

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 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 Section 8-1-20. The subject matter of the Model Traffic Code is comprehensive traffic control regulations for the Town. The purpose of this Article 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. (Ord. O-8 §1, 2010)

Sec. 8-1-20. Modifications.

The Town makes the following deletions, additions and modifications to the 2010 edition of the Model Traffic Code:

(1) Section 110(4) is modified to read as follows:

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

(2) In Section 223(1), all references to "section 235(1)(a)" are modified to read "section 42-4-235(1)(a), C.R.S."

(3) In Section 225(1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(4) In Section 225(3), the reference to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."

(5) In Section 228(5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(6) In Section 229(4), the reference to "section 219" is modified to read "section 42-3-219, C.R.S."

(7) In Section 236(1)(a), the reference to "Code 6" is modified to read "Article 6."

(8) In Section 237(3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(9) In Section 238(1), the reference to "section 42-1-102(6)" is modified to read "section 42-1-102(6), C.R.S."

(10) In Section 239(5), all references to "section 42-4-1701(3)" are modified to read "section 42-4-1701(3), C.R.S."

(11) In Section 504(4), the reference to "section 42-4-510" is modified to read "section 42-4-510, C.R.S."

(12) In Section 509(2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."

(13) In Section 604(1)(a)(III), the reference to "section 42-4-802" is modified to read "section 42-4-802, C.R.S."

(14) In Section 608(1), 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."

(15) In Section 613, the reference to "Code 4" is modified to read "Article 4."

(16) Section 614(1)(a) 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."

(17) Section 614(1)(b) 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."

(18) In Section 615(1), the reference to "section 1701(4)(d)" is modified to read "section 42-4-1701(4)(d), C.R.S."

(19) In Section 705(3)(b), the reference to "section 42-4-1402" is modified to read "section 42-4-1402, C.R.S."

(20) In Section 805(5), 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."

(21) In Section 1010(1), the reference to "section 42-4-902" is modified to read "section 42-4-902, C.R.S."

(22) Section 1010(3) 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 sections 601 and 602 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."

(23) Section 1012(2.5)(c) 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 ILEVs 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."

(24) In Section 1012(3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "Section 42-4-1701(4)(a)(I)(K), C.R.S."

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

- a. Residential districts not posted: twenty-five (25) miles per hour.
- b. Nonresidential districts not posted: thirty-five (35) miles per hour.
- c. The speed posted on standard signs erected by the Town.

d. 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.

(26) Section 1105(7)(c) 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."

(27) Section 1105(8)(b) 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."

(28) In Section 1208, all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204, C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."

(29) Section 1208(6) is modified to read as follows:

"Any person who is not a person with a disability and who exercises the privilege defined in subsection (2) of this section or who violates the provisions of subsection (5) or subsection (10) of this section commits a class B traffic infraction and shall receive the maximum fine thereunder. Any person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in section 42-1-102(17), C.R.S., shall be subject to an enhanced fine."

(30) Section 1208(7) is modified to read as follows:

"Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to Section 42-3-204, C.R.S., to receive the benefits or privileges available to a person with a disability under this section commits a class B traffic infraction and shall be subject to an enhanced fine."

(31) Section 1208(11) is modified to read as follows:

"Any person who knowingly and fraudulently obtains, possesses, uses or transfers a placard issued to a person with a disability pursuant to section 42-3-204, C.R.S., is guilty of a misdemeanor. Any person who knowingly and willfully receives remuneration for committing a misdemeanor pursuant to this subsection (11) shall be subject to twice the civil and criminal fine that would otherwise be imposed."

(32) In Section 1210(1), the reference to "section 42-1-102(64)" is modified to read "section 42-1-102(64), C.R.S."

(33) In Section 1401(1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S."

(34) In Section 1402(1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S."

(35) In Section 1406(5)(b)(II), the reference to "section 1701(4)(a)(I)(N)" is modified to read "section 42-4-1701(a)(I)(N), C.R.S."

(36) In Section 1408(1), the reference to "Code 1" is modified to read "article 1" and the reference to "Code 20" is modified to read "article 20."

(37) In Section 1409(4)(a), 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."

(38) In Section 1412, 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."

(39) In Section 1415, 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."

(40) Section 1701 is deleted in its entirety. Any references to section 1701 in the Model Traffic Code shall be deemed to refer to Section 8-1-80 of this Code.

(41) Section 1702(2) is modified to read as follows:

"Violations of sections 238, 607(2)(a), 1402(2), and 1409 of this Code are class 1 traffic misdemeanors."

(42) Section 1702(3) 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."

(43) Section 1702(6) is modified to read as follows:

"The Board of Trustees may adopt a fine and surcharge schedule for penalty assessment violations."

(44) In Section 1709, 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."

(45) In Section 1805, 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."

(46) In Section 1809, 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 "section 42-4-1802(1), C.R.S."

(47) In Section 1814, the reference to "section 42-13-106" is modified to read "section 42-13-106, C.R.S." (Ord. O-8 §2, 2010)

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) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Recreational vehicle means a vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, truck campers, camping trailers or motor homes. A recreational vehicle is not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living quarters for recreational, camping or travel use.

Street block means both sides of the street between two (2) intersecting streets or an intersecting street and a dead end.

(b) Specific violations.

(1) Parking on private property. It is unlawful to park or stand a vehicle on a private driveway or on private property, regardless of whether such vehicle is occupied, without the express or implied consent of the owner or person in lawful control of such driveway or property.

(2) Inoperable vehicles. It is unlawful to park any inoperable vehicle on any public street, alley or right-of-way within the Town. For purposes of this Paragraph, a vehicle shall be deemed inoperable if any of the following circumstances exist:

- a. The vehicle is not properly licensed and registered;
- b. The vehicle does not display current and valid license plates;
- c. The vehicle lacks any part necessary for legal operation on a public street; or
- d. The vehicle lacks glazing, lights, indicators or body sheet metal.

(3) Trailers. It is unlawful to continuously park any trailer, semi-trailer or utility trailer for more than five (5) days on any public street, alley or right-of-way, regardless of whether such trailer, semi-trailer or utility trailer is properly licensed or registered. A trailer, semi-trailer or utility trailer that is moved from a parking space on any street block and re-parked on the same street block within any twenty-four-hour period shall be deemed to have been continuously parked. This prohibition shall not apply if the trailer, semi-trailer or utility trailer is parked on a public street, alley or right-of-way for the purpose of construction activity occurring on the immediately adjacent property, provided that all the required permits and approvals for the construction activity have been issued by the Town and all other necessary authorities.

(4) Recreational vehicles. It is unlawful to continuously park any recreational vehicle for more than five (5) days on any public street, alley or right-of-way. A recreational vehicle that is

moved from a parking space on any street block and re-parked on the same street block within any twenty-four (24) hour period shall be deemed to have been continuously parked.

(c) **Penalty.** 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 (\$500.00), exclusive of any court costs and surcharges. 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.

(d) **Failure to pay.** 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.

(e) **Collection.** 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-4 §1, 2010)

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. Penalties.

(a) It is unlawful for any person to violate any provision of this Article.

(b) Except as provided for parking infractions in Section 8-1-60, a person convicted of a violation of any provision of this Article shall be subject to the penalties specified in Chapter 1, Article III, subject to the following:

(1) Pursuant to C.M.C.R. 210(b)(4), the Court may by order, which may from time to time be amended, supplemented or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the Court Clerk.

(2) The Court may, by published order to be prominently posted in a place where fines are to be paid, specify by suitable schedules the amount of fines to be imposed for specific traffic infractions. (Ord. O-8 §3, 2010; Ord. O-3 §2, 2011)

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 III of this Code. (Ord. O-2 §1, 2009; Ord. O-3 §2, 2011)

ARTICLE III

Electric Vehicles

Sec. 8-3-10. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Electrical assisted bicycle means a vehicle having two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, fully operable pedals, an electric motor not exceeding seven hundred fifty (750) watts of power and a top motor-powered speed of twenty (20) miles per hour.

Electronic personal assistive mobility device or EPAMD means a self-balancing, nontandem two-wheeled device, designed to transport only one (1) person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty (750) watts. (Ord. O-15 §1, 2009)

Sec. 8-3-20. Authorized use of electrical assisted bicycles.

An electrical assisted bicycle, including the electrical motor thereon, may be used upon sidewalks, bicycle lanes and bicycle paths in the Town, provided that such use is not careless or imprudent and makes due regard for the width, grade, curves, corners, traffic, pedestrians and other uses of such sidewalks, bicycle lanes and bicycle paths and all other attendant circumstances. (Ord. O-15 §1, 2009)

Sec. 8-3-30. Authorized use of electronic personal assistive mobility device.

(a) An electronic personal assistive mobility device may be used upon sidewalks and bicycle paths in the Town, provided that such use is not careless or imprudent and makes due regard for the width, grade, curves, corners, traffic, pedestrians and other uses of such sidewalks and bicycle paths and all other attendant circumstances.

(b) An electronic personal assistive mobility device shall not be used upon any roadway or any bicycle lane of a roadway.

(c) An electronic personal assistive mobility device shall not be operated at a speed of greater than twelve and one-half (12½) miles per hour. (Ord. O-15 §1, 2009)

Sec. 8-3-40. Penalty.

A person riding an electrical assisted bicycle or electronic personal assistive mobility device who violates this Article shall be subject to the penalties as if the person were driving any other vehicle; except that Section 42-2-127, C.R.S., shall not apply. (Ord. O-15 §1, 2009)