

## **CHAPTER 8**

### **Vehicles and Traffic**

#### **Article I**

#### **Model Traffic Code**

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## **ARTICLE I**

### **Model Traffic Code**

#### **Sec. 8-1. Adoption.**

(a) Pursuant to Title 31, Article 16, Parts 1 and 2, 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; and hereby adopted by reference Number 49, Code of Federal Regulations 102.1, Transportation, Parts 100 to 199, inclusive, revised to December 13, 1976; and hereby adopted by reference Number 49, Code of Federal Regulations, Federal Motor Carrier Safety Regulations, revised to October 1, 1976, promulgated and published as such by the U.S. Department of Transportation, Federal Highway Administration.

(b) The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The subject matter of the Code of Federal Regulations and Federal Motor Carrier Safety Regulations relates primarily to the operation of commercial motor vehicles within the Town.

(c) The purpose of this Chapter and the Codes 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. (Ord. 96-O-4 §1, 1996; Ord. O-9 §1, 2003)

#### **Sec. 8-2. Additions or 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 is hereinabove set forth, 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)

#### **Sec. 8-3. 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)

**Sec. 8-4. 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 extent of the provisions of any article or section thereof. (Ord. 96-O-4 §1, 1996)

**Sec. 8-5. Certification.**

The Town Clerk shall certify to the passage of this Article and make not less than one (1) copy of the adopted Model Traffic Code available for inspection by the public during regular business hours. (Ord. 96-O-4 §1, 1996)

**Sec. 8-6. Penalty.**

Violations of the Model Traffic Code 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)

**Sec. 8-7. Designation of school zones.**

The following are designated as school zones for purposes of the increased penalties provided for in Section 8-8 and any other provision of this Code related to school zones:

- (1) Superior Elementary School: In posted school 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.

Such zones shall be posted with appropriate signs. (Ord. O-19 §1, 2000)

**Sec. 8-8. Increase in penalties for moving traffic violations in school zones.**

(a) 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.

(b) A penalty assessment notice shall not be issued for traffic violations within school zones.

(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-19 §1, 2000)

**Sec. 8-9. 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 a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if the carrying is requested by the injured person.

(c) In the event that 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 as required in Section 42-4-1606, C.R.S., and submit thereto the information specified in Subsection (b) above. (Ord. O-5 §1, 2004)

#### **Sec. 8-10. Parking violations; penalty**

(a) It is unlawful for any person to violate any of the provisions of this Chapter or any of the provisions of the Model Traffic Code as adopted or amended in this Chapter related to the stopping, standing or parking of a vehicle for which the sole penalty provided is a fine, which violations are hereby deemed parking infractions. 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. The Municipal Court shall follow the State's municipal court rules in such cases unless such rules are clearly inapplicable. Every person who is convicted of a parking infraction, who admits liability or guilt for a parking infraction or against whom a judgment is entered for a parking infraction, shall be subject to 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 violation of any provision of this Chapter which is a 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 any violation of any provision of this Chapter which is a parking infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance.

(c) If the violator of a provision on stopping, standing or parking under this Chapter 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 by means of the United States mail, 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 mailed notice is disregarded for the period set in such notice and 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, the Court Clerk may proceed with one (1) of the following options:

(1) If outstanding parking infractions for the motor vehicle exist, issuance, under seal of the Court Clerk and order of the Municipal Court, 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, under seal of the Court Clerk, 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, under seal of the Court Clerk and order of the Municipal Court, that any order for default judgment be reduced to a civil monetary award, payable and collectible in the same manner as civil judgments generally. (Ord. O-7 §1, 2005)

#### **Sec. 8-11. 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 Section 8-10 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.

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

- (1) That the motor vehicle has been removed and impounded;
  - (2) Of the reason therefor;
  - (3) Of 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 Marshal shall send the notice required in this Section as soon as reasonably practicable, but without regard to the seventy-two-hour limit;
  - (7) If the vehicle was impounded pursuant to Section 8-10 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 motor vehicle or part thereof if it is or contains evidence or is an instrumentality of a crime. (Ord. O-7 §2, 2005)

**Secs. 8-12—8-30. Reserved.**