

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Section 31-16-101, et seq., C.R.S., there is hereby adopted by reference the 2003 edition of the "Model Traffic Code for Colorado," promulgated and published as such by the State Department of Transportation, 4201 East Arkansas Avenue, Denver, Colorado 80222. One (1) copy of the Model Traffic Code adopted herein is on file in the office of the Town Clerk and may be inspected during regular business hours. (Ord. 96-O-4 §1, 1996; Ord. O-9 §1, 2003; Ord. O-2 §1, 2009)

Sec. 8-1-20. Additions and modifications.

Pursuant to Section 1101(7) of the Model Traffic Code, the Town adopts the following maximum lawful speed limits:

- (1) Residential districts not posted: twenty-five (25) miles per hour.
- (2) Nonresidential districts not posted: thirty-five (35) miles per hour.
- (3) The speed posted on standard signs erected by the Town.
- (4) Except when a special hazard exists that requires lower speed than set forth in this Section, the foregoing speed limits are reasonable and prima facie speed limits. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §15, 1996; Ord. 97-O-8 §1, 1997; Ord. O-9 §2, 2003; Ord. O-2 §1, 2009)

Sec. 8-1-30. Application.

This Article shall apply to every public and private street, alley, sidewalk area, driveway, park and every other way, place or parking area open to the public, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. (Ord. 96-O-4 §1, 1996; Ord. O-2 §1, 2009)

Sec. 8-1-40. School zones.

(a) The following are designated as school zones and shall be posted with signs indicating that they are school zones:

- (1) Superior Elementary School: In posted school zone areas on Rock Creek Parkway and Indiana Street.
- (2) Eldorado K-8 School: In posted school zone areas on Indiana Street and Mount Sopris Parkway.

(b) Any person who commits a moving traffic violation in a school zone is subject to increased penalties and surcharges which shall include a fine of at least double the fines set by the Municipal Judge for the same violation outside of a school zone.

(c) This Section shall not apply if the penalty and surcharge for a violation has been doubled pursuant to the Model Traffic Code because such violation also occurred within a highway maintenance, repair or construction zone. (Ord. O-2 §1, 2009)

Sec. 8-1-50. Duty to give notice, information and aid.

(a) It is unlawful to fail to provide notice, information and aid as required by this Section.

(b) The driver of any vehicle involved in an accident resulting in injury to, serious bodily injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name, the driver's address and the registration number of the vehicle he or she is driving and shall, upon request, exhibit his or her driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and, where practical, shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to surgical treatment if it is apparent that such treatment is necessary or if the carrying is requested by the injured person.

(c) If none of the persons specified is in condition to receive the information to which he or she otherwise would be entitled under Subsection (b) above, and no police officer is present, the driver of any vehicle involved in such accident, after fulfilling all other requirements of Subsection (b) above, insofar as possible on the driver's part to be performed, shall immediately report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in Subsection (b) above. (Ord. O-5 §1, 2004; Ord. O-2 §1, 2009)

Sec. 8-1-60. Parking violations.

(a) A violation of the Model Traffic Code related to the stopping, standing or parking of a vehicle for which the sole penalty provided by the Model Traffic Code is a fine shall be deemed a parking infraction. A parking infraction shall be a civil matter for which punishment by imprisonment and trial by jury shall not be available, for which no arrest warrant shall issue for failure to pay or appear and for which a penalty assessment notice shall be issued. Parking infractions shall be punishable by a penalty of at least twenty dollars (\$20.00), but not more than five hundred dollars (\$500.00), exclusive of any court costs and surcharges.

(b) For any parking infraction, the Municipal Court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalty, together with such court costs and surcharges, as established by law. The Municipal Court may establish, by written order, rules and regulations for the administration of parking infractions, including schedules establishing the amount of penalties payable without a court appearance.

(c) If the violator does not respond to a notice affixed to the motor vehicle within the period set in such notice by appearing at the Municipal Court and arranging for payment or other disposition of the charge, or by mailing payment, the Municipal Court shall send another notice by mail to the owner of the vehicle to which the original notice was affixed, informing the owner of the violation or violations, the amounts due and the time by which payment or other disposition must be made. This subsequent notice is sufficient if mailed to the address provided by a government vehicle registration office. If the owner has not appeared at the Municipal Court and made payment or arranged for other

disposition of the charge or made payment by mail by the deadline set forth in the notice, the Court Clerk may proceed with one (1) of the following options:

(1) Issuance of a "show cause" order directing the owner of the vehicle to appear and show cause why he or she should not be held in contempt of the Municipal Court for failure to appear or pay the fine for the violation;

(2) Issuance of a certification that there exist outstanding parking infractions for the motor vehicle, and, upon issuance of such certification, the Town may have the vehicle towed and impounded; in which case, the owner will have to pay the fines and costs related to the outstanding parking infractions and the costs of towing and storage, if applicable, before obtaining possession of the vehicle; or

(3) Issuance of an order that any order for default judgment be reduced to a civil monetary award, payable and collectible in the same manner as civil judgments generally.

(d) To collect past due orders of fines, penalties, costs or fees, the Court may assign such accounts to a private collection agency. Any fines, penalties, costs or fees of the collection agency shall be added to the amount due, but not to exceed twenty-five percent (25%) of the amount collected. (Ord. O-7 §1, 2005; Ord. O-2 §1, 2009)

Sec. 8-1-70. Authority to tow vehicle.

(a) A peace officer is authorized to remove or cause to be removed a vehicle from any public or private property when:

(1) A vehicle is situated in a manner that obstructs the normal movement of traffic or creates a hazard to other traffic on a public street, public alley or public parking lot and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(2) Removal of a vehicle is necessary in the interest of the public health or safety because of fire, flood, snow, storm or other emergency, and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(3) A vehicle blocks ingress to or egress from a public or private driveway and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(4) Impoundment is authorized by order of the Municipal Court pursuant to Paragraph 8-1-60(c)(2) above;

(5) There is probable cause to believe that a vehicle is being vandalized or its parts are being stolen, and reasonable inquiries have been made on abutting properties in an effort to locate the person in possession of the vehicle; or

(6) A vehicle is parked on a designated fire road or other emergency access route where parking is prohibited.

(b) Within seventy-two (72) hours of the time that a vehicle is impounded pursuant to Subsection (a) hereof, the Town shall give notice by certified or first-class mail to the registered owner of such motor vehicle:

(1) That the vehicle has been removed and impounded;

(2) The reason therefor;

(3) The location of the vehicle;

(4) That the vehicle owner has a right to contest the validity of the impoundment by requesting a prompt hearing within fifteen (15) days from the date on which such notice is mailed;

(5) That, if the vehicle is not claimed by the owner or the owner's authorized agent and any accrued removal and storage charges are not paid in full within thirty (30) days of the date on which the notice is mailed, the vehicle will be sold pursuant to state law;

(6) If the vehicle is not registered in Colorado, or if the license plate or vehicle identification number is expired, altered or missing, the Town shall send the notice required in this Section as soon as reasonably practicable, but without regard to the seventy-two-hour limit, and if ownership cannot be determined, the Town shall publish notice once in a paper of general circulation in the Town;

(7) If the vehicle was impounded pursuant to Section 8-1-60 above, the notice shall also specify the total amount of fines, late fees and administrative impound fees which must also be paid before the vehicle may be reclaimed; and

(8) If the vehicle was reclaimed from impoundment or a hearing concerning the impoundment was set before the notice required by this Section was sent, then no such notice need be given.

(c) Nothing in this Chapter shall be deemed to restrict the authority possessed by any peace officer under other provisions of law to seize any vehicle or part thereof if it is or contains evidence or is an instrumentality of a crime. (Ord. O-7 §2, 2005; Ord. O-2 §1, 2009)

Sec. 8-1-80. Penalty.

Except as provided for parking infractions in Section 8-1-60 above, violations of this Article shall be subject to the penalties specified in Section 17 of the Model Traffic Code and Chapter 1, Article IV of this Code. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §16, 1996; Ord. O-2 §1, 2009)

ARTICLE II

Commercial Vehicles

Sec. 8-2-10. Adoption.

(a) Pursuant to Section 31-16-101, et seq., C.R.S., there is hereby adopted by reference the "Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles,"

as authorized by Section 42-4-235(4), C.R.S., and as promulgated by the Colorado Department of Public Safety at 8 C.C.R. § 1507-1.

(b) One (1) copy of the Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles as adopted herein is on file in the Town Clerk's office and may be inspected during regular business hours. (Ord. O-2 §1, 2009)

Sec. 8-2-20. Penalty.

Violations of this Article shall be subject to the penalties specified in Chapter 1, Article IV of this Code. (Ord. O-2 §1, 2009)