

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, CO 80222. The subject matter of the *Model Traffic Code* relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. One (1) copy of the *Model Traffic Code* adopted herein is now filed in the office of the Town Clerk and may be inspected during regular business hours. The 2003 edition of the *Model Traffic Code* is adopted as if set out at length. (Ord. 459 §1, 1996; Ord. 532, 2001; Ord. 582 §2, 2006)

Sec. 8-1-20. Amendments.

The *Model Traffic Code* is subject to the following additions, modifications and amendments:

(1) Section 225, concerning Mufflers and Prevention of Noise, is hereby amended by the addition of a new Subsection (3), to read in its entirety as follows:

"(3)(a) It shall be unlawful for the operator of a vehicle driving on any public or private street within the Town to use or employ the use of 'Jake Brakes' or any other similarly designated auxiliary engine braking system.

"(b) For purposes of this Section, a 'Jake Brake' means any device mounted on or adjacent to the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without use of the vehicle's braking system."

(2) Section 237 is amended by the deletion of subsection (5).

(3) Section 509 is amended by the addition of the following subsection (4):

"(4) No owner or operator of a motor vehicle subject to the provisions of Section 42-8-105, C.R.S., relating to clearance at ports of entry, shall fail or refuse to obtain valid clearance. Every such owner or operator shall seek out a port of entry to obtain such valid clearance whether or not such port of entry weigh station is located on the route that the owner or operator is following, unless a valid clearance or a valid special permit from the State Department of Revenue has previously been secured."

(4) Part 6 is amended by the addition thereto of a new Section 616, to read as follows:

"616. Designation of highway maintenance, repair, or construction zone signs – increase in penalties for speeding violations. (1) If maintenance, repair, or construction activities are occurring or will be occurring within four hours on a state highway or municipal street, the department of transportation or municipal authorities, within their respective jurisdictions, may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a

speeding violation in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to increased penalties and surcharges.

"(2) The department of transportation or municipal authorities, within their respective jurisdictions, shall designate by appropriate signs a maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. The department of transportation or local authorities shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

"(3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to department of transportation requirements. The department of transportation or local authority may display such signs on any fixed, variable, or moveable stand. The department of transportation or local authority may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work."

(5) Section 705 is amended by the addition of a new Subsection (2), to read in its entirety as follows:

"705. Operation on approach of emergency vehicle – operation of a vehicle approaching stationary emergency vehicle. "(2)(a) A driver in a vehicle that is approaching or passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 213 or 222, shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2).

"(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2).

"(c) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if the movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel."

(6) Part 10 is amended by the addition thereto of a new Section 1013, to read as follows:

"1013. Passing lane – definitions – penalty. (1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a nonpassing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a nonpassing lane.

"(2) For the purposes of this section:

"(a) 'Nonpassing lane' means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

"(b) 'Passing lane' means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or its designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane."

(7) Section 1203 is amended to read in its entirety as follows:

"1203. Parking of certain vehicles prohibited. It shall be unlawful for any person to park any vehicle whose gross weight is 10,000 pounds or more on any street or highway within the Town of Platteville, except for the purpose of and while actually engaged in loading or unloading of commercial cargo or passengers. The prohibition contained in this Section shall not apply to any portion of any state highway within the Town."

(8) Section 1204(3) is amended by adding a new Subsection (c), to read in its entirety as follows:

"In addition, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, along any of the following streets or portions of streets:

"Name of Street	Portion Affected (Terminal Limits)
Bella Vista Drive, Carmelita Court, Sanchez Court, Juanita Court and Beal Court.	Entire portion of all said streets: No on-street parking except Sundays and holidays within Bella Vista Subdivision
Marion Avenue (South Side Only)	From 122 feet West of the intersection with Main Street to 135 feet West of the intersection with Main Street and from 143 feet West of the intersection with Main Street to 151 feet West of the intersection with Main Street"

(9) Section 1204(3) is amended by adding a new Subsection (d), to read in its entirety as follows:

"(d) In addition, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, for longer than five minutes between the hours of 7:30 a.m. and 4:00 p.m. of any day on which the schools of Weld County School District RE-1 are in session, upon any of the following streets or parts of streets:

"Name of Street	Portion Affected (Terminal Limits)
Salisbury Avenue (South Side)	Division Street to Main Street"

(10) Section 1208(5) is amended to read:

"(5) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer in a zone that is designated as a

handicapped parking area, in a manner which obstructs or may obstruct the use of the designated handicapped parking area by a vehicle with distinguishing license plates or by a vehicle with an identifying placard indicating that the occupant of said vehicle is a person with a disability as defined herein unless the vehicle has distinguishing license plates or an identifying placard indicating that the occupant of said vehicle is a person with a disability."

(11) Section 1402(2) is amended to read in its entirety as follows:

"(2) Any person who violates any provision of this section commits a traffic infraction, but if the person's actions are the proximate cause of bodily injury or death to another, such person commits a traffic offense."

(12) Section 1701(1) is hereby amended to read in its entirety as follows:

"(1) Except as set forth herein, it is a municipal traffic infraction for any person to violate any of the provisions of the 2003 edition of the *Model Traffic Code* as adopted by the Town of Platteville. Such a traffic infraction shall constitute a civil matter. The Colorado Rules of Municipal Procedure shall apply to traffic infraction proceedings, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal traffic infraction and the defendant's driver's license is issued by the State of Colorado or any other state which participates in the Interstate Nonresident Violator Compact, as codified at C.R.S. Section 24-60-2101. Instead, the court may enter a judgment of liability by default against the defendant for failure to appear, assess any penalty and costs established by law and report the judgment to the appropriate state motor vehicle department which may assess points against the defendant's driver's license and may take appropriate action to ensure that the judgment is satisfied. There is no right to a trial by jury for any noncriminal traffic infraction.

"(a) A violation of Section 1101(1) involving driving twenty-five or more miles in excess of the reasonable and prudent speed or in excess of the lawful speed limit is a criminal traffic offense.

"(b) Any person who violates Section 607, 705(1) or (2)(a)-(b), 1105, 1401, 1209, 1413, 1703 or 1903 of this Code commits a criminal traffic offense.

"(c) Traffic infractions as provided in this Code shall be subject to the following penalties:

"Maximum Penalty

"Fine of \$1,000.00

"Court costs as authorized by state law shall be added to the fine.

"(d) Criminal traffic offenses as provided in this Code shall be subject to the following penalties, which are authorized upon conviction:

"Maximum Sentence

"1 year imprisonment or a fine of \$1,000.00 or both

"Court costs as authorized by state law shall be added to the fine."

(13) Section 1709 is amended by the addition of new Subsections (6), (7) and (8), which Subsections shall read as follows:

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

"(7) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the town, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. Checks tendered and accepted and on which payment is received shall be deemed sufficient receipt.

"(8) Should the defendant charged by a penalty assessment notice accept the notice but fail to pay the prescribed penalty thereon within twenty days thereafter, he or she shall be allowed to pay such penalty thereon and the maximum court costs permitted for municipal courts under state law to the Clerk of the Platteville Municipal Court prior to the time for appearance as specified in the notice."

(14) The Appendix is amended by the addition of a new Part H, to read in its entirety as follows:

"Decreased and increased speed limits. In accordance with the provisions of sections 1101 and 1102, and when official signs are erected giving notice thereof, the prima facie speed limit shall be as specified below for the following streets or portions thereof:

"Name of Street or Intersection	Portion Affected (Terminal Limits)	Speed Limit
Hwy 85 (SB)	North City Limits at County Rd. 34 to Approx. 130 Feet South of Reynolds Ave.	55
Hwy 85 (SB)	Approx. 130 Feet South of Reynolds Ave. to Cherry Ave.	50
Hwy 85 (SB)	Cherry Ave. to South City Limits at Hwy 66	55
Hwy 85 (NB)	South City Limits to Approx. 110 Feet North of Cherry Ave.	55
Hwy 85 (NB)	Approx. 110 Feet North of Cherry Ave. to Reynolds Ave.	50
Hwy 85 (NB)	Reynolds Ave. to North City Limits	55
Main St. (SB)	Junction of Hwy 85 to Approx. 150 Feet South of Reynolds Ave.	45
Main St. (SB)	Approx. 150 Feet South of Reynolds Av. to Elizabeth Ave.	35
Main St. (SB)	Elizabeth Ave. to Pratt Ave. (Approx. 500 Feet South of Hwy 66)	30
Main St. (SB)	School Zone from Pierce Ave. to Approx. 200 ft. North of Hwy 66, When Light is Flashing During the Following Time Periods: 7:20 a.m. to 8:45 a.m., 10:45 a.m. to 1:00 p.m., and 2:45 p.m. to 4:00 p.m.	20
Main St. (NB)	South City Limits to Hwy 66 (Sign Approx. 100 Feet South of Hwy 66)	35
Main St. (NB)	Hwy 66 to Elizabeth Ave.	30
Main St. (NB)	School Zone from Hwy 66 to Central Ave. (Posted Sign Approx. 250 ft. North of Hwy 66), When Light is Flashing During the Following Time Periods: 7:20 a.m. to 8:45 a.m., 10:45 a.m. to 1:00 p.m., and 2:45 p.m. to 4:00 p.m.	20

Main St. (NB)	Elizabeth Ave. to Approx. 100 Feet North of Reynolds Ave.	35
Main St. (NB)	Approx. 100 Feet North of Reynolds Ave. to Junction of Hwy 85	45
Division St. (SB)	School Zone from Pierce Ave. to Approx. 200 ft. North of Hwy 66, During School Hours(7:20 a.m. to 4:00 p.m.)	20
Division St. (NB)	School Zone from Hwy 66 to Central Ave. When Children are Present, During School Hours(7:20 a.m. to 4:00 p.m.)	20
Justin Ave. (WB) (Hwy 66)	Hwy 85 to Division St. (City Limits) (Sign Approx. 250 Feet West of Hwy 85)	35
Justin Ave. (WB) (Hwy 66)	School Zone Approx. 450 ft. West of Hwy 85 to 200 Feet West of Main Street, When Light is Flashing During the Following Time Periods: 7:20 a.m. to 8:45 a.m., 10:45 a.m. to 1:00 p.m., and 2:45 p.m. to 4:00 p.m.	20
Justin Ave. (EB) (Hwy 66)	Division St. (City Limits) to Hwy 85 (Sign Approx. 100 Feet East of Division St.)	35
Justin Ave. (EB)	School Zone Approx. 200 ft. East of Division St. (City Limits to Hwy 85, When Light is Flashing During the Following Time Periods: 7:20 a.m. to 8:45 a.m., 10:45 a.m. to 1:00 p.m., and 2:45 p.m. to 4:00 p.m."	20
Grand Ave. (EB and WB)	Main St. to Sterkel St.	30"

(Ord. 459 §2, 1996; Ord. 479 §1, 1997; Ord. 496 §§1, 3, 4, 6, 1998; Ord. 532, 2001; Ord. 582 §3, 2006; Ord. 589 §2, 2006; Ord. 2007-603 §2; Ord. 608 §2, 2007)

Sec. 8-1-30. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of sections 1401, 1402 and 1413 of the adopted *Model Traffic Code* respectively, concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout the Town. (Ord. 459 §4, 1996; Ord. 582 §4, 2006)

Sec. 8-1-40. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and Section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof. (Ord. 459 §7, 1996; Ord. 582 §5, 2006)

ARTICLE II

Abandoned Vehicles

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

(a) It is unlawful for any person to abandon any motor vehicle upon a street, highway, right-of-way or any other public property, or upon any private property without the express consent of the owner or person in lawful charge of that private property.

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

(c) It is prima facie evidence of the necessary intent that:

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

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

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

(4) The owner has been notified by a law enforcement agency to remove the motor vehicle, and it has not been removed within three (3) days after notification. (Prior code 13-4-114)

Sec. 8-2-20. Removal of vehicles.

(a) Police officers or other employees of the Town, acting in their official capacity, are authorized to remove or cause to be removed any vehicle from any street, highway, sidewalk or other public way or place under any of the circumstances described as follows:

(1) When a vehicle has been abandoned as set forth in Section 8-2-10 above.

(2) When any vehicle is left in a restricted or prohibited parking area as designated by an official posted sign.

(3) When an unlicensed or inoperable vehicle as defined in Section 7-1-10 of this Code is found upon a street, highway, sidewalk or other public way or place.

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

(b) Vehicles removed from any street, highway, sidewalk or other public way or place within the Town pursuant to this Section shall be placed in storage and shall be stored and disposed of in accordance with the provisions of state law at the expense of the owner. (Prior code 13-17-115)

Sec. 8-2-30. Notice of hearing.

(a) As to any vehicle removed or ordered removed by a police officer or other employee of the Town pursuant to the provisions of Section 8-2-20 above, within three (3) business days after such removal, the

Town shall, if the owner of the vehicle has not sooner reclaimed the vehicle, give notice by mail or other means to such owner of the fact of such removal and impoundment, the reason thereof, the place to which the vehicle has been removed, and the right to a post-seizure administrative hearing.

(b) A person who has legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to remove and impound the vehicle. Said person must file a written demand for a hearing within thirty (30) days after the date of impoundment of the vehicle or within ten (10) days after the postmark date of any notice sent pursuant to the provisions of this Section. The written demand must include the owner's current address and a telephone number where the owner can be reached between the hours of 8:00 a.m. and 5:00 p.m. (Prior code 13-17-116)

Sec. 8-2-40. Hearing procedure.

(a) The Town Manager shall conduct a hearing within forty-eight (48) hours after receipt of a proper written demand therefor, unless such person waives the right to a speedy hearing. Weekends and holidays shall be excluded from the calculation of the forty-eight-hour period.

(b) The sole issue before the hearing officer shall be whether there was probable cause to remove and impound the vehicle in question. The hearing officer shall determine whether there was probable cause to conclude that the vehicle was subject to removal and impoundment under the provisions of Section 8-2-20 above.

(c) The hearing shall be conducted in an informal manner and shall not be bound by the technical rules of evidence. The hearing officer may receive all or part of the evidence in written form. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Town shall have the burden of establishing by a preponderance of the evidence that there was probable cause to remove and impound the vehicle in question. Failure of the person who requested the hearing to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such a hearing; and probable cause, in such instance, shall be conclusively presumed.

(d) At the conclusion of the hearing, the hearing officer shall prepare a written decision. At that time, a copy of such decision shall be provided to the registered or legal owner or his or her agent. The decision of the hearing officer is final. (Prior code 13-17-116; Ord. 574 §1, 2005)

Sec. 8-2-50. Vehicles posted for sale.

It is unlawful to park any vehicle on any public property, roadway or right-of-way with the primary intent of displaying the vehicle for sale. Unless the property is licensed for such sale, it is unlawful to park more than two (2) vehicles on private property with a "For Sale" sign posted and/or with the primary intent of displaying the vehicles for sale. (Ord. 2008-619 §1)