

[TABLE OF CONTENTS](#)[ARTICLE I Adoption of Model Traffic Code](#)[APPENDIX](#)**ARTICLE I****Adoption of Model Traffic Code***Division 1**General Provisions***Sec. 6-1-10. Adoption of Model Traffic Code for Colorado, 2003 Revised Edition.**

Pursuant to Part 4 of Article 15 of Title 30, and Part 1 of Article 4 of Title 42, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2003 Revised Edition of the "Model Traffic Code for Colorado" (hereinafter referred to as the "Model Traffic Code"), promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for Weld County. The Fine Schedule found at Appendix 6-A to this Chapter shall be valid and enforceable for all corresponding offenses adopted in this Article. Offenses which lack a corresponding fine in the Fine Schedule shall have a fine as established in the Colorado Revised Statutes, which is incorporated herein by reference. The purpose of this Article and the Model Traffic Code adopted herein is to provide a system of traffic regulations in Weld County which are consistent with those found elsewhere in Colorado and the United States. Three (3) copies of the Model Traffic Code adopted herein and the Fine Schedule are now filed in the office of the Weld County Clerk to the Board, 915 10th Street, Greeley, Colorado, and may be inspected during regular business hours. (Weld County Code Ordinance 2005-3)

**Sec. 6-1-20. Deletions.**

Deletions to the Model Traffic Code, as adopted for Weld County, Colorado, are the following Sections and Parts found therein: Sections 101, 102, 104, 111, 113, 804, 1203, 1410, 1701, 1706, and as otherwise stated in this Article, and Parts 3, 4, 13, 16 and 18. (Weld County Code Ordinance 2005-3)

**Sec. 6-1-30. Additions or modifications.**

Additions or modifications to the Model Traffic Code are as stated in this Article and, specifically, the following:

A. The Model Traffic Code, Section 1204, Parking, is hereby amended to add the following subsections (6) and (7):

**"1204. Stopping, standing or parking prohibited in specified places.**

"(6) As the unregulated parking of oversized vehicles in residence districts within the County creates a public safety hazard and a public nuisance in that the parking of such vehicles diminishes parking availability, inhibits through access and sight visibility and limits access of emergency vehicles to property, no person shall park any oversized vehicle upon any County-

maintained public street or highway within any residence districts within the County, except for the purpose of loading and unloading.

"(7) For the purposes of this Section, only:

"(a) 'Oversized Vehicle' means any vehicle which exceeds thirty (30) feet in length or seven (7) feet in width or seven (7) feet in height.

"(b) 'Residence District' means the territory contiguous to and including a street, highway, public right-of-way or public property not comprising a business district when the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business, and includes County subdivisions and unincorporated townsites within the County."

(Weld County Code Ordinance 2005-3; Weld County Code Ordinances 2008-3)

**Sec. 6-1-40. Procedures and penalties.**

Sections 1709 and 1710 of the Model Traffic Code are modified, as follows:

A. The "prescribed" or "appropriate" penalty and surcharge, as referred to in Sections 1709 and 1710 of the Model Traffic Code, shall be those shown for the offense on the Fine Schedule in Appendix 6-A, and said offense shall be referred to as a "Weld County Traffic Infraction," being either "Class A" or "Class B," accordingly, as shown in said Appendix 6-A.

B. Whenever an officer comes upon an unattended vehicle which is parked in apparent violation of the Model Traffic Code, the officer may place upon the vehicle a penalty assessment notice as specified in Section 1709 of the Model Traffic Code; except that said notice shall contain the license plate number and state of registration of the vehicle and need not contain the identification of the alleged offender. When a penalty assessment notice is left on an unattended vehicle, it shall be presumed that the registered owner of such vehicle was the driver/offender.

C. For all offenses where the offender receives a summons for an offense not on the Fine Schedule, or where the penalty and surcharge are not shown, the penalty and surcharge shall be as provided in Section 30-15-402, C.R.S., as follows:

1. Any person who violates any of the provisions of this Article commits a Class 2 Petty Offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation, plus applicable surcharges, court costs and docket fees.

D. In addition to the penalty shown on the Fine Schedule in Appendix 6-A, or as prescribed in Section 6-1-40C.1 above, persons convicted of a violation of this Article are subject to surcharges. Such surcharges shall be paid by the defendant to the Weld County Court Clerk. The Weld County Court Clerk shall transmit such surcharges to the Court Administrator of the 19th Judicial District for credit to its Victims and Witnesses Assistance and Law Enforcement Fund, established pursuant to Section 24-4.2-103, C.R.S.; for the Traumatic Brain Injury Fund, established pursuant to Sections 30-15-402(2)(b) and 42-4-1701(4)(e)(I), C.R.S.; and for the Family Friendly Court Fund, established pursuant to Sections 13-3-113(6)(a) and 42-4-1701(4)(a), C.R.S. The payment of the penalty, surcharge and docket fee shall be due upon a date set by the Weld County Court Magistrate or Weld County Court Judge acting as a magistrate. Weld County Court collections personnel are authorized

to charge the following penalties (hereinafter collectively referred to as *late charges*), when applicable, for collections made thereafter: Twenty-five-dollar time payment fee, ten-dollar late payment fee and thirty-dollar outstanding judgment-warrant fee. Collections personnel are authorized to process uncollectible fines, surcharges, docket fees and late charges in the same manner and process used for other traffic infractions or County Court cases.

E. All offenses for which a penalty assessment ticket is issued are called, "Weld County Traffic Infractions." If not otherwise clarified, all references in the Model Traffic Code to "municipal court" shall mean the Weld County Court, and all references to a municipal judge or magistrate shall mean a Weld County Court Judge or Weld County Court Magistrate.

F. Every hearing in Weld County Court for the adjudication of a Weld County Traffic Infraction, as provided by this Article, shall be held before a Weld County Court Magistrate appointed pursuant to Part 5 of Article 8 of Title 13, C.R.S., or before a Weld County Court Judge acting as a magistrate, and the Colorado Rules of Traffic Infractions shall apply; except that, whenever a crime and a Class A and/or Class B Traffic Infraction are charged in the same summons and complaint, all charges shall be made returnable before a judge or magistrate having jurisdiction over the crime and the Colorado Rules of Criminal Procedure shall apply. Nothing in this Article or in Part 5 or Article 8 of Title 13, C.R.S., shall be construed to prevent a court having jurisdiction over a criminal charge relating to traffic law violations from lawfully entering a judgment on a case dealing with a Class A or Class B Traffic Infraction. The docket fee described in Section 42-4-1710(4), C.R.S., shall be assessed, when appropriate. The Weld County Court Magistrate or Weld County Court Judge acting as a magistrate has the authority to accept the Standard Plea Offers for Traffic Infractions set forth in Appendix 6-B.

G. When a court of competent jurisdiction determines that a person charged with a Class 1 or a Class 2 Misdemeanor Traffic Offense is guilty of a lesser-included offense which is a Class A or Class B Traffic Infraction, the court may enter a judgment as to such lesser charge.

H. The Weld County Attorney may, in his or her discretion, enter Traffic Infraction cases for the purpose of attempting a negotiated plea or a stipulation to a deferred prosecution or deferred judgment and sentence, but shall not be required to so enter by any person, court or law, nor shall the County Attorney represent the People of the State of Colorado and/or the County of Weld at hearings conducted by a Weld County Court Magistrate or a Weld County Court Judge acting as a magistrate on Class A or Class B Traffic Infraction matters. The Weld County Court Magistrate or a Weld County Court Judge acting as a magistrate shall be permitted to call and question any witness and shall also act as the fact finder at hearings on Traffic Infraction matters.

I. Time Limitations.

1. Except as otherwise stated in Subsection 6-1-40.I.2. below, no person against whom a judgment has been entered for a Traffic Infraction shall collaterally attack the validity of that judgment unless such attack is commenced within six (6) months after the date of entry of judgment.

2. In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders and habitual offenders, the only exceptions to the time limitations specified in Subsection 6-1-40.I.1. above, shall be:

a. A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged Traffic Infraction;

b. A case in which the court entering judgment did not have jurisdiction over the person of the violator;

c. Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence, or by commitment of the violator to an institution for treatment as a mentally ill person; or

d. Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

J. Trials shall not be before a jury.

K. Any offender who can prove he or she was wearing a seatbelt at the time of infraction may receive a five-dollar reduction in fine or penalty assessment.

L. In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be tripled for each traffic offense. For purposes of this subsection, *aggressive driving* means committing any three (3) or more of the following violations in a single act or series of acts in close proximity to another motor vehicle:

1. Exceeding the speed limits (1101);

2. Following too closely (1008);

3. Failure to obey official traffic control devices (603);

4. Failure to give an adequate signal (903);

5. Failure to yield right-of-way (701, 702, 703); and

6. Unsafe lane change (903). (Weld County Code Ordinance 2005-3; Weld County Code Ordinance 2005-12; Weld County Code Ordinances 2008-3)

#### **Sec. 6-1-50. Application.**

This Article shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, place or parking area within the boundaries of Weld County. The provisions of Sections 1401, 1402, and 1413 of the Model Traffic Code, respectively governing reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout Weld County. (Weld County Code Ordinance 2005-3)

#### **Sec. 6-1-60. Applicability.**

If any part or parts of this Article are, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The Board of County Commissioners hereby declares that it would have passed this Article and each part or parts thereof, irrespective of the fact that any one (1) part or parts be declared invalid. (Weld County Code Ordinance 2005-3)

**Sec. 6-1-70. 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 the Weld County Code and the 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. (Weld County Code Ordinance 2005-3)