upon which the vehicle is traveling."

(23) In Subsection 805(5) of the *Model Traffic Code*, the reference to "Section 111" is modified to read "Section 42-4-111, C.R.S." and the reference to "Section 111(2)" is modified to read "Section 42-4-111(2), C.R.S."

(24) In Subsection 1010(1) of the *Model Traffic Code*, the reference to "Section 42-4-902" is modified to read "Section 42-4-902, C.R.S."

(25) Subsection 1010(3) of the *Model Traffic Code* is modified to read as follows:

"Local authorities may by ordinance consistent with the provisions of Section 43-2-135(1)(g), C.R.S., with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations, local authorities, or their designees, shall install official traffic control devices in conformity with the standards established by Section 601 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices."

(26) Subsection 1012(2.5)(c) of the *Model Traffic Code* is modified to read as follows:

"Local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEV's and, subject to Subparagraph (I) of Paragraph (a) of this Subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this Section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed."

(27) In Subsection 1012(3)(b) of the *Model Traffic Code*, the reference to "Section 1701(4)(a)(I)(K)" is modified to read "Section 42-4-1701(4)(a)(I)(K), C.R.S."

(28) Subsection 1101(1) of the *Model Traffic Code* shall be modified by deleting therefrom the existing Subsection 1101(1) and substituting in its place the following:

"No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is authorized in this Section 1101, and in no event greater than seventy-five (75) miles per hour."

(29) Subsection 1101(4) of the *Model Traffic Code* shall be modified by deleting therefrom the existing Subsection 1101(4) and substituting in its place the following:

"(4) The speed limits specified in Subsection 1101(2) hereof shall be considered maximum lawful speed limits and not prima facie speed limits."

(30) Subsection 1105(7)(c) of the *Model Traffic Code* is modified to read as follows:

"The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to Paragraph (d) of this Subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an 'abandoned vehicle,' as defined in Section 1802(1)(d) and Section 42-4-2102(1)(d), C.R.S., and subject to the provisions of Part 18 of this Code and Part 21 of Article 4 of Title 42, C.R.S., whichever is applicable. The law enforcement agency entitled to payment of the fee under this Subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to Section 1809(2)(b.5) or Section 42-4-2108(2)(a.5), C.R.S."

(31) Subsection 1105(8)(b) of the *Model Traffic Code* is modified to read as follows:

"No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by Subsection (7) of this Section. Nothing in this Subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of Part 18 of this Code or Part 21 of Article 4 of Title 42, C.R.S."

(32) Section 1204 of the *Model Traffic Code* shall be modified by the addition of Subsection 1204(1)(1) to read as follows:

"(1) Within emergency access lanes designated pursuant to powers designated to the Town under State law, so as to obstruct designated and marked emergency access lanes anywhere within the municipality of the Town of Parker. This prohibition against stopping, standing or parking a vehicle within said designated emergency access lanes shall be applicable to all property, whether public or private within the Town of Parker, and shall prohibit the parking, stopping or standing of any vehicle within said emergency access lanes except emergency vehicles (*i.e.*, police cars, fire department vehicles, ambulances, EMT vehicles, etc.) during the answering of an emergency call."

(33) Section 1208 of the *Model Traffic Code* shall be modified by deleting therefrom the existing Section 1208 and substituting in its place the following:

"1208. Parking for persons with mobility handicaps.

"a. Any motor vehicle with distinguishing license plates or an identifying placard obtained by a person with a mobility handicap as prescribed by law, may be parked in a parking space identified as being reserved for use by the handicapped, whether on public property or private property available for public use; or in any public parking area along any public street in one and two-hour time limit zones or at parking meters during hours parking is permitted regardless of any time limitation imposed upon parking along such streets.

"b. It shall be unlawful for persons with mobility handicaps to be parked along public streets, or in designated parking spaces on public or private property:

"1. During such times when all stopping, standing or parking of all vehicles is prohibited;

"2. When only special vehicles may be parked;

"3. When parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

"c. The owner of private property available for public use may install signs prescribed by the traffic engineer identifying parking spaces designated to specifications of the traffic engineer and reserved for use by the handicapped. Such installations shall be a waiver of any objection the owner may assert concerning enforcement of this Section by officers, or parking control persons, and said persons are hereby authorized and empowered to enforce this Section of the Code.

"d. It shall be unlawful for any person who does not have a mobility handicap to exercise the parking privilege defined in this Section.

"e. It shall be unlawful for any motor vehicle without distinguishing license plates or any identifying placard obtained by a person with mobility handicap as prescribed by law to be parked in a parking space identified as being reserved for use by the handicapped. Notwithstanding any other provisions of the *Model Traffic Code*, the penalty resulting from conviction of a violation of this Section 1208 or any subpart thereof shall be a fine of not less than fifty dollars (\$50.00) nor more than four hundred ninety-nine dollars (\$499.00). In enforcing this Section 1208, the municipal court shall not have the authority to suspend all or any part of any fine or violation hereof so as to result in a fine of less than fifty dollars (\$50.00), it being the intent of the Town Council of the Town of Parker that Section 1208 of this Code be strictly and diligently enforced so as to provide adequate parking of persons with mobility handicaps free from the interference of those not so handicapped."

(34) In Subsection 1210(1) of the *Model Traffic Code*, the reference to "Section 42-1-102(64)" is modified to read "Section 42-1-102(64), C.R.S."

(35) In Subsection 1401(1) of the *Model Traffic Code*, the reference to "Section 127" is modified to read "Section 42-2-127, C.R.S."

(36) In Subsection 1402(1) of the *Model Traffic Code*, the reference to "Section 127" is modified to read "Section 42-2-127, C.R.S."

(37) In Subsection 1406(5)(b)(II) of the *Model Traffic Code*, the reference to "Section 1701(4)(a)(I)(N)" is modified to read "Section 42-4-1701(a)(I)(N), C.R.S."

(38) In Subsection 1408(1) of the *Model Traffic Code*, the reference to "Code 1" is modified to read "Article 1" and the reference to "Code 20" is modified to read "Article 20."

(39) In Subsection 1409(4)(a) of the *Model Traffic Code*, all references to "Section 42-4-1701(3)(a)(II)(A)" are modified to read "Section 42-4-1701(3)(a)(II)(A), C.R.S."; and all references to "Section 42-3-113(2) and (3)" are modified to read "Section 42-3-113(2) and (3), C.R.S."

(40) In Section 1412 of the *Model Traffic Code*, all references to "Section 111" are modified to read "Section 42-4-111, C.R.S."; the reference to "Code 10" is modified to read "Article 10"; and all references to "Section 127" are modified to read "Section 42-2-127, C.R.S."

(41) In Section 1415 of the *Model Traffic Code*, the reference to "Section 42-4-1701(3)(a)(II)(A)" is modified to read "Section 42-4-1701(3)(a)(II)(A), C.R.S."

(42) Section 1701 of the *Model Traffic Code* is deleted in its entirety. Any references to Section 1701 in the *Model Traffic Code* shall be deemed to refer to Section 7.01.025 of the Parker Municipal Code.

(43) Subsection 1702(2) of the *Model Traffic Code* is modified to read as follows:

"Violations of Sections 238, 607(2)(b), 1402(2) and 1409 of this Code are Class 1 traffic misdemeanors."

(44) Subsection 1702(3) of the *Model Traffic Code* is modified to read as follows:

"Violations of Sections 107, 233, 507, 508, 509, 510, 1105, 1401, 1402(1), 1407, 1412, 1413, 1704, 1716(2) and 1903(1)(a) of this Code are Class 2 traffic misdemeanors."

(45) Subsection 1702(6) of the *Model Traffic Code* is modified to read as follows:

"The Town Council may adopt a fine and surcharge schedule for penalty assessment violations."

(46) In Section 1709 of the *Model Traffic Code*, all references to "Section 42-2-127" are modified to read "Section 42-2-127, C.R.S." and all references to "Section 42-4-1701" are modified to read "Section 42-4-1701, C.R.S."

(47) In Section 1805 of the *Model Traffic Code*, all references to "Section 42-4-1804(4)" are modified to read "Section 42-4-1804(4), C.R.S."; all references to "Section 42-4-1810(1)(b)" are modified to read "Section 42-4-1810(1)(b), C.R.S."; the reference to "Part 1 of Code 6 of this Title" is modified to read "Part 1 of Article 6 of Title 42, C.R.S."; and the reference to "Code 6 of Title 12, C.R.S." is modified to read "Article 6 of Title 12, C.R.S."

(48) In Section 1809 of the *Model Traffic Code*, all references to "Section 42-4-1805" are modified to read "Section 42-4-1805, C.R.S." and all references to "Section 42-4-1802(1)" are modified to read "42-4-1802(1), C.R.S."

(49) In Section 1814 of the *Model Traffic Code*, the reference to "Section 42-13-106" is modified to read "Section 42-13-106, C.R.S."

(50) Section 235 of the *Model Traffic Code* shall be modified to read as follows:

"235. Minimum standards for commercial vehicles – spot inspections.

"(1) A police officer or sheriff's officer may, at any time, require the driver of any commercial vehicle, as defined in Section 42-4-235, C.R.S., to stop so that the officer or deputy may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 *Minimum Standards for the Operation of Commercial Vehicles*.

"(2) A police officer or sheriff's officer may immobilize, impound, or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment or disposition is appropriate under the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 *Minimum Standards for the Operation of Commercial Vehicles*.

"(3) Any person, as defined in Section 42-1-102(69), C.R.S., who violates Subsection (2) of this Section commits a traffic offense."

(c) Application. The 2010 edition of the *Model Traffic Code* shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public parking area, either within or outside the corporate limits of the Town, the use of which this 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 the municipality.

(d) Interpretation. This Chapter 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 Chapter and adopted *Model Traffic Code* shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof. (Ord. 5.03.7 §1, 2011; Ord. 5.03.6 §1, 2011)

#### **7.01.025 Violations—penalties.**

(a) It shall be unlawful for any person to violate any of the provisions of this Title or any of the provisions of the 2010 edition of the *Model Traffic Code* for Colorado, as adopted. Any violations of the provisions of said *Model Traffic Code* shall be a violation of this Title.

(b) Except as provided in Subsection (c) below, and Subsections 7.01.060(b), (d) and (e) of this Chapter, any violations of this Chapter shall be traffic infractions punishable by civil penalties of not more than four hundred ninety-nine dollars (\$499.00) to be determined and assessed at the discretion of the Municipal Judge. Traffic infractions shall constitute civil matters.

(c) Any violations of Section 1105, Speed Contests; Section 1401, Reckless Driving; or Section 1413, Eluding or Attempting to Elude Police Officer, of the *Model Traffic Code* shall be misdemeanor traffic violations subject to the penalties specified in Section 8.01.040 of this Code.

(d) Any person who pleads guilty or no contest to, or is convicted of, any offense specified in this Title, shall be assessed the applicable civil penalty or criminal punishment in an amount to be determined at the discretion of the Municipal Judge. At any trial for offenses specified by this Article, the burden of proof shall be upon the people or the Town to prove both civil traffic infractions and misdemeanor traffic violations beyond a reasonable doubt.

(e) Except for persons who are charged with one (1) of the offenses specified in Subsection (c) above, or any nontraffic infraction specified in Subsection (b) above, if a person fails to appear at a hearing before the court at the date and time specified in the summons and complaint, or at such other time as the court may order, the Municipal Court shall enter a default judgment, assess an appropriate civil penalty and assess applicable court costs and the law enforcement assistance surcharge against such person. A default judgment shall have the same legal effect as a plea of guilty or a conviction at trial. Upon motion made not later than sixty (60) days following the entry of a default judgment, the Municipal Court may vacate a default judgment upon adequate showing of excusable neglect, or that the default judgment violates the Constitution or laws of the United States, the Constitution or laws of the State of Colorado or the Charter or ordinances of the Town, or any other reason justifying relief from the operation of the default judgment.

(f) If a person who is charged with one (1) of the offenses specified in Subsection (c) above, or any nontraffic infraction specified in Subsection (b) above, fails to appear at a hearing before the court at the date and time specified in the summons and complaint, or at such other time as the Court may order, the Court may issue a bench warrant for the arrest of such person and set the amount of bail for such person pursuant to Rule 246 of the Colorado Rules of Municipal Court Procedure.

(g) The Municipal Court shall report its entry of a default judgment, a plea of guilty or no contest, a conviction or a forfeiture of bail, against every person concerning any charge specified in this Section, to the Department of Revenue, Motor Vehicles Division, pursuant to Section 42-4-1715, C.R.S., and the Motor Vehicles Division may thereafter assess penalty points against such person's driving privileges. Following such a report by the Municipal Court, the provisions of applicable Colorado Statutes shall control any outstanding obligations to the Municipal Court. (Ord. 5.03.6 §2, 2011)

#### **7.01.030 Snow route.**

The Traffic Engineer or the Chief of Police shall have the power and authority to designate certain streets within the Town as snow routes, and post signs along those routes advising of their designation. (Ord. 5.06.4 §2(2-15), 1989)

**7.01.040 Operation of vehicles and parking on snow removal routes.**

(a) Whenever there is any covering or coating of snow, sleet or ice on any street designated as a snow route in the Town or during emergency snow conditions, no person in charge of a motor vehicle operated on any such street shall allow the vehicle to remain parked on such street or stopped unattended on such street.

(b) Any vehicle parked or stopped unattended on such street shall be subject to immediate removal.

(c) Neither the Town nor any person acting under its direction shall be billable for any damage to such vehicle occasioned by such removal. (Ord. 5.06.4 §2(2-16), 1989)

**7.01.050 Penalties.**

Any person who is convicted of, or who pleads guilty or no contest to, Sections 7.01.030 or 7.01.040 above shall be subject to a fine of not more than four hundred ninety-nine dollars (\$499.00). (Ord. 5.06.4 §2(2-17), 1989)

**7.01.060 Safety standards and specifications.**

(a) Adopted. The "Rules and Regulations Governing the Safety Standards and Specifications of All Commercial Vehicles," as promulgated by the Colorado Department of Public Safety, and as the same may be amended from time to time, are hereby adopted. Copies of said rules and regulations are available for inspection at the office of the Town Clerk.

(b) Penalties. Any person, firm or corporation violating any of the provisions of Subsection (a) above or Part 5 of the *Model Traffic Code*, as amended, upon a plea of guilty or no contest, or upon a conviction thereof, shall be fined in a sum not to exceed nine hundred ninety-nine dollars (\$999.00) for each violation. In the alternative, any person, firm or corporation violating any of the provisions of Subsection (a) above or Part 5 of the *Model Traffic Code*, as amended, may be fined a penalty assessment fine of seventy-five dollars (\$75.00) for each violation. Each and every day which a violation is permitted to exist shall constitute a separate and distinct offense. The penalties herein shall not preclude the Town from initiating any other action to abate or prevent the occurrence of any violation of the provisions specified in this Section.

(c) Immobilization. Police officers are hereby authorized to immobilize, impound or otherwise direct the disposition of commercial vehicles when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment or disposition is appropriate under the "Rules and Regulations Governing the Safety Standards and Specifications of All Commercial Vehicles," as promulgated by the Colorado Department of Safety, and as the same may be amended from time to time.

(d) Excess weight. Notwithstanding the specific weight limits set forth in Part 5 of the *Model Traffic Code*, as amended, no vehicle or combination of vehicles shall be moved or operated, or be permitted to be moved or operated, on any street, bridge or highway within the Town when the gross weight thereof exceeds any posted weight limit on such street, bridge or highway. Any person who pleads guilty or is convicted of exceeding the weight limits contained in Part 5 of the *Model Traffic*

*Code*, or any posted limit, shall be subject to the penalties of Subsection (b) above and, for each axle and/or gross weight violation, an additional penalty assessment fine according to the following schedule:

<i>Excess Weight in Pounds</i>	<i>Penalty Assessment Fine Amount</i>
1 to 5,000	\$100
5,001 to 5,250	125
5,251 to 5,500	140
5,501 to 5,750	155
5,751 to 6,000	170
6,001 to 6,250	185
6,251 to 6,500	210
6,501 to 6,750	235
6,751 to 7,000	260
7,001 to 7,250	285
7,251 to 7,500	325
7,501 to 7,750	365
7,751 to 8,000	405
8,001 to 8,250	445
8,251 to 8,500	495
8,501 to 8,750	545
8,751 to 9,000	595
9,001 to 9,250	645
9,251 to 9,500	705
9,501 to 9,750	765
9,751 to 10,000	825
10,001 to 10,250	885
10,251 to 10,500	920
10,501 to 10,750	955
10,751 to 11,000	990
11,001 and over	999

(e) Permits for oversize and overweight vehicles.

(1) Notwithstanding any provision of the *Model Traffic Code*, the Town Engineer or his or her designee is authorized to issue permits for oversize and overweight vehicles as provided in this Section.

(2) The Town Engineer or his or her designee may, upon application in writing and good cause being shown therefor, issue a single-trip, a daily, a special or an annual permit in writing, authorizing the applicant to operate or move a vehicle, or combination of vehicles, of a size or weight of vehicle or load exceeding the maximum specified in this Chapter, or otherwise not in conformity with the provisions of this Chapter. The application for any permit shall specifically describe: the vehicle and load to be operated or moved; the particular street or streets for which the permit to operate is requested; whether such permit is for a single trip, a daily, a special or an

annual operation; the maximum axle load; the length of the vehicle between and including the front and rearmost bumper; and the time of such movement.

(3) The Town Engineer or his or her designee is authorized to issue or withhold a permit, as provided in this Section, and, if such permit is issued, to limit the number of trips, or to establish other time limitations within which the vehicles described may be operated on the streets indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces or structures. The Town Engineer or his or her designee may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure.

(4) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

(5) Any person who has obtained a valid permit for the movement of any oversized vehicle or load may attach to such vehicle or load or to any vehicle accompanying the same not more than three (3) illuminated flashing signals as warning devices.

(6) No permit shall be necessary for the following vehicles, and the vehicles or equipment specified in this Paragraph shall not be subject to the size and weight provisions of this Section:

- a. Authorized emergency vehicles;
- b. Vehicles operated by local governments or political subdivisions;
- c. Implements of husbandry and farm tractors including horse trailers temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to his or her place of business within the State or to the premises of a purchaser or a prospective purchaser within the State; and
- d. Vehicles making local deliveries. For the purpose of this Subsection, local deliveries shall be limited only to deliveries to addresses on streets within the specific area with a posted weight limitation.

(7) The Town Engineer or his or her designee shall charge permit fees as follows:

- a. For overlength, overwidth and overheight permits on loads of vehicles which do not exceed legal weight limits:
  1. Annual permit, two hundred fifty dollars (\$250.00);
  2. Daily permit, one hundred dollars (\$100.00);
  3. Single-trip permit, fifteen dollars (\$15.00).

b. For overweight permits for vehicles or loads exceeding legal weight limits up to two hundred thousand (200,000) pounds:

1. Annual permit, four hundred dollars (\$400.00);
2. Daily permit, two hundred dollars (\$200.00);
3. Single-trip permit, fifteen dollars (\$15.00), plus five dollars (\$5.00) per axle.

c. Special permits for structural, oversize or overweight moves requiring extraordinary Town action, or moves involving weight in excess of two hundred thousand (200,000) pounds, one hundred twenty-five dollars (\$125.00) for a permit for a single trip or the actual cost to the Town of the extraordinary action, whichever amount is greater. In addition, unless waived by the Town Engineer or his or her designee for good cause, the owner of a vehicle requiring a special permit shall provide the Town with a bond in an amount to be determined by the Town Engineer or his or her designee, but not less than two thousand five hundred dollars (\$2,500.00), as security for damage to streets, highways or highway structures within the Town.

(8) The provisions of this Section shall not apply to State highways or the National System of Interstate and Defense Highways.

(9) Any person, firm or corporation violating any provisions of this Section shall be subject to the penalties set forth in Subsection (b) of this Section.

(f) No person shall operate any vehicle or combination of vehicles with a gross vehicle weight greater than ten thousand (10,000) pounds on any street in the Town unless such street is designated as a truck route. The Town Council is authorized to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of the designation to the public.

(1) Operation of any vehicle or combination of vehicles with a gross vehicle weight greater than ten thousand (10,000) pounds on any street within the Town not designated as a truck route is prohibited.

(2) Vehicles or combination of vehicles with a gross vehicle weight greater than ten thousand (10,000) pounds are permitted on truck routes designated by resolution, except as otherwise provided in Subsections (a) through (d) above.

(3) Nothing herein shall be construed to prevent the operation of vehicles or equipment specified in Paragraph (e)(6) above upon any streets of the Town.

(4) Any person who is convicted of, or pleads guilty or no contest to, a violation of this Section shall be subject to the penalties specified in Subsection (b) of this Section. (Ord. 5.03.6 §3, 2011; Ord. 5.03.5 §1, 2004; Ord. 5.03.04 §1, 2000; Ord. 5.03.3 §§1, 2, 1999; Ord. 5.03.2 §3, 1991)

**7.01.070 Compulsory insurance; penalty.**

(a) No owner of a motor vehicle which is required to be registered in the State shall operate the vehicle, or permit it to be operated, on any public street, road or highway of the Town when such owner 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.

(b) No person shall operate a motor vehicle on any public street, road or highway of 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.

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

(d) Any person who violates the provisions of Subsections (a), (b) or (c) above shall be subject to a minimum penalty of no less than a one-hundred-dollar fine, ten (10) days of imprisonment, or both, but not to exceed the maximum penalty of a one-thousand-dollar-fine, one (1) year imprisonment, or both. The minimum fine imposed under this Section shall be mandatory and the court shall not suspend such minimum fine, in whole or in part, unless it is established that appropriate insurance as required under Sections 10-4-705 and 10-4-716, C.R.S., has been obtained. Nothing in this Paragraph shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(e) Upon a second or subsequent conviction under this Section within a period of two (2) years following a prior conviction under this Section, in addition to any imprisonment imposed pursuant to the minimum or maximum penalties enumerated under Subsection 7.01.060(d) of this Chapter, the defendant shall be punished by a mandatory fine of not less than two hundred dollars (\$200.00) but no more than one thousand dollars (\$1,000.00), and the court shall not suspend such minimum fine, in whole or in part, unless it is established that appropriate insurance as required under Sections 10-4-705 and 10-4-716, C.R.S., has been obtained. Nothing in this Section shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(f) In addition to the penalties prescribed in Subsections (d) and (e) above, any person convicted pursuant to this Section shall be sentenced to perform not less than forty (40) hours of useful community service.

(g) Testimony that the owner or operator of a motor vehicle failed to present immediate evidence of a complying policy or a certificate of self-insurance in full force and effect, as required in Sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a peace officer of the Town, shall constitute prima facie evidence at a trial that such owner or operator violated this Section.

(h) No person charged with violating this Section shall be convicted if such person produces in court proof of 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.

(i) The Clerk of the Municipal Court shall forward to the executive director of the Colorado Department of Revenue a certified record of a conviction under Subsection (a) of this Section. (Ord. 5.35.1 §§1, 2, 1993; Ord. 5.35 §1, 1991)

**7.01.080 Safety sensitive zones.**

(a) Authority. The Town, as a home rule municipality organized under Article XX of the Colorado Constitution, has the authority to adopt this Section.

(b) Legislative purpose. The Town Council finds and determines that certain areas of the Town constitute a public safety risk based on the combination of high traffic volume and/or dangerous speeds in combination with a large amount of pedestrian traffic, and such zones shall be designated as "safety sensitive zones." The Town Council herein implements a system of mandatory enhanced penalties for traffic violations in the safety sensitive zones in order to deter such violations and enhance the health, safety and welfare of the community.

(c) The Town Council shall designate by resolution designated safety sensitive zones within the boundaries of the Town based on the public safety risk caused by the combination of high traffic volume and/or dangerous speeds in combination with a large amount of pedestrian traffic; said safety sensitive zones may be modified as deemed necessary by resolution of the Town Council.

(d) Safety sensitive zones shall be indicated by signage with the following language:

"SAFETY SENSITIVE ZONE MANDATORY DOUBLE FINE."

(e) If a summons and complaint is issued for a moving traffic violation in the safety sensitive zone, the summons and complaint shall indicate that the alleged violation has occurred in a safety sensitive zone.

(f) In the event a summons and complaint is issued for a moving traffic violation in a safety sensitive zone, that violation will be subject to the following enhanced fine structure:

(1) The fine assessed for a moving violation in the safety sensitive zone shall be imposed at a rate of twice, or double, the customary fine for the violation had it not occurred in a safety sensitive zone.

(2) The fine assessed for a moving violation in the safety sensitive zone shall be mandatory, and may not be subject to a plea bargain; provided, however, that the points assessed against a traffic violator's Colorado Driver History may be reduced based on the discretion of the municipal prosecutor to offer a plea bargain.

(g) In no event may the total civil penalty assessed for a traffic offense in a safety sensitive zone exceed four hundred ninety-nine dollars (\$499.00) for a single offense.

(h) If the Court finds that a traffic violator is financially unable to pay the enhanced fine imposed for a violation in a safety sensitive zone, the Court may impose a penalty of useful community service to be calculated at a rate of five dollars (\$5.00) per hour, not to exceed a total amount of one hundred

(100) hours of community service for a single offense. (Ord. 5.46.2 §1, 2001; Ord. 5.46.1 §1, 1998; Ord. 5.46 §1, 1997)

**7.01.090 Maintenance, repair or construction zones.**

(a) Speeding violations within "Highway Maintenance, Repair or Construction Zones" within the Town, as set forth in Section 613 of the *Model Traffic Code*, 1995 edition, as amended, shall be subject to the same enhanced fine structure as set forth in Section 7.01.080, Subsection (d), relating to traffic violations in Safety Sensitive Zones.

(b) Signage shall be erected in conformance with Section 613 of the *Model Traffic Code*, 1995 edition, as amended, designating the beginning and the end of the "Highway Maintenance, Repair or Construction Zones." (Ord. 5.50 §1, 1998)

**7.01.100 Misuse of a wireless telephone.**

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

*Emergency* means a situation in which a person:

a. Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

b. Reports a fire, a traffic accident in which one (1) or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless or otherwise unsafe manner.

*Operating a motor vehicle* means driving a motor vehicle on a public highway, but *operating a motor vehicle* shall not mean maintaining the instruments or control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

*Use* means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

*Wireless telephone* means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

(b) A person under eighteen (18) years of age shall not use a wireless telephone while operating a motor vehicle.

(c) A person eighteen (18) years of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(d) Subsection (b) or (c) of this Section shall not apply to a person who is using a wireless telephone:

(1) To contact a public safety entity;

- (2) During an emergency; or
- (3) While working as a public safety employee within the scope of his or her employment with a public safety entity.

(e) Penalty.

(1) A person who operates a motor vehicle in violation of Subsection (b) or (c) of this Section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of fifty dollars (\$50.00).

(2) A second or subsequent violation of Subsection (b) or (c) of this Section shall be a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00).

(f) Primary offense.

(1) An operator of a motor vehicle shall not be cited for a violation of Subsection (b) of this Section unless the operator was under eighteen (18) years of age and a law enforcement officer saw the operator use, as defined in Subsection (a) of this Section, a wireless telephone.

(2) An operator of a motor vehicle shall not be cited for a violation of Subsection (c) of this Section unless the operator was eighteen (18) years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.

(g) The provisions of this Section shall not be construed to authorize the seizure and forfeiture of a wireless telephone unless otherwise provided by law.

(h) This Section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission. (Ord. 5.69 §1, 2009)

## **CHAPTER 7.02**

### **Restrictions on Parking**

#### **7.02.010 Title.**

The provisions of this Chapter shall be known and cited as a part of the Parker traffic ordinance. (Ord. 5.23 §1(1), 1989)

#### **7.02.020 Definitions.**

As used in the provisions of this Chapter:

The definitions contained in the *Model Traffic Code* for Colorado Municipalities, as amended, shall apply to the provisions of this Chapter unless otherwise provided herein.

*Owner*, as applied to any public or private real property in the Town, means and includes the owner of record, any person having the right to immediate possession and control of such property by reason of ownership, tenancy or employment as agent or manager for the owner or tenant of record.

*Handicap license plate* means a distinguishing license plate issued by or at the direction of the Motor Vehicle Division of the Department of Revenue of this State to be displayed on a motor vehicle owned by a person with a mobility handicap.

*Handicapped person* means a person so severely handicapped that he or she is unable to move from place to place without the aid of a mechanical device.

*Identifying placard* means a plate or placard issued by the Motor Vehicle Division of the Department of Revenue for the purpose of identifying a vehicle owned by or operated for the benefit of a handicapped person.

*Official sign* means a sign approved as to form and content by the Director of Public Works and placed in a location authorized by the Director of Public Works.

*Private property* means any property that does not constitute public property.

*Public property* means the property of the Town, the State or any agency, political subdivision, school district or quasi-municipal corporation of the State, including streets, alleys, highways and highway rights-of-way.

*Sign prohibiting parking* means a sign prohibiting the parking of all motor vehicles and/or trailers, which shall comply with the requirements of the Chief of Police as to form and content. (Ord. 5.23.5 §1, 1996; Ord. 5.23.2 §1(part), 1989; Ord. 5.23 §1(2), 1989)

#### **7.02.030 Parking on private property without permission of owner.**

(a) It is unlawful for any person to park any motor vehicle on any private property in the Town without permission of the owner of such property, when an official sign has been posted prohibiting such parking.

(b) It is unlawful for any person to park any motor vehicle on the premises of any private dwelling in the Town without permission of the owner of such property.

(c) It is unlawful for any person, with the intent to sell a motor vehicle or trailer, to park the motor vehicle or trailer on the private property of another in the Town with or without the permission of the owner of such property unless the property is zoned for such a use. The placing of a "For Sale" sign on the car shall be prima facie evidence of the person's intent to sell the motor vehicle or trailer. (Ord. 5.23.3 §1, 1992; Ord. 5.23 §1(3), 1989)

#### **7.02.040 Parking on public property without permission of owner.**

(a) It is unlawful for any person to park any motor vehicle or trailer, whether or not such trailer is attached to a motor vehicle, on any public property in the Town when an official sign has been posted prohibiting such parking.

(b) It is unlawful for any person to park any motor vehicle on any part of any public property in the Town except a roadway, driveway, alley or parking lot, without permission of the owner of such property.

(c) It is unlawful for any person, with the intent to sell a motor vehicle or trailer, to park the motor vehicle or trailer on any public property. The placing of a "For Sale" sign on the car shall be prima facie evidence of the person's intent to sell the motor vehicle or trailer. (Ord. 5.23.5 §2, 1996; Ord. 5.23.3 §2, 1992; Ord. 5.23.2 §1(part), 1989; Ord. 5.23 §1(4), 1989)

#### **7.02.050 Exceptions.**

The provisions of Sections 7.02.030 and 7.02.040 of this Chapter shall not apply to a person acting at the direction of a police officer, or acting at the direction of the owner, or the agent or servant of the owner, of the property. (Ord. 5.23 §1(5), 1989)

#### **7.02.060 Violations; penalty.**

Violations of the provisions of Sections 7.02.030, 7.02.040 or 7.02.080 of this Chapter shall be punishable by a fine of not more than four hundred ninety-nine dollars (\$499.00). (Ord. 5.30.1 §12, 1993; Ord. 5.23 §1(6), 1989)

#### **7.02.070 Presumption in reference to illegal parking.**

In any prosecution concerning the parking of a motor vehicle and/or trailer, whether or not such trailer is attached to a motor vehicle, in violation of any of the provisions of this Chapter, proof that the particular vehicle described in the complaint was parked in violation of the cited section, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, such violation occurred. (Ord. 5.23.2 §1(part), 1989; Ord. 5.23 §1(7), 1989)

#### **7.02.080 Parking of truck tractors, semi-trailers, trailers and recreational vehicles.**

(a) As used in this Section:

*Recreational vehicle* means a vehicle designed to be used as a temporary dwelling or sleeping accommodation for travel, recreation and vacation uses, including, but not limited to, trailers, self-contained trailers, pickup campers, travel trailers, tent trailers and motorized homes.

*Semi-trailer* shall mean a trailer that is designed and used in conjunction with a truck tractor.

*Trailer* shall mean a trailer so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by such motor vehicle.

*Truck tractor* shall mean a motor vehicle designed and used primarily for drawing a semi-trailer and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) It is unlawful for any person to park or store any truck tractor, semi-trailer, trailer or recreational vehicle in or upon any public street or highway in the Town, except as provided in Subsection (d) below.

(c) It is unlawful for any person, by means of parking or storing any truck tractor, semi-trailer, trailer or recreational vehicle in or upon any public street or highway in the Town, to damage or destroy any street, highway or the surface of or improvements upon such street or highway.

(d) The parking or storage of truck tractors and/or semi-trailers shall only be permitted in areas designated by an official sign which has been posted allowing such parking or storage. The parking of trailers or recreational vehicles upon any public street located entirely within a zoned residential area shall only be permitted for a period of time not to exceed forty-eight (48) hours to allow for the loading and unloading of such trailer or recreational vehicle. (Ord. 5.23.6 §1, 2004; Ord. 5.23.2 §1(part), 1989; Ord. 5.23 §1(8), 1989)

#### **7.02.090 Parking privileges for handicapped persons.**

(a) A handicapped person as defined in Section 7.02.020 of this Chapter may apply to the Motor Vehicle Division of the Department of Revenue for a handicap license plate or an identifying placard as defined in Section 7.02.020.

(b) A vehicle displaying a handicap license plate or an identifying placard, as defined in Section 7.02.020 of this Chapter, may be parked in public parking areas on public streets, public property or private property in the Town regardless of any time limitation imposed on parking in such area, if such vehicle is so parked either:

(1) By the owner of any vehicle displaying handicap license; or

(2) By a person engaged in the transportation, by such vehicle, of a person with a mobility handicap.

(c) The parking privilege provided by Subsection (b) above shall not apply to any zone or place in which:

(1) Stopping, standing or parking of all vehicles is prohibited;

(2) Parking is limited to emergency vehicles, police vehicles, fire vehicles or designated official vehicles;

(3) Signs are posted prohibiting parking in any fire lane or fire safety zone; or

(4) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(d) The owner of private property available for public use may, in writing, request the installation of official signs identifying parking spaces reserved for use by a handicapped person. Handicapped parking spaces shall be a minimum of twelve feet wide in dimension.

(1) The request shall be a waiver of any objection the owner may assert concerning enforcement of this Section by the police of the Town.

(2) The Police Department is empowered to enforce the provisions of this Section.

(e) It is unlawful for any person other than a handicapped person to park in a parking space on public or private property which is clearly identified by an official sign as being reserved for use by a handicapped person, unless such person is parking the vehicle for use by a handicapped person and unless such vehicle has attached thereto a distinguishing license plate or identifying placard as set forth in Section 7.02.020 of this Chapter.

(f) It is unlawful for any person who does not have a mobility handicap to cause to be displayed on a motor vehicle in the Town an identifying placard, as defined in Section 7.02.020 of this Chapter, when such vehicle is not being used for the transportation of a person with a mobility handicap.

(g) Violations; penalty.

(1) Any person who violates the provisions of Subsection (e) above shall upon conviction be punished by a fine of not less than fifteen dollars (\$15.00) or more than one hundred dollars (\$100.00).

(2) Violations of the provisions of Subsection (f) above shall be punishable by a fine of not more than four hundred ninety-nine dollars (\$499.00). (Ord. 5.30.1 §13, 1993; Ord. 5.23 §1(9, 10), 1989)

#### **7.02.100 Residential on-street parking permits and fees.**

(a) The Chief of Police may determine that the parking of motor vehicles in residential areas for the purpose of accessing destinations in nearby commercial, industrial or institutional areas could:

(1) Cause hazardous traffic conditions in the residential area;

(2) Produce auto emissions, noise, trash and refuse;

(3) Unreasonably burden residents of the area in gaining access to their residences; or

(4) Damage the character of those areas as residential districts and diminish the value of the property in those areas.

(b) Upon such determination, the Police Department may post signs pursuant to this Chapter to limit the duration of parking; and upon application, the Chief of Police or his or her designee shall issue permits to residents of such areas who own or operate a motor vehicle allowing the vehicle to be parked in the block on which the owner of the vehicle resides as if there were no time limitation restrictions on such parking. The permit shall be affixed to the lower left-hand corner of the rear window of the vehicle, or in a location on the vehicle approved by the Chief of Police or his or her designee. This provision shall not apply to metered parking spaces.

(c) An annual fee of one dollar (\$1.00) shall be charged for each permit issued for a vehicle when proof of residence in the appropriate block is based on a current state motor vehicle registration

for the vehicle. An annual fee of two dollars (\$2.00) shall be charged for each permit issued for a vehicle when proof of residence in the appropriate block must be determined by other means. (Ord. 5.23 §1(11), 1989)

## **CHAPTER 7.03**

### **Restrictions on Use of Certain Vehicles**

#### **7.03.010 Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Motor vehicle* means any self-propelled vehicle which is designated primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways.

*Permit* means a letter, on official stationery of the Town, which sets out the authorization to use specific property for the operation of certain motor vehicles and recreational vehicles within the Town.

*Recreational vehicle* means any self-propelled wheeled or tracked vehicle primarily designed to be operated for recreational purposes on land, or on land and water, other than roads; motor scooters, motor bicycles, trail bikes, mini bikes, tote-goats, dune buggies, go-carts, snowmobiles and all-terrain vehicles. (Ord. 5.06.4 §2(2-21), 1989)

#### **7.03.020 Restrictions on use.**

(a) It is unlawful for any person to operate any licensed or unlicensed motor vehicle or recreational vehicle, whether registered or unregistered, in any of the following places, unless the property is posted for the specific use of motor vehicles and recreational vehicles as a recreational area:

(1) On any public property within the corporate limits of the Town, unless such operation is specifically authorized by the Mayor or the Mayor's designee. This provision is not intended to prevent the operation of motorized vehicles on these properties by a public employee or agent for the purpose of maintaining, repairing or patrolling the properties;

(2) On any property located within the Town and owned or maintained by the County, except upon roadways specifically designated for the operation of motor vehicles, unless such operation is specifically authorized by the County Commissioners or their designee and a permit has been obtained therefor;

(3) On any park land or other property located within the Town and owned or maintained by any recreation or park district except upon roadways specifically designated for the operation of motor vehicles, unless such operation is specifically authorized by the executive director or his or her designee and a permit has been obtained therefor;

(4) On any property or other property located within the Town and owned or maintained by a school district or any college or university, except upon roadways specifically designated for the operation of motor vehicles, except where such operation is specifically authorized by the superintendent or chief executive officer of the school or school district or his or her designee and a permit has been obtained therefor. This prohibition shall not apply to the movement of school buses or other vehicles duly authorized to be operated or moved in or upon any school grounds;

(5) On any railroad right-of-way;

(6) On any private property within the Town, except by the property owner only, unless the property is conspicuously posted at least every two hundred fifty (250) feet designating the property as a motor vehicle and recreational vehicle area or park. The Mayor or the Mayor's designated representative may issue a permit for such use and may set out rules and regulations for the usage that may be in the best interest of the health, safety and welfare of the users and the citizens of the Town. The permit shall set forth the effective date of the use, hours of the use, the name of the property owner or his or her agent, and any specific conditions attached to the permit. A copy of the order is to be delivered to the Police Department prior to the effective date of the authorization, together with a telephone number where the property owner or his or her agent may be reached on a twenty-four-hour basis;

(7) On any other publicly or privately owned parks, ball fields, recreation areas, bike trails, horse trails, lake areas, easements, sidewalks or areas dedicated to or commonly used for pedestrian traffic;

(8) On any gulch, dry creek bed, drainage way or one-hundred-year floodplain within the Town. *One-hundred-year floodplain* is that area specifically defined by maps and charts located in the Town Planning Department.

(b) Nothing in this Section is intended to prevent the lawful operation of any motor vehicle or recreational vehicle on any public street, highway or alley in accordance with other applicable ordinances of the Town or statutes of the State.

(c) It is unlawful for any person knowingly to allow the use of his or her property in a manner prohibited by this Section or to allow such use without the proper authorization or permit required by this Section. Each day of use in a manner prohibited by this Section or without a proper authorization or permit shall constitute a separate offense. (Ord. 5.06.4 §2(2-22), 1989)

#### **7.03.030 Minors acting in violation of Chapter; duty of parent.**

It is unlawful for the parent or legal guardian of any person under the age of eighteen (18) to permit such minor to act in violation of the provisions of this Chapter. (Ord. 5.06.4 §2(2-23), 1989)

#### **7.03.040 Penalties.**

Any person who is convicted of, or pleads guilty or no contest to, a violation of this Chapter shall be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00). (Ord. 5.06.4 §2(2-24), 1989)

## CHAPTER 7.04

### Abandoned Vehicles

#### 7.04.010 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Abandoned* means any vehicle that is not in operating condition for a period exceeding fifteen (15) days; or any vehicle clearly not belonging to a resident or guest of a resident; or any vehicle determined to be lost, stolen or unclaimed.

*Antique vehicle* means any vehicle which is twenty (20) years old or older and is licensed by the proper authorities as a vehicle to be operated on public streets and highways, or licensed as an antique vehicle by the State.

*Appropriate places* means a car pound authorized by the Town, licensed auto repair shops, licensed service stations with repair facilities, licensed junkyards, licensed new and used car sales dealers with inside repair facilities and used by the businesses mentioned in this Paragraph which are properly zoned for this use, and those buildings designed for the storage of vehicles such as residential or commercial garages.

*Hobby* means the repairing, reconditioning or rebuilding of all vehicles which is done for personal enjoyment or entertainment only, with no profits, compensation or reimbursements of any kind involved.

*Operating condition* means a vehicle which is safe to operate, displaying a safety inspection sticker where required by state law, and duly tagged with the proper license plates where required by the State Motor Vehicle Division. Any dismantled, partially dismantled, discarded, junked or wrecked vehicle shall not be deemed to be in operating condition.

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

*Vehicle* means a machine, propelled or pulled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and used to transport airplanes, trucks, trailers, motorcycles, motor scooters, tractors, buggies and wagons, either in the singular or plural definition. The term *vehicle* shall not include antique vehicles. (Ord. 5.06.4 §2(2-31), 1989)

#### 7.04.020 Prohibited acts.

(a) No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.

(b) It is unlawful for any person to leave any abandoned vehicle or any vehicle not in operating condition on any street or highway within the Town.

(c) It is unlawful for any person who is the owner of any vehicle or any person who is in charge or control of any vehicle, or for any person who owns property, is in charge or control of property, or any tenant, lessee, occupant or renter, to permit or allow any abandoned vehicle or a vehicle not in operating condition to remain on such property. (Ord. 5.06.4 §2(2-32), 1989)

#### **7.04.030 Investigations, notices, impoundments, costs.**

(a) The Chief of Police and/or officer of the Police Department are authorized to investigate any vehicle left at any place within the Town which reasonably appears to be in violation of the provisions of this Chapter.

(b) If, after an investigation, there is probable cause for believing a violation of this Chapter exists, the officer making the investigation shall immediately issue a notice of violation to the owner of the vehicle or any person in charge or control of the vehicle, or the property owner, manager, tenant, lessee, renter or occupant of the premises on which such vehicle is located. Such notice of violation shall state the date issued, the name of the person to whom the notice is issued, the violation involved and the time limit of fifteen (15) days being given to remove or correct the cause of such violation, and signed by the issuing officer.

(c) If, after fifteen (15) days from date of issuance of the notice of violations provided for in this Chapter, the cause of such violation has not been removed from within the boundaries of the Town, or corrected, the Chief of Police shall issue a summons and complaint to the person named on the notice of violation. If the owner of the vehicle, or the owner, manager, tenant, lessee, renter or occupant of the premises on which such vehicle is located, cannot be located in order to serve such notice of violation, then a summons and complaint shall immediately be issued against the vehicle, describing the vehicle by make, year and model.

(d) The Chief of Police or officer issuing the summons and complaint shall be authorized to order the towing away and removal of any vehicle found in violation of this division to an appropriate place authorized by the Town Council, and there held until lawfully disposed of, or claimed.

(e) All expenses incurred in the impoundment of any vehicle under the provisions of this Chapter shall be assessed against the property from which such vehicle was removed or against the owner of the vehicle if he or she should be located. (Ord. 5.06.4 §2(2-33), 1989)

#### **7.04.040 Vehicle repairs done as a hobby.**

It is unlawful for any person to repair, keep or work on any vehicle as a hobby, unless such hobby is conducted in such manner so as not to create a safety, health or fire hazard. If any reconditioned or repaired vehicle is sold or marketed, such repairing or reconditioning shall no longer be considered a hobby. Vehicles repaired or reconditioned for any compensation received shall be classified as a business or trade and must be duly licensed as such, and shall be performed in accordance with all applicable provisions of this Code, other Town ordinances and state statutes. (Ord. 5.06.4 §2(2-34), 1989)

**7.04.050 Separation of offense.**

Each and every vehicle found to be in violation of this Chapter shall constitute a separate and individual offense, and upon conviction, the penalties provided by Section 7.04.070 below shall apply to conviction of each offense. (Ord. 5.06.4 §2(2-35), 1989)

**7.04.060 Covering of abandoned vehicle or vehicle not in operation not defense to charge of Chapter violation.**

It shall not be a defense to a charge of violation of any provision of this Chapter that an abandoned vehicle or a vehicle not in operating condition has been or is covered with a tarpaulin, plastic, cloth sheeting or other material. (Ord. 5.06.4 §2(2-36), 1989)

**7.04.070 Penalties.**

Any person who is convicted of, or who pleads guilty or no contest to, a violation of any provision of this Chapter shall be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00). (Ord. 5.06.4 §2(2-37), 1989)

**CHAPTER 7.05**

**Wrecker and Towing Services**

**7.05.010 Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Abandoned motor vehicle* means any abandoned vehicle or part thereof which is subject to removal pursuant to this Title.

*Emergency tow service request* means any request by the Police Department for tow service where the motor vehicle to be towed constitutes or creates an immediate hazard to moving traffic or constitutes or creates an immediate hazard to the safety of the public, or in any case in which a police officer calling for tow service from the scene where it is required is exposed to danger on account of riot or civil commotion.

*Motor vehicle* means a vehicle which is self-propelled.

*Police tow operator* means any person who engages in the business of towing motor vehicles, other than those towed at the request of the police department, within the Town.

*Private tow service operator* means any person who engages in the business of towing motor vehicles, other than those towed at the request of the Police Department, within the Town.

*Wrecker* means a person whose primary function consists of commercially offering services whereby motor vehicles are towed or otherwise moved from or near the place of a collision or

disablement by use of a truck or other vehicle designed for or adapted to that purpose. (Ord. 5.06.4 §2(2-41), 1989)

#### **7.05.020 Regulations.**

The Town Clerk may adopt and enforce reasonable rules and regulations for registering wreckers and towing operators. (Ord. 5.06.4 §2(2-42), 1989)

#### **7.05.030 Registrations; violations.**

(a) Any wrecker operating within the Town shall register with the Town Clerk, and in registering with the Town Clerk, shall verify that the Colorado Public Utilities Commission has licensed such wrecker, and shall file a schedule of the current rates and hours of availability for such services and any subsequent changes in rate or hours. The schedule of rates and hours shall be a public record and may be distributed by police at the scene of a vehicular collision or disablement under such regulations as the Town Clerk may promulgate.

(b) It is unlawful for any person to engage in the business of towing motor vehicles within the Town unless such person has registered with the Town as a wrecker or towing operator pursuant to this Chapter. (Ord. 5.06.4 §2(2-43), 1989)

#### **7.05.040 Security records.**

(a) Each police or private tow operator shall cause records of each motor vehicle which is towed at the request of the Police Department to be maintained, which records shall indicate the following:

- (1) The date and time the request for tow service was made;
- (2) The location of the motor vehicle at the time the request was made;
- (3) The name and address of the owner of the motor vehicle, if known;
- (4) The make, model and license or identification number of the motor vehicle;
- (5) The condition of the motor vehicle whether it was damaged or undamaged, intact or stripped;
- (6) The date and time that the motor vehicle was delivered to the storage facility; and
- (7) The amount of the towing charges due at the time the motor vehicle was released from the storage facility, having separate amounts for towing and storage.

(b) Such records shall be available at all times during the regular business hours of the police or private tow operator for inspection by the Police Department and shall be maintained for a period of one (1) year after the vehicle in question is released. (Ord. 5.06.4 §2(2-44), 1989)

**7.05.050 Illegal towing.**

(a) It is unlawful for any wrecker to tow or otherwise move a vehicle from any area or portion of a public street without the consent of the owner or custodian thereof, or without authorization by the police.

(b) No wrecker shall move or tow, or cause to be moved or towed, any motor vehicle involved in any accident, collision or disablement in the Town wherein there is personal injury or property damage exceeding fifty dollars (\$50.00) until such time as directed by a law enforcement official. (Ord. 5.06.4 §2(2-45), 1989)

**7.05.060 Soliciting business.**

(a) It is unlawful for any person to drive or cause any tow truck or vehicle equipped to provide towing service, to be driven to, or to stop or park any such vehicle, or cause the same to be stopped or parked, at or near the scene of any fire, explosion, traffic accident or other disaster, with the intent to solicit towing or wrecker business, when such tow truck or vehicle has not been called to the scene by the owner or operator of the damaged vehicle, or the owner of property required to be towed from the scene, or by his or her duly authorized agent or insurance carrier, or by an agent or representative of the Police Department, or by a fireman or other peace officer attending the scene.

(b) It is unlawful for any person to solicit any other person at or near the scene of any fire, explosion, traffic accident or other disaster, for the purpose of procuring towing business, that is, for the purpose of securing authorization or agreement from any person at or near such scene to tow or haul away vehicle or other personal property from such scene for hire. (Ord. 5.06.4 §2(2-46), 1989)

**7.05.070 Penalties.**

Any person who is convicted or pleads guilty or nolo contendere to a violation of any provision of this Chapter shall be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00). (Ord. 5.06.4 §2(2-47), 1989)

**CHAPTER 7.06**

**Other Offenses**

**7.06.010 Using certain vehicular equipment.**

It is unlawful for any person to drive any vehicle which has installed, install, cause installation to be made or use upon any motor vehicle any siren, exhaust whistle or bell or any red lights visible from the front of such motor vehicle or any red spotlight; provided that nothing in this Section shall prevent the possession, use or installation on any vehicle authorized or permitted to have or use any such equipment by the laws of this State, if there is compliance with all requirements of any such state laws, including obtaining necessary permits or licenses or approval or approvals, as required by any such state laws or by any applicable municipal ordinance. (Ord. 5.06.4 §2(3-131), 1989)

**7.06.020 Mandatory use of safety belt systems.**

(a) Definitions. For purposes of this Section only, the following definitions shall apply:

*Motor vehicle* means a self-propelled vehicle intended primarily for use and operation on the public highway, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes and pickups. The term does not include motorcycles, motorscooters, motorbicycles, 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, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this Town. This requirement shall not apply to:

(1) A child required by Section 42-4-235, C.R.S., or Subsection (e) below 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 police officer while performing official duties, so long as the performance of such duties is in accordance with Town rules and regulations applicable to such officer and such rules and regulations require the officer to wear a fastened safety belt except when nonuse of a belt is necessary to protect the officer;

(4) A person with a physically and 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 date and during the time period following the last delivery or pickup of the day.

(c) Any person who operates a motor vehicle while he or she or any passenger is in violation of the requirement of Subsection (b) above may be fined in an amount not less than twenty-five dollars (\$25.00) and not more than three hundred dollars (\$300.00).

(d) No driver or passenger in a motor vehicle shall be cited for a violation of Subsection (b) above unless the driver was stopped by a police officer for another alleged violation of law.

(e) Unless exempted, every child, who is under four (4) years of age and weighs under forty (40) pounds, being transported in this Town in a privately owned noncommercial passenger vehicle, 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. 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. This requirement shall not apply to a child who:

- (1) Is being transported in a motor vehicle in which all seating positions equipped with safety belts or child restraint systems are occupied; or
- (2) Is being transported in a motor vehicle as a result of a medical emergency.

(f) As used in Subsection (e) above, unless the context otherwise requires:

*Child restraint system* means any device which is designed to protect, hold or restrain a child in a privately owned noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident and which 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 the safety belt.

*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.

(g) Any person who operates a motor vehicle in violation of the requirements of Subsection (e) above may be fined in an amount not less than fifty dollars (\$50.00) and not more than four hundred ninety-nine dollars (\$499.00).

(h) Testimony at a trial for a violation charged pursuant to Subsection (b) of this Section may include:

- (1) Testimony by a police officer that he or she observed the person charged operating a motor vehicle while the 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. (Ord. 5.06.4 §2(3-132), 1989)

#### **7.06.030 Verification of emissions test; penalties.**

(a) Counterfeit certifications.

(1) No person shall make, issue or knowingly use any imitation or deceptively similar or counterfeit certification of emissions control form or verification of emissions test.

(2) No person shall possess a certification of emissions control or verification of emissions test if he or she knows the same is fictitious, or was issued for another motor vehicle, or was issued without an emissions inspection having been made when required.

(b) Certification of uninspected or unqualified vehicles.

(1) No emissions mechanic shall issue a certification or emissions control or verification of emissions test for a vehicle which does not qualify for the certification or verification issued.

(2) Any emissions mechanic who issues a certification of emissions control or verification of emissions test in violation of Paragraph (1) above is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail not more than one (1) year, or by both such fine and imprisonment.

(c) Operation of uncertified vehicle.

(1) Prohibited. No person shall operate a motor vehicle registered or required to be registered in this State or any vehicle otherwise required to display a valid verification of emissions test, nor shall any person allow such a motor vehicle to be parked on public property or on private property available for public use, without such vehicle displaying a valid verification of emissions test. The owner of any motor vehicle which is in violation of this Subsection because it is parked without displaying a valid verification of emissions test shall be responsible for payment of any penalty imposed under this Section, unless such owner proves that the motor vehicle was in the possession of another person without the owner's permission at the time of the violation.

(2) Enforcement procedure.

a. Police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle has a valid verification of emissions test if required by the provisions of Sections 42-4-306.5 to 42-4-320, C.R.S. Police officers, during any traffic investigation, may require the driver of any vehicle involved in such investigation to provide evidence of a valid verification of emissions test. In the event that such vehicle does not have a valid verification of emissions test, the officer may give a written notice and issue a summons to the driver. Such notice shall require that the vehicle comply with the provisions of Sections 42-4-306.5 to 42-4-320, C.R.S.

b. Every owner or driver, upon receiving the notice and summons issued pursuant to Subparagraph a. above, shall comply therewith and shall secure a certification upon such notice by an inspection and readjustment station that such vehicle conforms to the requirements of Sections 42-4-306.5 to 42-4-320, C.R.S. Such certification shall be returned to the owner or driver for presentation in court as provided for in Paragraphs (3) or (6) below.

(3) Violation by owner. Any owner who violates any provision of this Section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of fifty dollars (\$50.00), payable within thirty (30) days after conviction.

(4) Violation by nonowner driver. Any nonowner driver who violates any provision of this Section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of fifteen dollars (\$15.00), payable within thirty (30) days after conviction.

(5) Extension of time to comply. Upon a showing of good cause that the required conformity with Sections 42-4-306.5 to 42-4-320, C.R.S., cannot be made within thirty (30) days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for conformity as may appear justified.

(6) Compliance without personal appearance. The owner or driver may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty (30) days after the issuance of the notice and summons, the certification or proof of mailing specified in this Subsection.

(7) Retention of fines by Town. Any fine collected pursuant to the provisions of this Subsection shall be retained by the Town.

(d) Definitions. For purposes of this Section:

*Certification of emissions control* means those certifications defined in Section 42-4-307(2)(1988), C.R.S.

*Verification of emissions test* means a certificate to be attached to a motor vehicle's windshield verifying that the vehicle has been issued a valid certification of emissions control. (Ord. 5.30.1 §14, 1993; Ord. 5.06.6 §1, 1990; Ord. 5.06.4 §2(3-133), 1989)

## **CHAPTER 7.07**

### **Right-of-Way to Cyclists, Pedestrians, Equestrians and Horse-Drawn Vehicles**

#### **7.07.010 Purposes.**

The purpose of this Chapter is to promote the health, safety and general welfare of citizens of the Town by granting the right-of-way to cyclists, pedestrians, equestrians and horse-drawn vehicles under specified circumstances. This Chapter is designed to protect and preserve the country character of the Town despite its location near a major metropolitan area. This Chapter is designed to protect citizens of the Town who engage in recreational activities along or near roadways in the Town. Most importantly, this Chapter is designed to protect the safety and health of citizens of the Town, especially children and senior citizens, who travel throughout the Town by means other than by motorized vehicles. (Ord. 5.23.1 §1(1), 1989)

**7.07.020 Pedestrians.**

(a) A driver of any motorized vehicle shall yield the right-of-way to every pedestrian moving upon or through a sidewalk, bike path or intersection, whether or not such intersection contains a designated crosswalk.

(b) For purposes of this Chapter, a *pedestrian* means any person, other than a cyclist as defined in this Chapter, traveling by means of human propulsion, including, but not limited to, walking, jogging, running or otherwise traveling by wheelchair or walker. This definition also includes activities incident to pedestrian travel, such as pulling wagons or pushing baby carriages or wheelchairs. (Ord. 5.23.1 §1(2), 1989)

**7.07.030 Cyclists.**

(a) A driver of any motorized vehicle shall yield the right-of-way to every cyclist moving upon or through a sidewalk, bike path or intersection, whether or not such intersection contains a designated crosswalk.

(b) For purposes of this Chapter, a *cyclist* means the operator of any device propelled solely by human power upon which a person may ride, including, but not limited to, bicycles or tricycles. (Ord. 5.23.1 §1(3), 1989)

**7.07.040 Equestrians.**

(a) A driver of any motorized vehicle shall yield the right-of-way to every equestrian or horse-drawn vehicle moving on or through any bike path or roadway.

(b) For purposes of this Chapter, an *equestrian* means any person who rides on any horse, pony, mule or donkey.

(c) For purposes of this Chapter, a *horse-drawn vehicle* means any vehicle which is pulled by a horse, pony, mule or donkey, including, but not limited to, a carriage, cart, buggy or wagon. (Ord. 5.23.1 §1(4), 1989)

**7.07.050 Definitions.**

For purposes of this Chapter:

*Driver* means a person who drives or has actual physical control of a motorized vehicle.

*Motorized vehicle* means any self-propelled vehicle which is designed primarily for travel on public roadways and which is generally and commonly used to transport persons or property over public roadways. This definition includes but is not limited to automobiles, cars, trucks, buses, motorcycles, farm tractors and other farm equipment, motor scooters, recreational vehicles, construction and road maintenance equipment, and road tractors or truck tractors, whether or not such tractors have a semitrailer or trailer attached.

*Right-of-way* means the right of one (1) person or operator to proceed in a lawful manner in preference to another person, operator or driver approaching under such circumstances of speed,

direction and proximity as to give rise to danger of collision unless one grants precedence to the other. (Ord. 5.23.1 §1(5), 1989)

**7.07.060 Penalties.**

A person convicted of a violation of this Chapter shall be subject to a fine not to exceed four hundred ninety-nine dollars (\$499.00). (Ord. 5.30.1 §15, 1993; Ord. 5.23.1 §1(6), 1989)

**CHAPTER 7.08**

**Transportation of Hazardous Waste**

**7.08.010 Rules and regulations of the Colorado Public Utilities Commission adopted by reference.**

Hazardous materials or hazardous wastes, as defined by the rules and regulations of the Colorado Public Utilities Commission, shall be transported and delivered within the Town limits of the Town in accordance with the rules and regulations governing the shipping, transportation and storage of hazardous materials or hazardous wastes, as promulgated by the Colorado Public Utilities Commission, as the same may from time to time be amended. Said rules and regulations are adopted by reference subject to the deletions, amendments and additions contained in this Chapter. (Ord. 4.40.1 §1, 1987)

**7.08.020 Hazardous materials routing.**

Unless there is no practicable alternative, a motor vehicle which contains hazardous materials or hazardous wastes, which is required to be placarded by the rules and regulations of the Colorado Public Utilities Commission, must be operated over routes which do not go through or near populated areas, places where crowds are assembled, tunnels, narrow streets or alleys. Operating convenience is not a basis for determining whether it is practicable to operate a motor vehicle in accordance with this Section.

(1) No vehicles used for the transportation of hazardous materials or hazardous wastes which are required to be placarded by the rules and regulations of the Colorado Public Utilities shall be moved or operated on any street or highway within the Town other than on State Highway 83.

(2) The provisions of Paragraph (1) above shall not be construed to prohibit the drivers of any excluded vehicles from traveling on such restricted or prohibited streets for the purpose of delivering or picking up materials or merchandise, provided that such excluded vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter. (Ord. 4.40.1 §2, 1987)

**7.08.030 Headlights illuminated.**

No person shall operate a vehicle containing hazardous materials or hazardous wastes, which is required to be placarded by the rules and regulations of the Colorado Public Utilities Commission, without the headlights being illuminated at all times. (Ord. 4.40.1 §3, 1987)

#### **7.08.040 Vehicle accidents and spills.**

If any hazardous materials or hazardous wastes are spilled from a motor vehicle, either on private property, the public right-of-way or public property, the operator shall immediately notify the Police Department. The following information is necessary for proper notification under this Section:

- (1) Location of the spill;
- (2) Proper shipping name of hazardous materials or hazardous wastes involved;
- (3) Amount of material involved;
- (4) Any information that is available concerning the hazardous materials and hazardous wastes, including such information as the toxicity, flammability or reactivity of the hazardous materials and hazardous wastes involved; and
- (5) Any other information available that may either affect the cleanup of the material and waste or the health and safety of individuals in or around the spill. (Ord. 4.40.1 §4, 1987)

#### **7.08.050 Immobilization of unsafe vehicles.**

Police officers shall have the power to cause the immobilization, impoundment or disposition of motor vehicles transporting hazardous materials or hazardous wastes when any police officer or agent deems that the motor vehicle or the operation thereof is unsafe and when such immobilization, impoundment or disposition is appropriate under or required by the rules and regulations of the Colorado Public Utilities Commission. (Ord. 4.40.1 §5, 1987)

#### **7.08.060 Penalties.**

Any person convicted of a violation of any provision of this Chapter shall, for each offense, be fined in a sum of not more than nine hundred ninety-nine dollars (\$999.00) or shall be imprisoned for a term of not more than one (1) year, or shall be both so fined and imprisoned. Each and every day which the violation is permitted to exist shall constitute a separate and distinct offense. The penalties herein shall not preclude the Town from initiating any other action to abate or prevent the occurrence of any violation of this Chapter. (Ord. 5.30.1 §16, 1993; Ord. 4.40.1 §6, 1987)

#### **7.08.070 Suspension of operations.**

The Chief of Police, or his or her designee, is authorized to reasonably restrict, or if necessary prohibit without notice, the transportation of hazardous materials or hazardous wastes through the Town, whenever road, weather, traffic or other hazardous circumstances warrant that action. (Ord. 4.40.1 §7, 1987)