

## Title 10

### VEHICLES AND TRAFFIC

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#### Chapter 10.04

### TRAFFIC REGULATIONS

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#### **10.04.010 Adoption.**

There is hereby adopted by reference Articles I and II, inclusive, of the 2003 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, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Ordinance 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 copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the City of Loveland, Colorado, and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length herein, subject to the additions and modifications set forth in this chapter. (Ord. 4213 § 1 (part), 1996, Ord. 4894 § 1 (part), 2004)

#### **10.04.020 Additions or modifications to 2003 Model Traffic Code.**

The following additions or modifications to the Model Traffic Code are enacted:

- A. Section 107 of the Model Traffic Code is amended to read as follows:
  - 107. Obedience to police and fire department officials.
    - 1. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer, or member of the fire department at the scene of an emergency, who is invested by law or ordinance with authority to direct, control, or regulate traffic.
    - 2. Members of the fire department, when at the scene of an emergency, may direct or assist peace officers in directing traffic at the scene of the emergency or in the immediate vicinity.
- B. Sections 203(4)(a)(II) and 203(4)(a)(III) of the Model Traffic Code are amended by deleting the phrase "punished by a fine of five dollars" and substituting therefore the phrase "punished by a fine to be set by the court".

- C. Section 203(4)(b)(II) of the Model Traffic Code is amended by inserting a comma and the words "he shall be punished by a fine as determined by the court" immediately following the word "registration".
- D. Section 203(d) of the Model Traffic Code is amended by inserting the words "and the fine as determined by the court" immediately following the word "section".
- E. Section 221 of the Model Traffic Code is amended by the addition of a new subsection (9) to read as follows:

221. Bicycle equipment.

(9) All bicycles and motorized bicycles carrying a passenger in a child's seat which is attached to the bicycle or motorized bicycle shall comply with the following requirements:

- 1. The operator shall be at least sixteen years of age.
- 2. The passenger shall weigh no more than fifty pounds and shall remain seated on the child's seat.
- 3. The child's seat shall be fastened securely to the bicycle or motorized bicycle and shall be located behind the operator's seat, shall be so designed and manufactured for this specific purpose and be equipped with safety belt, arm rest, back rest, foot and spoke protection, and shall be attached to the frame of the bicycle at three or more points.
- 4. Only one child's seat shall be attached to any bicycle or motorized bicycle.

- F. Section 225 of the Model Traffic Code is amended by the addition of a new subsection (4) to read as follows:

225. Mufflers - prevention of noise.

(4) It is unlawful to operate a motor vehicle which produces noise in excess of the sound levels and decibels, measured on the "A" scale on a standard sound level having characteristics established by the American National Standards Institute, and measured at a distance of 50 feet from the center lane of travel or 50 feet or more from a vehicle designed for off-highway use and within the speed limits specified in this section:

- 1. Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than a motor-driven cycle: 86 db(A) at 35 mph or less; 90 db(A) at more than 35 mph but less than 55 mph;
- 2. Any other motor vehicle or self-propelled recreational vehicle primarily designed for off-road use and for which registration as a motor vehicle is not required, and any combination of vehicles towed by such motor vehicle or self-propelled vehicle: 82 db(A) at 35 mph or less; 86 db(A) at more than 35 mph but less than 55 mph.

This section applies to the total noise from a vehicle or combination of vehicles.

The db(A) limitations for speeds of 35 mph or less shall apply to those vehicles emanating a noise while stationary.

For the purpose of this section a truck, tractor or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

Sound measurement shall be performed as set out in Section 7.32.050 of the Loveland Municipal Code.

- F.1 Section 235 of the Model Traffic Code is amended to read as follows:

235. Minimum Standards for commercial vehicles – spot inspections.

(1) A police officer or sheriff's officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer or deputy may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operations of Commercial Vehicles."

(2) No person, as defined in section 42-1-102(69), C.R.S., shall operate a commercial vehicle on any public highway of this local government unless such vehicle is in compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operations of Commercial Vehicles."

(3) A police officer or sheriff's officer may immobilize, impound or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the rules and regulation promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operations of Commercial Vehicles."

(4) Any person who violates subsection (2) of this section commits a traffic offense. (Ord. 5218 § 1, 2007)

F.2 The Model Traffic Code is amended by the addition of a new section 238 to read as follows:

238. Blue and red lights - illegal use or possession.

(1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in C.R.S. 42-1-102 (6), that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.

(2) It shall be an affirmative defense that the defendant was:

(a) A peace officer as described in C.R.S. 16-2.5-101; or

(b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or

(c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to section 222 (1); or

(d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or

(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item. (Ord. 5218 § 2, 2007)

F.3 The Model Traffic Code is amended by the addition of a new section 239 to read as follows:

239. Misuse of wireless telephone.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) "Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle.

(3) A person eighteen years of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

- (a) To contact a public safety entity; or
- (b) During an emergency.

(5) (a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless the operator was eighteen years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.

(6) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

(7) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission. (Ord. 5479 § 1, 2010)

F.4 Section 508 of the Mode Traffic Code is amended to read as follows:

508. Gross weight of vehicles and loads.

(1) (a) Except as provided in subsection (1.5) of this section, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge when the gross weight upon any one axle of a vehicle exceeds the limits prescribed in section 507.

(b) Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula  $W = 1,000 (L + 40)$ , where  $W$  represents the gross weight in pounds and  $L$  represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; except that, in computation of this formula, the gross vehicle weight must not exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section must be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the amount determined by the formula  $W = 500 [(LN/N-1) + 12N + 36]$ , up to a maximum of eighty thousand pounds, where  $W$  represents the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds,  $L$  represents the distance in feet between the extreme of any group of two or more consecutive axles, and  $N$  represents the number of axles in the group.

(d) For the purposes of this subsection (1), where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation does not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(1.5) The gross weight limits provided in subsection (1) of this section are increased by one thousand pounds for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. The provisions of this subsection (1.5) apply only when the vehicle or combination of vehicles is operated on a highway that is not on the interstate system as defined in section 43-2-101 (2), C.R.S. For the purposes of this subsection (1.5), "alternative fuel" has the same meaning provided in section 25-7-106.8 (1) (a), C.R.S.

(2) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense. (Ord. 5836 § 1, 2013)

G. Section 510(1) of the Model Traffic Code is amended by the addition of new subsections (c) and (d) to read as follows:

510. Permits for excess size and weight and for manufactured homes.

(1)(c) When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amounts specified on such signs at any time upon any of the streets or parts thereof or upon any of the bridges or viaducts described in traffic control schedules maintained by the traffic engineer.

(d) When official signs are erected giving notice thereof, no person shall operate any vehicle transporting hazardous materials upon any street or part thereof described in the traffic control schedules maintained by the traffic engineer. The traffic engineer will determine and maintain the list of the hazardous materials proscribed by this section and shall make such list available to the public at all times.

H. The Model Traffic Code is amended by the addition of a new Section 616 to read as follows:

616. Restricted use of streets.

(1) The use of certain streets and roadways by motor-driven cycles, trucks or other commercial vehicles and horse-drawn vehicles or other non-motorized traffic shall be restricted or prohibited when authorized by the traffic engineer or other designee and when official signs giving notice thereof are erected.

(2) For the purpose of road construction and maintenance, any street or portion thereof may, by action of this municipality or by agreement with other concerned road agencies, be temporarily closed to through traffic or to all vehicular traffic during the work project, and the traffic affected shall be guided along appropriate detours or alternative routes by official traffic control devices.

(3) When signs are erected giving notice of use restrictions or prohibitions upon the streets, any person who fails to comply with the posted restriction and/or prohibition commits a traffic offense.

(4) The provisions of subsection (1) shall not be construed to prohibit the drivers of any excluded vehicles from traveling along such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided such excluded vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter.

H.1 Section 705 of the Model Traffic Code is amended to read as follows:

705. Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle

shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) (a) A driver in a vehicle that is approaching or passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by sections 42-4-213 or 42-4-222, C.R.S., shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection.

(c) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(3)(a) Any person who violates subsection (1) of this section commits a traffic offense.

(b) Any person who violates subsection (2) of this section commits careless driving as described in section 1402 of this Code. (Ord. 5218 § 3, 2007)

I. Section 710(2) of the Model Traffic Code is amended to read as follows:

710. Emerging from or entering alley, driveway or building.

(2) The driver of a vehicle entering an alley, driveway or entranceway, shall yield the right-of-way to any pedestrian, bicyclist or other person about to enter the sidewalk or sidewalk area extending across such alleyway, driveway or entranceway.

J. Sections 1004(l)(b) and (c) of the Model Traffic Code are amended to read as follows:

1004. When overtaking on the right is permitted.

(1.) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(b) Upon a street marked for two or more lanes of moving vehicles in the direction being traveled, provided the passing vehicle utilizes a lane marked for moving vehicles other than the lane being occupied by the vehicle being passed.

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and marked for two or more lanes of moving vehicles, provided the passing vehicle utilizes the lane marked for moving vehicles other than the lane being occupied by the vehicle being passed.

K. Section 1101(4) of the Model Traffic Code is amended to read as follows:

1101. Speed limits.

(4) No person shall drive a vehicle on a street or highway within this municipality at a speed greater than the speed limit posted on official traffic control signs; or if no speed limit is posted on an official traffic control sign, at a speed greater than set forth in subsection (2) of this section.

L. Section 1101(7) of the Model Traffic Code is hereby deleted.

L.1 Section 1105 of the Model Traffic Code is amended to read as follows:

1105. Speed contests – speed exhibitions.

(1)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed contest on a highway.

(b) For purposes of this section, “Speed contest” means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding posted speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.

(2)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.

(b) For purposes of this section, “Speed exhibition” means the operation of a motor vehicle to present a display of speed or power. “Speed exhibition” includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

(3)(a) Except as otherwise provided in subsection (4) of this section, a person shall not, for the purpose of facilitating or aiding or as an incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.

(b) A person who violates any provision of this subsection (3) commits, pursuant to section 1703, the offense that the person aided in or facilitated the commission of an act declared in this section to be a traffic offense, and, therefore, nothing in this subsection (3) shall be construed to preclude charging a person under section 1703 for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.

(4) The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip. (Ord. 5218 § 4, 2007)

M. Section 1202 of the Model Traffic Code is amended by renumbering the provisions of said section to be subsection (1) and by the addition of a new subsection (2) to read as follows:

1202. Parking or abandonment of vehicles.

(2) No person, except physicians or other persons on emergency calls, shall park a vehicle on any street signed to prohibit all-night parking, for a period longer than 30 minutes between the hours of 2 a.m. and 6 a.m. of any day.

N. The Model Traffic Code is amended by the addition of new section 1203 to read as follows:

1203. Parking for certain purposes prohibited. No person shall park a vehicle on the roadway for the purpose of:

(1) Displaying such vehicle for Sale;

(2) Washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency;

(3) Displaying advertising, except as permitted by Section 18.50.075 of the Loveland Municipal Code.

O. Section 1204(1) of the Model Traffic Code is amended by the addition of new subsections (l) through (p) to read as follows:

(l) within an alley except during the necessary expeditious loading and unloading of merchandise, freight, or passengers, and in no case shall a stop for loading or unloading of merchandise, freight, or passengers exceed (20) minutes;

(m) with respect to any vehicle that is required to be licensed by the Colorado Statutes, upon any street, highway, public right of way, or public property within the City unless a valid license is properly displayed upon the vehicle;

(n) upon any street, highway, public right of way, or public property within the City in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance;

(o) upon any street, highway, public right of way, or public property within the City, when parked in such a manner as to leave available less than (3) feet of clearance between the vehicle and previously parked vehicles;

(p) in any place that has been designated by the City as a bus stop; (Ord. 5218 § 5, 2007)

P. Section 1204(3)(b) of the Model Traffic Code is amended to read as follows:

1204. stopping, standing or parking prohibited in specified places. (3)(b) At any other place where official signs prohibit or regulate parking.

Q. Section 1204 of the Model Traffic Code is amended by the addition of a new subsection (6) to read as follows:

1204. stopping, standing or parking prohibited in specified places.

(6) No person shall park a semi trailer or truck tractor in any local classification streets, including residential streets, or as designated and posted by the traffic engineer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Q.1 Section 1204 of the Model Traffic Code is amended to add the following subsection (6) as follows:

(6) At any place upon private property within the City where clearly marked signs or markings are posted by the owner or lessee of such property, which sign give notice of any stopping, standing or parking restrictions or prohibitions, no person shall stop, stand, or park any vehicle in any manner in violation of the provisions contained on such sign. Any violation shall be punished as in other cases of unlawful parking; provided however that the police department may require the owner or lessee of the property to sign a complaint prior to taking any action. (Ord. 5218 § 6, 2007)

Q.2 Section 1208 of the Model Traffic Code is amended to read as follows:

1208. Parking privileges for persons with disabilities - applicability.

(1) As used in this section:

(a) "License plate or placard" means a license plate or placard issued pursuant to section 42-3-204(2), C.R.S.

(b) "Person with a disability" has the meaning provided for such term in section 42-3-204(1)(b), C.R.S.

(2) In a jurisdiction recognizing the privilege defined by this subsection (2), a vehicle with a license plate or a placard obtained pursuant to section 42-3-204, C.R.S., or as otherwise authorized by subsection (4) of this section may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area; except that a jurisdiction shall not limit such privilege to park on any public street to less than four hours. Local authorities shall clearly post

the appropriate time limits in such area. Such privilege need not apply to zones in which:

(a) Stopping, standing, or parking of all vehicles is prohibited;

(b) Only special vehicles may be parked;

(c) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(3)(a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A placard or license plate obtained pursuant to section 42-3-204, C.R.S., or as otherwise authorized by subsection (4) of this section shall be displayed at all times on the vehicle while parked in such space.

(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 CFR part 1235.

(5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by persons with disabilities unless:

(a) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and

(b) A license plate or placard obtained pursuant to section 42-3-204, C.R.S., or as otherwise authorized by subsection (4) of this section is displayed in such vehicle.

(6) 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 (9) of this section of this section commits a traffic offense.

(7) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to section 42-3-204(2), C.R.S., in order to receive the benefits or privileges available to a person with a disability under this section commits a traffic offense.

(8) Any law enforcement officer or authorized and uniformed parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(9) It is unlawful for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified 28 CFR part 36 (appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

(10)(a) For purposes of this subsection (10), "holder" means a person with a disability as defined in section 42-3-204(1)(b), C.R.S., who has lawfully obtained a license plate or placard issued pursuant to section 42-3-204(2), C.R.S., or as otherwise authorized by subsection (4) of this section.

(b) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section or section 42-3-204, C.R.S., or for any misuse of a disabled license plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder can furnish sufficient evidence that the license plate or placard was, at the time of the violation, in the care, custody, or control of another person without the holder's knowledge or consent.

(c) A holder may avoid the liability described in paragraph (b) of this subsection (10) if, within a reasonable time after notification of the violation, the holder furnishes to the prosecutorial division of local government where the offense took place, the name and address of the person who had the care, custody, or control of such license plate or placard at the time of the violation or the holder reports said license plate or placard lost or stolen to both the appropriate local law enforcement agency and the Colorado department of revenue.

**Source:** MTC 2003 (1), (2), (3)(a), (4), and (6) amended; (9) and (10) added. (Ord. 5218 § 7, 2007)

R. Section 1209 of the Model Traffic Code is hereby amended to read as follows:

1209. Owner liability for parking violations.

(1) In any prosecution for an alleged violation of any of the parking restrictions imposed by this Part 12, proof that the particular vehicle described in the notice or complaint was stopped, standing or parked in violation of any such rule or regulation, together with proof that the defendant named in the notice or complaint was at the time of such stopping, standing or parking the registered owner of such vehicle, shall constitute in evidence a *prima facie* presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the place where and for the time during which such violation occurred.

(2) In addition to any other liability provided for in this Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle was, at the time of the parking violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who lease, rented or otherwise had the care, custody or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody or control of the motor vehicle. The notice shall inform the operator that the operator name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

S. Section 1211 of the Model Traffic Code is amended to read as follows:

1211. Limitations on backing.

(1) The driver of a vehicle, whether on private or public property, shall not back the same unless such movement can be made with safety and without interfering with other traffic, muscle-powered conveyances or pedestrians.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(3) If the driver backing a vehicle is involved in a collision with a vehicle, muscle-powered conveyance or pedestrian, such collision shall be deemed *prima facie* evidence of the driver's interfering with other vehicles, muscle-powered conveyances or pedestrians.

T. Section 1403 of the Model Traffic Code is amended to read as follows:

1403. Following fire apparatus prohibited.

The driver of any vehicle other than one on emergency response shall not follow any fire apparatus traveling in response to a fire alarm or other emergency closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm or other emergency. For purposes of this section, fire apparatus includes a private vehicle being operated by a volunteer firefighter.

T.1 Section 1409 of the Model Traffic Code is amended to read as follows:

1409. Compulsory insurance - penalty.

(1) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this local government when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by state law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this local government without a complying policy or certificate of self insurance in full force and effect as required by state law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law.

(4) As used in this section, “evidence of a complying policy or certificate of self-insurance in full force and effect” includes the presentation of such policy or certificate upon a cell phone or other electronic device.

(5) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a traffic offense.

(6) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law, when requested to do so by a peace officer, shall constitute *prima facie* evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(7) No person charged with violating subsection (1), (2), or (3) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by state law, at the time of the alleged violation.

(8) An operator of a motor vehicle or low-power scooter may use a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in this section. (Ord. 5836 § 2, 2013; Ord. 5218 § 8, 2007)

T.2 The Model Traffic Code is amended by the addition of a new Section 1410 to read as follows:

1410. Providing false evidence of proof of motor vehicle insurance-penalty.

It is unlawful for any person to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle liability insurance required by state law to a law enforcement officer, judge, magistrate, prosecutor, or employee of a court clerk's office with the intent to mislead that official regarding the status of any motor vehicle liability insurance policy in the course of an official investigation, or for purposes of dismissing any charge under section 1409 or reducing any penalty imposed under section 1409, where such means, manner, type, or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law. (Ord. 5836 § 3, 2013)

U. The second sentence of Section 1412(1) of the Model Traffic Code is amended to read as follows:

1412. Operation of bicycles and other human-powered vehicles.

(1) Every person riding a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within this municipality or upon any path, trail, or designated bicycle routes set aside for the use of bicycles, shall be subject to local ordinances regulating the operation of bicycles as provided in section 42-4-111, C.R.S.

V. Section 1412(6) of the Model Traffic Code is amended to read as follows:

1412. Operation of bicycles and other human-powered vehicles.

(6) Persons operating bicycles or motorized bicycles upon a roadway shall not ride abreast unless such operation will not interfere with the flow of other traffic.

W. Section 1412(10) of the Model Traffic Code is amended by the addition of a new subsection (e) to read as follows:

1412. Operation of bicycles and other human-powered vehicles.

(10)(e) No person shall ride a bicycle or skateboard upon a sidewalk within the E or DE zoning districts of the City of Loveland. When signs are erected giving notice thereof, no person shall ride a skateboard upon any other sidewalk within the City of Loveland.

X. Sections 1412(11)(a) and (b) of the Model Traffic Code are amended to read as follows:

1412. Operation of bicycles and other human-powered vehicles.

(11)(a) No person shall rest any bicycle or motorized bicycle against any window or park on the main traveled portion of the sidewalk, nor park in such a manner as to constitute a hazard to pedestrians, traffic, or property.

(b) In the event that no bicycle rack, or other facility intended for the use of bicycle parking, is located in the immediate vicinity, bicycles or motorized bicycles may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.

Y. Section 1412 of the Model Traffic Code is amended by the addition of new subsections (12) to read as follows:

1412. Operation of bicycles and other human-powered vehicles.

(12) No person operating a bicycle or motorized bicycle shall tow or draw any coaster, wagon, sled, person on a skateboard or roller skates, toy vehicles, or other similar device on any street, highway, or roadway, except trailers that are designed and intended for such towing.

Z. Section 1716(2) of the Model Traffic Code is amended to read as follows:

1716. Notice to appear or pay fine - failure to appear - penalty.

(2) It is a violation of this section for any person to fail to appear to answer any offense charged under this Code.

#### **10.04.25 Operation of Golf Cars**

A. "Golf car" shall mean a self-propelled vehicle not designed primarily for operation on roadways and that has:

1. A design speed of less than twenty miles per hour;
2. At least three wheels in contact with the ground;
3. An empty weight of not more than one thousand three hundred pounds; and
4. A carrying capacity of not more than four persons.

B. Operation of Golf Cars Authorized.

1. Except as set forth in this Section 10.04.020, no person shall operate a golf car upon any public roadway in the City;
2. The operation of a golf car on a public roadway shall be authorized as follows:
  - i. A golf car may be driven upon streets for no greater than a distance of one mile for the purpose of traveling to one of the City's golf courses. Such distance shall be measured in a one-mile radius from the clubhouse at each golf course, respectively.
  - ii. Golf cars shall not be operated upon or across any portion of Colorado State Highway 34, Colorado State Highway 402, Colorado State Highway 287, or any other roadway with a posted speed limit of greater than 30 miles per hour, except that a golf car shall be permitted to cross a state highway in accordance with the other requirements set forth herein.
  - iii. A golf car shall not be driven upon private roadways, such as those owned by homeowners' associations, without express permission of the owner of such private roadways.

3. It is the responsibility of the golf car driver to know what roads are designated as permissible for the operation of golf cars.
4. Nothing in this section authorizes the operation of a golf car on the rights-of-way under the jurisdiction of the county. It is the duty of each golf car operator to ascertain whether a permissible right-of-way is within the city limits.

C. Golf Cars, Operations.

In addition to the authorized golf car operations set forth in Section 10.04.020(B) above, the following regulations apply to the operation of golf cars:

1. Any operator of a golf car shall be at least sixteen (16) years of age and hold a currently valid driver's license pursuant to Title 42 of the Colorado Revised Statutes, or the equivalent under the law of any other jurisdiction within the United States.
2. Prior to the operation of a golf car on a City street or roadway as allowed herein, each owner shall obtain and carry a liability insurance policy for that golf car meeting the insurance limits required for motor vehicles by Part 6, Article 4, Title 10, C.R.S., as may be amended from time to time.
3. No golf car shall be operated upon any City sidewalk, pedestrian trail, or recreational facility with the exception of golf courses and associated golf facilities, and the emergency access easement in the Fairway West Subdivision between Glen Haven Drive and West 37<sup>th</sup> Street. Nothing contained herein to the contrary, it shall be legal for a City-authorized golf car to operate on City paths, trails and areas within parks, greenbelts, open spaces, and recreation facilities for public safety, upkeep, maintenance and any other municipal purposes.
4. A golf car shall not be operated between sunset and sunrise, or at any other time when, due to insufficient lights or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead.
5. Golf cars, when permitted to be operated upon a roadway, shall be operated as close to the right side of the roadway as practicable, exercising due care when approaching, overtaking, or passing a standing vehicle or one proceeding in the same direction, or when approaching, overtaking, or passing a pedestrian or bicyclist. In addition, the operator of a golf car must obey all traffic laws and parking regulations otherwise applicable to motor vehicles.

D. Violations.

Violations of this Section 10.04.020 shall be punishable in accordance with the penalty provisions set forth in Section 1.12.010 of the Code or applicable state proceedings.

E. Revocable

1. The operation of golf cars on City streets shall be deemed revocable upon the will of the City Council in its legislative capacity based on its consideration of the health, safety and welfare of the public arising from such use.
2. The operation of golf cars on City streets as included in this section shall not limit or otherwise preclude the City Council from contracting or expanding the streets or roads on which golf cars can be operated.

F. Waiver of Claim

Any person operating a golf car on City streets and all persons who are passengers in such golf cars shall be deemed to have waived any claim against the City for any loss or damages whatsoever while operating golf cars on City streets as permitted herein. (Ord. 6031 § 1, 2016)

#### **10.04.030 Application.**

This ordinance 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 this municipality, the use of which this municipality has jurisdiction and authority to regulate. 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 this municipality.

**10.04.040 Interpretation.**

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance 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.

**10.04.050 Penalties.**

The following penalties, set forth in full, shall apply to the provisions of this chapter.

- G. It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.
- H. Every person found guilty of or liable for a violation of any provision of this chapter shall be punished as provided in Section 1.12.010 of this code.

## **Chapter 10.08**

### **ADMINISTRATION OF TRAFFIC\***

#### **Sections:**

- 10.08.010      Office of traffic engineer-Established.**
- 10.08.020      Duties and powers of traffic engineer.**
- 10.08.030      Maintenance of traffic control schedules.**

\* For statutory provisions authorizing local authorities to regulate or prohibit the parking of vehicles, see CRS § 42-4-111.

#### **10.08.010      Office of traffic engineer-Established.**

- A. The office of the traffic engineer is hereby established. The traffic engineer shall exercise the powers and duties provided in this chapter.
- B. At such times as the traffic engineer may be absent from the city or unable to perform the duties, said duties shall be vested in the director of community services or the designee. (Ord. 4228 § 1 (part), 1996)

#### **10.08.020      Duties and powers of traffic engineer.**

Except as provided herein, it shall be the general duty of the traffic engineer to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of the city, and to cooperate with other municipal officials and the Colorado Department of Transportation in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by the city code. (Ord. 4228 § 1 (part), 1996)

#### **10.08.030      Maintenance of traffic control schedules.**

- A. The traffic engineer shall maintain traffic control schedules for designated streets. The traffic control schedule shall declare the official local speed limit regulations for the designated streets or intersections, which shall thereafter be posted by means of official traffic control devices.
- B. The traffic control schedule for designated streets shall be completed and updated as necessary by the traffic engineer. (Ord. 4228 § 1 (part), 1996)

## **Chapter 10.20**

### **PARKING\***

#### **Sections:**

**10.20.030      Vehicles designed for dwelling or sleeping purposes prohibited on streets and alleys.**  
**10.20.040      Residential areas.**

\* For statutory provisions authorizing local authorities to regulate or prohibit the parking of vehicles, see CRSA § 42-4-111.

#### **10.20.030      Vehicles designed for dwelling or sleeping purposes prohibited on streets and alleys.**

No trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be parked or permitted to stand upon any public street or alley for a period longer than seventy two hours, and no such trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be used for dwelling or sleeping purposes while parked in any such place. The terms "trailer coach", "camper coach", "camper trailer", and "motor home" shall have the same meaning as set forth in the 2003 Model Traffic Code the City has adopted, and amended, pursuant to Section 10.04.010. (Ord 6045 § 3 2016; Ord. 812 § 3 (part), 1963; prior code § 31.12)

#### **10.20.040      Residential areas.**

No person shall park any truck or bus exceeding six thousand pounds empty weight, or any truck-tractor, any trailer or semitrailer, any trailer coach or mobile home, or any detached camper unit for a period of time longer than one hour on a public right-of-way within a residentially zoned area or on a public right-of-way adjacent to any lot upon which there is a residence in any zoned district; except where the vehicles or trailers are parked adjacent to a lot on which is located a motel or hotel being used by the operator of the vehicle or trailers. The period of time during which such vehicles are engaged in rendering services in the immediate area shall be excluded from computation of the one-hour limit provided by this section. This section shall not apply to a traffic control or traffic monitoring trailer owned or used by a governmental entity. (Ord. 3989 § 1, 1994; Ord. 1596 § 1, 1977)

## Chapter 10.24

### RAILROADS

#### Sections:

- 10.24.010** Speed limits.
- 10.24.020** Ringing bells at crossings.
- 10.24.030** Street obstructions limited.
- 10.24.040** Stepping on or off moving railway vehicles.
- 10.24.050** Flagman required for switching.
- 10.24.060** Switching hours restricted.
- 10.24.070** Car must have locomotive.
- 10.24.080** Pedestrians and drivers obey warnings.

#### **10.24.010 Speed limits.**

It is unlawful for any person to move, propel or run any railway train, locomotive or other railway vehicle at a speed greater than twenty-five miles per hour on any track in the city. (Prior code § 27.9-1)

#### **10.24.020 Ringing bells at crossings.**

Any engineer or other person in charge of any locomotive engine within the city, on approaching any public crossing, street or highway, shall ring or cause to be rung, a bell to warn all persons of the approach of such locomotive engine, and shall continue to ring such bell or cause the same to be rung until such locomotive engine and train of cars has cleared such crossing. (Prior code § 27.9-2)

#### **10.24.030 Street obstructions limited.**

It is unlawful for any person to obstruct the free passage of any street or public highway within the city by means of any railroad car, locomotive or other railway vehicle, or to permit the same to remain in or upon any street or public highway across which any railroad may be constructed or operated for a period exceeding five minutes at any one time. (Prior code § 27.9-3)

#### **10.24.040 Stepping on or off moving railway vehicles.**

It is unlawful for any person to step on or off, or to attempt to step on or off, any railroad car, locomotive or other railway vehicle within the city, while such vehicle is in motion. This section shall not apply to any person acting in the discharge of his duties in relation to such vehicle. (Prior code § 27.9-4)

#### **10.24.050 Flagman required for switching.**

It is unlawful for any person to switch any railroad car, locomotive or other railway vehicle across any street, within the city, without having a flagman on the crossing ahead of such vehicle in a position where he may be seen by persons approaching the crossing. It shall be the duty of the flagman to signal and warn the person of the approach of such vehicle. (Prior code § 27.9-5)

#### **10.24.060 Switching hours restricted.**

It is unlawful for any railroad locomotive to be moved about, or for any railroad cars to be switched, between Third Street and Sixth Street in the city, between the hours of ten p.m. and five-thirty a.m., except such switching as may be necessary for the setting out or picking up of such cars by a through train. (Prior code § 27.9-6)

#### **10.24.070 Car must have locomotive.**

It is unlawful for any person to make or cause to be made within the city any flying switch, or to permit or allow any railroad car to run upon the railroad track detached and loose from a locomotive. (Prior code § 27.9-7)

**10.24.080 Pedestrians and drivers obey warnings.**

It is unlawful for any person to go upon or across or attempt to go upon or across, or to drive or propel or attempt to drive or propel any vehicle upon or across any railroad track within the city when ordered or warned not to do so by any police officer or by any watchman or flagman stationed at a railroad crossing or by any signal warning device. (Prior code § 27.9-8)

## Chapter 10.28

# REMOVAL, STORAGE AND DISPOSAL OF ABANDONED AND ILLEGALLY PARKED MOTOR VEHICLES

### Sections:

- 10.28.010      Definitions.**
- 10.28.020      Abandonment of motor vehicles-Public tow.**
- 10.28.021      Report of abandoned motor vehicles.**
- 10.28.030      Abandonment of motor vehicles-Private tow.**
- 10.28.040      Appraisal of abandoned motor vehicles-Sale.**
- 10.28.050      Liens upon towed motor vehicles.**
- 10.28.051      Perfection of lien.**
- 10.28.060      Proceeds of sale.**
- 10.28.070      Exemptions.**
- 10.28.100      Penalties.**

### **10.28.010      Definitions.**

As used in this chapter, unless the context otherwise requires:

- A. “Abandon” means to leave a motor vehicle unattended so as to result in the motor vehicle becoming an abandoned motor vehicle, as defined in this section.
- B. “Abandoned motor vehicle” means:
  - 1. Any motor vehicle left unattended on private property for a period of twenty-four hours or longer without the consent of the owner, his legally authorized agent, or the person having right to possession of such property;
  - 2. Any motor vehicle left on public property, including any portion of a street, highway, alley or other public right-of-way within the city limits that is reasonably determined to be deserted, discarded or is inoperable. Law enforcement shall consider the duration the vehicle has remained stationary, the existence of debris inside or outside of the vehicle, the structural integrity of the vehicle, the condition of the vehicle’s tires, and any other fact that tends to show the vehicle is deserted, discarded, or inoperable. “Inoperable” for purposes of this section shall mean that the totality of the circumstances then existing to law enforcement which would permit a reasonable person to conclude that the vehicle is incapable of being driven or incapable of being driven without damaging the motor vehicle;
  - 3. Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent, or a law enforcement agency, and not removed from the impound lot according to the agreement with the owner or agent or within forty-eight hours from the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If a law enforcement agency requested the storage, the provisions governing public tows of this chapter apply as of the time of abandonment. Otherwise, the private tow provisions of this chapter apply as of the time of abandonment
- C. “Appraisal” means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in the state or by an employee of the police department.
- D. “Disabled motor vehicle” means any motor vehicle which is stopped or parked, either attended or unattended, upon a public right-of-way and which is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.
- E. “Impound lot” means a parcel of real property which is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

- F. “Law enforcement agent” means any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado State Patrol officer or agent of the Colorado Bureau of Investigation.
- G. “Operator” means a person or a firm licensed by the public utilities commission as a towing carrier.
- H. “Private property” means any real property which is not public property.
- I. “Private tow” means any tow of an abandoned motor vehicle not requested by a law enforcement agency.
- J. “Public property” means any real property having its title, ownership, use or possession held by the federal government, the state or any county or municipality, as defined in Section 31-1-101(6), CRS, or other governmental entity of the state.
- K. “Public tow” means any tow of an abandoned motor vehicle requested by a law enforcement agency.
- L. “Responsible law enforcement agency” means:
  - In the case of a public tow, the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency's jurisdiction;
  - 1. In the case of a private tow, the law enforcement agency having jurisdiction over the private property where the motor vehicle becomes abandoned. (Ord. 6045 § 1, 2016; Ord. 3423 § 1 (part), 1987)

#### **10.28.020 Abandonment of motor vehicles-Public tow.**

- A. It is unlawful for any person to abandon any motor vehicle upon public property. Any law enforcement agent who finds a motor vehicle which he has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the law enforcement agency employing such officer.
- B. Whenever any law enforcement agent finds a motor vehicle, attended or unattended, standing upon any portion of a street, highway, alley or other public right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance or refuse removal, such agent is authorized to cause the motor vehicle to be moved or towed to eliminate any such obstruction, and neither the law enforcement agent or anyone acting under his direction shall be liable for any damage to such motor vehicle occasioned by such removal. (Ord. 3423 § 1 (part), 1987)

#### **10.28.21 Report of abandoned motor vehicles.**

- A. As soon as possible, but in no event later than ten working days after having an abandoned or illegally stopped or parked vehicle towed, the responsible law enforcement agency shall report the same to the Department of Revenue.
- B. The responsible law enforcement agency, upon identifying the last-known owner of record and any lienholder of record for the abandoned vehicle, shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify the owner of record and terminate the abandonment proceedings under this chapter. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle. The responsible law enforcement agency, within ten working days of identifying the last-known owner of record and any lienholder of record, shall notify by first-class mail the owner of record, if ascertained and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 10.28.050 of this chapter and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned, the location of the motor vehicle and the location from which it was towed, and

that, unless claimed within thirty calendar days from the date the notice was sent as determined from the postmark on the envelope containing the notice or the affidavit of the law enforcement agent, the motor vehicle is subject to sale. Such notice shall also inform the owner of record or lienholder(s) of the opportunity to request a post-seizure hearing concerning the legality of the towing of his abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose. Such request shall be made in writing to the responsible law enforcement agency within five days of the date of sending such notice. Such hearing shall be conducted pursuant to local hearing rules. (Ord. 6045 § 2, 2016; Ord. 3423 § 1 (part), 1987)

**10.28.030 Abandonment of motor vehicles-Private tow.**

A. It is unlawful for any person to abandon any motor vehicle upon private property other than his own. Any owner or lessee, or his agent authorized in writing, may have an abandoned motor vehicle removed from his property by having it towed and stored by an operator.

B. Any operator having in his possession any abandoned motor vehicle from a private tow occurring within the city shall immediately notify the chief of police, or his designee, of the city, as to the name of the operator and the location of the storage lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate, and the vehicle identification number. Upon such notification, the law enforcement agency shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, such agency shall recover and secure the motor vehicle and notify the owner of record and terminate the abandonment proceedings under this chapter. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

C.

1. Any operator shall, as soon as possible, but in no event later than three working days after receipt of determination that such motor vehicle has not been reported stolen, report the same to the Department of Revenue by first-class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue.
2. The report shall contain the following information:
  - a. The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, and the identity of the law enforcement agency determining that the vehicle was not reported stolen;
  - b. The identity of the operator possessing the abandoned motor vehicle, together with his business address and telephone number and the carrier number assigned by the public utilities commission; and
  - c. A description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number and a list of the names and addresses of any known drivers.

D. Within ten days of the receipt of a Department of Revenue report concerning owner of record and lienholders of record, the operator shall notify, by certified mail or by personal delivery to the owner of record, and any lienholder of record. The operator shall send a copy of the notice by certified mail or by personal delivery to the responsible law enforcement agency. The notice shall contain the following information:

1. That the identified motor vehicle has been reported abandoned to the department;
2. The claim, if any, of a lien under Section 10.28.050 of this chapter;
3. The location of the motor vehicle and the location from which it was towed; and
4. That, unless claimed within thirty calendar days from the date the notice was sent as determined from the postmark on the envelope containing the notice, the motor vehicle is subject to sale. (Ord. 3423 § 1 (part), 1987)

**10.28.040 Appraisal of abandoned motor vehicles-Sale.**

- A. Public tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the responsible law enforcement agency at a public or private sale held not less than thirty nor more than sixty days after the date the notice required by Section 10.28.021 of this chapter was mailed.
- B. Private tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a private tow shall be appraised and sold by the operator in a commercially reasonable manner at a public or private sale held not less than thirty days nor more than sixty days after the date the notice required by Section 10.28.030 of this chapter was mailed.
- C. If the appraised value of an abandoned motor vehicle sold pursuant to this section is to hundred dollars or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a state certificate of title. The operator or responsible law enforcement agency making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the Department of Revenue and shall deliver a copy of such report of sale to the purchaser of the motor vehicle.
- D. If the appraised value of an abandoned motor vehicle sold pursuant to this section is more than two hundred dollars, the sale may be made for any intended use by the purchaser thereof. The operator or responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 10.28.021 of this chapter (for public tow abandoned motor vehicles) or Section 10.28.030 (for private tow abandoned motor vehicles) and an application for a state certificate of title signed by a legally authorized representative of the operator or responsible law enforcement agency conducting the sale, to the person purchasing such motor vehicle. (Ord. 3423 § 1 (part), 1987)

**10.28.050 Liens upon towed motor vehicles.**

Whenever an operator recovers, removes or stores a motor vehicle upon instructions from the owner of record thereof or any other legally authorized person in control of such motor vehicle, or from the owner or lessee of real property upon which a motor vehicle is illegally parked or his agent authorized in writing, or from any duly authorized law enforcement agent who has determined that such motor vehicle is an abandoned motor vehicle, such operator shall have a possessory lien upon such motor vehicle and its attached accessories or equipment for all costs of recovery, towing and storage. Such lien shall be a first and prior lien on the motor vehicle and its attached accessories or equipment and such lien shall be satisfied before all other charges against such motor vehicle. (Ord. 3423 § 1 (part), 1987)

**10.28.051 Perfection of lien.**

The lien provided for in Section 10.28.050 of this chapter shall be perfected by taking physical possession of the motor vehicle and its attached accessories or equipment and by sending to the Department of Revenue within three working days of the time possession was taken a notice containing the information required in the report to be made under the provisions of Section 10.28.021 or 10.28.030 of this chapter. In addition, such report shall contain a declaration by the operator that a possessory lien is claimed for all past, present and future charges up to the date of redemption and that the lien is enforceable and may be foreclosed pursuant to the provisions of this chapter. (Ord. 3423 § 1 (part), 1987)

**10.28.060 Proceeds of sale.**

- A. If the sale of any motor vehicle and its attached accessories or equipment under the provisions of Section 10.28.040 of this chapter produces an amount less than or equal to the sum of all charges of the operator who has perfected his lien, then the operator shall have a valid claim against the

owner of record for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Such charges shall be assessed in the manner provided for in subsection B1 of this section.

B. If the sale of any motor vehicle and its attached accessories or equipment under the provisions of Section 10.28.040 of this chapter produces an amount greater than the sum of all charges of the operator who has perfected his lien:

1. The proceeds shall first satisfy the operator's charges as follows: The cost of towing the abandoned motor vehicle with a maximum charge of fifty dollars; the mileage for tows of greater than twenty-five miles one way, to be computed at the rate of one dollar per mile for each mile in excess of twenty-five miles one way; and the storage of the abandoned motor vehicle to be charged at the rate of four dollars per day for a maximum of sixty days. In the case of an abandoned motor vehicle weighing in excess of ten thousand pounds, the provisions of this subsection shall not apply and the operator's charges shall be determined by negotiated agreement between the operator and the responsible law enforcement agency.
2. Any balance then remaining shall be paid to the responsible law enforcement agency to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle, and any other costs of the responsible law enforcement agency, including administrative costs, taxes, fines and penalties due.
3. Any balance then remaining shall be next subject to payment of any taxes, fees or penalties due to the Department of Revenue with respect to such motor vehicle after having given notice to the Department of Revenue that such balance exists.
4. Any balance then remaining shall be paid: First, to any lienholder of record as his interest may appear upon the official records of the Department of Revenue; second, to any owner of record as his interest may so appear; and then to any person submitting proof of his interest in such motor vehicle upon the application of such lienholder, owner or person. If such payments are not requested and made within ninety days of the sale of the abandoned motor vehicle, the balance shall be credited to the general fund. (Ord. 3423 § 1 (part), 1987)

#### **10.28.070      Exemptions.**

- A. Nothing in this chapter shall be construed to include, or apply to, the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved main travel portion of a street, alley or highway subject, when applicable, to the emergency lighting requirements as set forth in 42-4-227, CRS.
- B. Nothing in this chapter shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in coming from or going to an emergency. (Ord. 3423 § 1 (part), 1987)

#### **10.28.100      Penalties.**

Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished as provided in Section 1.12.010 of this code. (Ord. 3845 § 5 (part), 1992; Ord. 3423 § 1 (part), 1987)

## Chapter 10.32

### TRAFFIC INFRACTIONS

#### Sections:

- 10.32.010** Definitions.
- 10.32.020** Civil traffic infractions.
- 10.32.030** Trial before court.
- 10.32.040** No jury trial for traffic infractions.
- 10.32.050** Commencement of action.
- 10.32.060** Payment before appearance.
- 10.32.070** First hearing.
- 10.32.080** Judgment after final hearing.
- 10.32.090** Post-trial motions and appeal.
- 10.32.100** Default.
- 10.32.110** Collection of judgments.

#### **10.32.010 Definitions.**

As used in this chapter:

- A. "Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice, parking assessment or other document charging the person with the commission of a traffic infraction or infractions.
- B. "Judgment" means the admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this chapter against any person for the commission of a traffic infraction. (Ord. 4291 § 1 (part), 1997)

#### **10.32.020 Civil traffic infractions.**

Notwithstanding any provision to the contrary in this municipal code, all violations of any provision classified as a traffic infraction in Section 1.12.010 shall be civil matters and not criminal violations. The Colorado Municipal Court Rules shall apply to civil traffic infractions, except as stated in this chapter. (Ord. 4291 § 1 (part), 1997)

#### **10.32.030 Trial before court.**

Traffic infractions shall be tried only to the municipal judge or associate municipal judge. (Ord. 4291 § 1 (part), 1997)

#### **10.32.040 No jury trial for traffic infractions.**

A defendant brought to trial solely upon a traffic infraction or infractions shall have no right to a trial by jury as contemplated by Section 13-10-114, CRS, or Rule 223, Colorado Municipal Court Rules, and trial of traffic infractions shall be to the court. No defendant found liable for a traffic infraction shall be punished by imprisonment. (Ord. 4291 § 1 (part), 1997)

#### **10.32.050 Commencement of action.**

An action under these rules is commenced by the tender or service of a charging document upon a defendant or by conspicuously attaching a parking assessment to the subject vehicle and by the filing of a charging document with the Municipal Court. (Ord. 4291 § 1 (part), 1997)

**10.32.060 Payment before appearance.**

- A. The court clerk shall accept payment of a penalty assessment notice by a defendant without an appearance before the court if payment is made following the date of issuance of the charging document and prior to the date scheduled for the first hearing.
- B. Other than speeding violations in school zones which are ineligible for point reduction, if the defendant pays the fine for the penalty assessment prior to the date scheduled for the first hearing, the points assessed for the violation shall be reduced as follows:
  - 1. For a violation having an assessment of three or more points pursuant to Section 42-2-127(5), C.R.S., as amended, the points are reduced by two points;
  - 2. For a violation having an assessment of two points pursuant to Section 42-2-127(5), C.R.S., as amended, the points are reduced by one point. (Ord. 5244 § 1, 2007)
- C. At the time of payment, the defendant shall sign a waiver of rights and acknowledgement of guilt or liability or tender a no contest plea upon a form approved by the Judge.
- D. This procedure shall constitute an entry and satisfaction of judgment. (Ord. 4291 § 1 (part), 1997)

**10.32.070 First hearing.**

- A. If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he or she shall appear before the court on the date and the time scheduled for first hearing.
- B. The date of the first hearing shall be not less than twenty-one days following the date the charging document was tendered to or served upon the defendant. (Ord. 4291 § 1 (part), 1997)

**10.32.080 Judgment after final hearing.**

- A. If it finds all elements of a traffic infraction beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter appropriate judgment.
- B. The judgment shall be satisfied upon payment to the clerk of the total penalty and court costs.
- C. If the defendant fails to satisfy the judgment upon the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then the court shall treat such nonpayment, in the full amount of the penalty, fees and costs, as a default. (Ord. 4291 § 1 (part), 1997)

**10.32.090 Post-trial motions and appeal.**

There shall be no post-trial motions except motions to set aside a default judgment. (Ord. 4291 § 1 (part), 1997)

**10.32.100 Default.**

- A. If the defendant fails to appear for any hearing, the court shall enter judgment against the defendant.
- B. The amount of the judgment shall be the specified penalty assessed after a finding of guilt or liability, fees and additional costs assessable to municipal violations generally upon conviction of noncivil municipal charges. The court shall not add such fees and additional costs to parking assessment default judgments.
- C. The court may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the defendant. The defendant may move to set aside the judgment within seven calendar days after entry of judgment.
- D. The defendant may satisfy a judgment entered under this rule by paying the clerk.
- E. No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment. (Ord. 4291 § 1 (part), 1997)

**10.32.110      Collection of judgments.**

Upon finality of a judgment under this chapter and in addition to all legal and administrative enforcement or collection procedures and remedies otherwise available, the city attorney is authorized to file a civil action with any state court having appropriate jurisdiction, which filing shall include the record of the case certified by the clerk of the municipal court, praying for judgment based thereon, and on the entry of a judgment, the city attorney is authorized to proceed with a judgment execution and collection procedures authorized by law for the amount of the judgment, costs and fees incurred in the proceedings and legal interest. (Ord. 4291 § 1 (part), 1997)

\*\*\*End Title 10\*\*\*