

CHAPTER 8

Vehicles and Traffic

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ARTICLE 1

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 Articles I and II, inclusive, of the 2010 edition of the *Model Traffic Code* promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, 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. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town and may be inspected during regular business hours. (Ord. 630 §1, 2010)

Sec. 8-1-20. Deletions.

The 2010 edition of the Model Traffic Code is adopted as if set out at length, save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

- (1) Section 225(3), the third sentence shall be deleted in its entirety, and it reads as follows:

"Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in section 205 (5.5)(a), C.R.S."

- (2) Section 1409(9) shall be deleted in its entirety, and it reads as follows:

"Of the moneys collected from fines pursuant to paragraphs (a) and (b) of subsection (4) of this section, fifty percent of these moneys shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the moneys collected from fines for violations of paragraph (a) or (b) of subsection (4) of this section shall be transmitted to the clerk and recorder for the county in which the violation occurred."

(Ord. 630 §2, 2010)

Sec. 8-1-30. Additions or modifications.

The said adopted code is subject to the following additions:

- (1) **42-2-101. Licenses for drivers required.**

"(1) Except as otherwise provided in part 4 of Title 42 of the Colorado Revised Statutes for commercial drivers, no person shall drive any motor vehicle upon a highway ('highway' means the entire width between the boundary lines of every way publicly maintained when any part

thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state) unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by the department of revenue of the state of Colorado acting directly or through its duly authorized officers and agents ('department').

"(2) No person shall drive any motor vehicle upon a highway if such person's driver's or minor driver's license has been expired for one year or less and such person has not been issued another such license by the department or by another state or country subsequent to such expiration.

"(3) No person shall drive any motor vehicle upon a highway unless such person has in his or her immediate possession a current driver's or minor driver's license or an instruction permit issued by the department.

"(4) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a highway for which such person has not been issued the correct type or general class of license or permit.

"(5) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a highway without having such license or permit in such person's immediate possession.

"(6) A charge of a violation of subsection (2) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license.

"(7) A charge of a violation of subsection (5) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid license or permit issued to such person or an officially issued duplicate thereof if the original is lost, stolen, or destroyed.

"(8) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

"(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this section; or

"(b) The applicable conditions for exemption, as set forth in Section 42-2-102, C.R.S. (Persons exempt from license) exist, as the same may be amended from time to time.

"(9) The issue of justification or exemption is an affirmative defense. As used in this subsection (9), 'affirmative defense' means that, unless the evidence raises the issue involving

the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the traffic infraction."

(2) 42-2-116. Restricted license.

"(1) The department of revenue of the state of Colorado, acting directly or through its duly authorized officers and agents ('department'), upon issuing a driver's or minor driver's license or an instruction permit, at times imposes restrictions, limitations, or conditions which are suitable to the licensee's driving ability with respect to the type of special mechanical control device required on a motor vehicle which the licensee may operate or which limit the right of the licensee to drive a motor vehicle except when such licensee is required to drive to and from the licensee's place of employment or to perform duties within the course of employment or to impose such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

"(2) No person shall operate a motor vehicle upon a highway ('highway' means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state) or elsewhere in violation of the restrictions, limitations, or conditions imposed in a special restricted license, in a driver's or minor driver's license, or in an instruction permit issued to such person by the department or by another state or country.

"(3) Any person whose privilege to drive is restricted to the operation of a motor vehicle equipped with an approved ignition interlock device as defined in Section 42-2-132.5(7)(a), C.R.S. (as the same may be amended from time to time), who operates a motor vehicle other than a motor vehicle equipped with an approved ignition interlock device or who circumvents or attempts to circumvent the proper use of an approved ignition interlock device commits a violation.

"(4) Whenever the Town Marshal or other peace officer issues a citation pursuant to paragraph (b) of subsection (6) of this section, the Town Marshal or peace officer shall immediately confiscate the license, shall file an incident report on a form provided by the department as may be applicable, and shall not permit the driver to continue to operate the motor vehicle."

(3) 42-2-136. Unlawful possession or use of license.

"(1)(a) No person shall have in such person's possession a lawfully issued driver's, minor driver's, or temporary driver's license or instruction permit, knowing that such license or permit has been falsely altered by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other means so that such license or permit in its thus altered form falsely appears or purports to be in all respects an authentic and lawfully issued license or permit.

"(b) No person shall fraudulently obtain a driver's, minor driver's, or temporary driver's license or an instruction permit.

"(2) No person shall have in such person's possession a paper, document, or other instrument which falsely appears or purports to be in all respects a lawfully issued and authentic driver's, minor driver's, or temporary driver's license or instruction permit, knowing that such instrument was falsely made and was not lawfully issued.

"(3) No person shall display or represent as being such person's own any driver's, minor driver's, or temporary driver's license or any instruction permit which was lawfully issued to another person.

"(5) No person shall permit any unlawful use of a driver's license issued to such person.

"(5.5) No person shall photograph, photostat, duplicate, or in any way reproduce any driver's license or facsimile thereof for the purpose of distribution, resale, reuse, or manipulation of the data or images contained in such driver's license unless authorized by the department of revenue of the state of Colorado acting directly or through its duly authorized officers and agents ('department') or otherwise authorized by law."

(4) 42-2-139. Permitting unauthorized minor to drive.

"(1) No parent or guardian shall cause or knowingly permit his or her child or ward under the age of eighteen years to drive a motor vehicle upon any highway ('highway' means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state) when such minor has not been issued a currently valid minor driver's license or instruction permit or shall cause or knowingly permit such child or ward to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such child or ward."

(5) 42-2-140. Permitting unauthorized person to drive.

"(1) No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any highway ('highway' means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state) by any person who has not been issued a currently valid driver's or minor driver's license or an instruction permit or shall cause or knowingly permit such person to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person."

(6) 42-4-1602. Accident involving damage - duty.

"(1) The driver of any vehicle directly involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the

scene of such accident or as close thereto as possible but shall immediately return to and in every event shall remain at the scene of such accident, except in the circumstances provided in subsection (2) of this section, until the driver has fulfilled the requirements of section 42-4-1603. Every such stop shall be made without obstructing traffic more than is necessary.

"(2) When an accident occurs on the traveled portion, median, or ramp of a divided highway ('divided highway' means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual) and each vehicle involved can be safely driven, each driver shall move such driver's vehicle as soon as practicable off the traveled portion, median, or ramp to a frontage road, the nearest suitable cross street, or other suitable location to fulfill the requirements of section 42-4-1603."

(7) 42-4-1603. Duty to give notice, information, and aid.

"(1) 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.

"(2) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (1) of this section and no police officer or Town Marshal is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection (1) of this section, 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 and submit thereto the information specified in subsection (1) of this section."

(8) 42-4-1604. Duty upon striking unattended vehicle or other property.

"The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and either locate and notify the operator or owner of such vehicle or other property of such fact, the driver's name and address, and the registration number of the vehicle he or she is driving or attach securely in a conspicuous place in or on such vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving. The driver shall also make report of such accident when and as required in section 42-4-1606. Every stop shall be made without obstructing traffic more than is necessary. This section shall not apply to the striking of highway fixtures or traffic control devices which shall be governed by the provisions of section 42-4-1605."

(9) 42-4-1605. Duty upon striking highway fixtures or traffic control devices.

"The driver of any vehicle involved in an accident resulting only in damage to fixtures or traffic control devices upon or adjacent to a highway ('highway' means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state) shall notify the road authority in charge of such property of that fact and of the driver's name and address and of the registration number of the vehicle he or she is driving and shall make report of such accident when and as required in section 42-4-1606."

(10) 42-4-1606. Duty to Report Accidents.

"(1) The driver of a vehicle involved in a traffic accident resulting in injury to, serious bodily injury to, or death of any person or any property damage shall, after fulfilling the requirements of sections 42-4-1602 and 42-4-1603(1), give immediate notice of the location of such accident and such other information as is specified in section 42-4-1603 to the nearest office of the duly authorized police authority or Town Marshal and, if so directed by the police authority or Town Marshal, shall immediately return to and remain at the scene of the accident until said police or Town Marshal has arrived at the scene and completed their investigation thereat.

"(2) The Town Marshal may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the Town Marshal and may require witnesses of accidents to render reports to the Town Marshal.

"(3)(a)(I) It is the duty of the Town Marshal who receives notification of traffic accidents within his respective jurisdictions or who investigate such accidents either at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses to submit reports of all such accidents to the department of revenue of the state of Colorado acting directly or through its duly authorized officers and agents ('department') on applicable forms, including insurance information received from any driver, within five days of the time they receive such information or complete their investigation. The law enforcement officer shall indicate in such report whether the inflatable restraint system in the vehicle, if any, inflated and deployed in the accident. For the purposes of this section, 'inflatable restraint system' has the same meaning as set forth in 49 CFR, § 507.208 S4.1.5.1(b).

"(b) The Town Marshal shall not be required to complete an investigation or file an accident report:

"(I) In the case of a traffic accident involving a motor vehicle, if the Town Marshal has a reasonable basis to believe that damage to the property of any one person does not exceed one thousand dollars and if the traffic accident does not involve injury to or death of any person; except that the Town Marshal shall complete an investigation and file a report if specifically requested to do so by one of the participants or if one of the participants cannot show proof of insurance; or

"(II) In the case of a traffic accident not involving a motor vehicle, if the traffic accident does not involve serious bodily injury to or death of any person.

"(5) The person in charge at any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of the duly authorized police authority or Town Marshal within twenty-four hours after such motor vehicle is received, giving the vehicle identification number, registration number, and, if known, the name and address of the owner and operator of such vehicle together with any other discernible information."

(Ord. 630 §3, 2010)

Sec. 8-1-40. Penalties.

The following penalties, herewith set forth in full, shall apply to this Article:

(1) It is unlawful for any person to violate any of the provisions adopted in this Article.

(2) Every person convicted of a violation of any provision adopted in this Article shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year or by both such fine and imprisonment. (Ord. 630 §4, 2010)

Sec. 8-1-50. Application.

(a) This Article shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place or public parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate.

(b) The provisions of Sections 1401, 1402, 1413 and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout the Town. (Ord. 630 §5, 2010)

Sec. 8-1-60. Validity.

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 Trustees 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. (Ord. 630 §6, 2010)

Sec. 8-1-70. Repeal.

Existing or parts of ordinances covering the same matters as embraced in this Article are hereby repealed, and all ordinances or parts of ordinances inconsistent with the provisions of this Article are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Article. (Ord. 630 §7, 2010)

Sec. 8-1-80. 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 adopted 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. (Ord. 630 §8, 2010)

ARTICLE 2

Snowmobile Traffic

Sec. 8-2-10. Operation on streets.

No person may operate a snowmobile upon the public streets, alleys, parks or other property of the Town. (Ord. 367 §1, 1973)

Sec. 8-2-20. Driving on private property.

No snowmobile shall be driven on private property within the corporate limits of the Town except that owned by the operator or except when prior permission has been obtained from the owner, lessee or agent of the owner or lessee. (Ord. 367 §2, 1973)

Sec. 8-2-30. Operation permissible when.

The provisions of Section 8-2-10 above shall not be applicable during any snowmobile event or function which is under the complete supervision and control of a duly constituted and organized snowmobile club which has obtained the prior approval of the Board of Trustees. (Ord. 367 §3, 1973)

Sec. 8-2-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way or public parking area within the corporate limits of the Town, the use of which the Town has jurisdiction to regulate. (Ord. 367 §4, 1973)

ARTICLE 3

Parking

Sec. 8-3-10. Diagonal parking.

(a) It shall be legal within the Town to have diagonal parking where such parking is designated by the Board of Trustees by resolution.

(b) The diagonal parking shall be striped, where feasible, at a diagonal of forty-five (45) degrees with at least ten (10) feet between the striping. This width is required so the parking space may be entered and exited safely. (Ord. 511, 2001; Ord. 634 §1, 2010)