

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2020-09**

AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO, REPEALING AND REENACTING CHAPTER 8, ARTICLE I OF THE PALISADE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO; REPEALING ALL ORDINANCES OF THE TOWN OF PALISADE, IN CONFLICT OR INCONSISTENT HERewith; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS PRIMARY CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND THE CODE ADOPTED HEREIN BY REFERENCE.

WHEREAS, pursuant to C.R.S. § 31-16-201 et seq., the Palisade Board of Trustees has the power to adopt ordinances which adopt uniform codes by reference; and

WHEREAS, C.R.S. § 42-4-110 provides for uniform traffic regulations throughout the state and C.R.S. § 31-16-201 et seq. authorizes local governments to adopt uniform codes by reference, including the Model Traffic Code; and

WHEREAS, by Ordinance No. 2013-13, the Town adopted by reference the Model Traffic Code for Colorado, 2010 Edition, which regulations are now codified at Chapter VIII, Article I of the Palisade Municipal Code, as it has been further amended; and

WHEREAS, the Colorado Department of Transportation has recently revised the Model Traffic Code and published the Model Traffic Code, 2020 Edition; and

WHEREAS, the Palisade Board of Trustees finds that adoption of this Ordinance is necessary to preserve the health, safety and welfare of the citizens of the Town of Palisade.

WHEREAS, the Palisade Board of Trustees desires to adopt by reference and make local amendments to the Model Traffic Code, 2020 Edition.

NOW THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, AS FOLLOWS:

Section 1. **Legislative Declaration.** The Town of Palisade Board of Trustees finds that it is important for the safety of the citizens of Town of Palisade to have established a current uniform traffic code. Accordingly, it is necessary to adopt and amend the most recent edition of the Model Traffic Code for Colorado.

Section 2. **Applicability.** This Ordinance shall apply throughout the Town of Palisade, Colorado.

Section 3. Purpose. The provisions of this Ordinance have been made with reasonable consideration of, and in accordance with, the public health, safety, morals and general welfare of the public, and the safety, protection, and sanitation of such dwellings, buildings, and structures.

Section 4. That Article I of Chapter 8 of the Palisade Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE I

Traffic Code

Sec. 8-1. Short title.

This Chapter may be known and cited as the "Traffic Code" or the "Model Traffic Code."

Sec. 8-2. Adoption by Reference.

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is hereby adopted by reference the 2020 edition of the Model Traffic Code for Colorado promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, Colorado, 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 filed in the office of the Town Clerk, and may be inspected during regular business hours. The 2020 edition of the Model Traffic Code is adopted as if set out at length, with additions and modifications set forth in Section 2-7-2.

Sec. 8-3. Deletions.

The following Articles, Sections and/or subsections of the "Model Traffic Code for Colorado," 2020 Edition, are inapplicable to the Town of Palisade and are therefore deleted:

- a) Part 7, "RIGHTS-OF-WAY," Section 707(2) and Section 711, Driving on mountain highways;
- b) Part 10, "DRIVING-OVERTAKING-PASSING," Section 1011, Use of runaway vehicle ramps and Section 1012, High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes;
- c) Part 11, "SPEED REGULATIONS," Sections 1105(5), 1105(6), 1105(7), 1105(8), 1005(9) concerning penalties for speed contests and exhibitions;
- d) Part 12, "PARKING," Section 1210, Designated areas on private property for authorized vehicles.

- (e) Part 14, “OTHER OFFENSES,” Sections 1409(4) and 1409(9) concerning violation of compulsory insurance requirement.
- (f) Part 17, “PENALTIES AND PROCEDURE,” is deleted in its entirety;
- (g) Part 18, “VEHICLES ABANDONED ON PUBLIC PROPERTY,” is deleted in its entirety;
- (h) Part 19, “SCHOOL BUS REQUIREMENTS,” Section 1904, Regulations for school buses – regulations on discharge of passengers – penalty – exception.
- (i) All subsections of the 2020 Edition of the Model Traffic Code that categorize violations into classes of traffic infractions, traffic offenses, misdemeanors, or which set forth a specific penalty for a violation, whether monetary or otherwise are hereby deleted.

Sec. 8-4. Additions and modifications.

The “Model Traffic Code for Colorado,” 2020 Edition, is subject to the additions or modifications set forth below. All Sections not deleted, amended to, or modified remain as if set out at length in the original form.

- (a) Subsection (9) of Section 109 of Part 1 of the Model Traffic Code, concerning skateboards, skis, skates, and toy vehicles in rights-of-way, is hereby amended to read as follows:

109. Low-powered scooters, animals, skis, skates and toy vehicles on highways.

(9) No person shall use the highways for traveling on skis, toboggans, coasting on sleds, skates, roller skates, skateboards, motorized skateboards, pocket motorcycles, toy vehicles, go carts or similar devices. It is unlawful for any person to use any roadway of this municipality as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates, a skateboard, a motorized skateboard, or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk and so crossing such person shall be granted all of the rights subject to all of the duties applicable to pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

- (b) Part 1 of the Model Traffic Code, concerning traffic regulation – generally, is hereby amended to include the following additional Section:

109.1 Bicycles, toy scooters, motorized skateboards and human powered toys on sidewalks.

Bicycles, electric bicycles, toy scooters, motorized skateboards and human powered toys shall only be permitted on sidewalks located in residential areas and skate parks as park rules allow. Such devices shall not be permitted on sidewalks adjoining local minor and major arterial roadways.

(c) Part 1 of the Model Traffic Code, concerning traffic regulation – generally, is hereby amended to include the following additional Section:

109.2 Off-highway vehicle operation prohibited.

1) No off-highway vehicle may be operated on the public streets, roads, or highways of the Town except in the following cases:

- a. When a street, road or highway is designated open for such use by the Town;
- b. When crossing streets or when crossing roads, highways, or railroad tracks in the manner provided in Section 33-14-112, C.R.S.;
- c. When traversing a bridge or culvert;
- d. During special off-highway vehicle events lawfully conducted pursuant to the authority granted by the Town;
- e. During emergency conditions declared by the Town;
- f. When the Town has authorized by ordinance or resolution the establishment of off-highway vehicles routes to permit the operation of off-highway vehicles on Town streets, but no street which is part of the State highway system may be so designated;
- g. When using an off-highway vehicle for agricultural purposes; and
- h. When a public utility, as defined in Section 40-1-103(1), C.R.S., or a co-operative electric association, as defined in Section 40-9.5-102, C.R.S., or any agent thereof designated specifically for the purpose of meter reading or repair is using an off-highway vehicle for business purposes.

(d) Subsection (3) of Section 114 of Part 1 of the Model Traffic Code, concerning traffic hazards, is hereby amended to read as follows:

114. Removal of traffic hazards.

3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from the Town of Palisade to do so, the Town may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the Town for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town and in the court having jurisdiction thereof. If the Town must resort to court action for collection of amounts due, the Town shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails. In the event such costs are not paid by the property owner when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

(e) Subsection (3) of Section 117 of Part 1 of the Model Traffic Code, concerning personal mobility devices, is hereby amended to read as follows:

117. Personal mobility devices.

3) An EPAMD shall not be operated:

- a. On a limited-access highway; or
- b. At a speed greater than twelve and one-half (12 ½) miles per hour.

(f) Subsection (3) of Section 223 of Part 2 of the Model Traffic Code, concerning brakes, is hereby amended to read as follows:

223. Brakes

3) No operator of a truck or truck tractor shall use or apply Jacoby Engine Brakes ("Jake brakes") or engine compression brakes equipped on such vehicle while traveling within this municipality.

(g) Subsection (4) of Section 229 of Part 2 of the Model Traffic Code, concerning safety glazing material, is hereby amended to read as follows:

229. Safety glazing material in motor vehicles.

4) No person shall operate a motor vehicle on any highway within this municipality unless such vehicle is equipped with a front windshield as provided in this Section except as provided in Section 232(1) and except for motor vehicles registered as collector's items under Section 42-3-219, C.R.S.

(h) Section 235 of Part 2 of the Model Traffic Code, concerning equipment, is hereby amended to read as follows:

235. Minimum standards for commercial vehicles – spot inspections.

1) A police officer may, at any time, require the driver of any commercial vehicle, as defined in Section 235 (3) below, to stop so that the officer 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 Operation of Commercial Vehicles."

2) A police 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 regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."

3) As used in this section, unless the context otherwise requires, "commercial vehicle" means:

- a. Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one

(10,001) pounds or more, which vehicle is used in commerce on public highways of this State or is designed to transport sixteen (16) or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to Section 1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle;

b. Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on public highways of this state; and

c. A motor vehicle that is used on the public highways and transports materials determined by the Secretary of Transportation to be hazardous under 49 U.S.C. Section 5103 in such quantities as to require placarding under 49 C.F.R. 172 and 173.

(i) Part 2 of the Model Traffic Code, concerning equipment, is hereby amended to include the following additional Section:

243. Use of tire chains on commercial vehicles prohibited.

No person shall drive any commercial vehicle, including a motor vehicle, truck, truck tractor, trailer or semi-trailer used in the business of transporting persons or property over the public highways for profit, hire or otherwise in any business or commercial enterprise, equipped with tire chains within the corporate limits of the Town of Palisade.

(j) Section 501 of Part 5 of the Model Traffic Code, concerning size and weight limitations, is hereby amended to read as follows:

501. Size and weight violations – penalty.

Except as provided in Section 509, it is a traffic offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in Sections 502 to 513 or otherwise in violation of said sections or Section 1407, except as permitted in Section 510.

(k) Part 5 of the Model Traffic Code, concerning size, weight and load of vehicles, is hereby amended to include the following additional Section:

513. Weight limits on certain streets or parts thereof.

When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon any of the streets.

(l) Section 614 of Part 6 of the Model Traffic Code, concerning designation of highway maintenance, repair, or construction zones, is hereby amended to read as follows:

614. Designation of highway maintenance, repair, or construction zones – signs – increase in penalties for speeding violations.

1) If maintenance, repair, or construction activities are occurring or will be occurring within four (4) hours on a local street or State highway, local authorities within their jurisdiction, may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone shall be subject to double the fine normally imposed for the applicable speeding violation.

2) Local authorities, within their jurisdiction, shall designate by appropriate signs that maintenance, repair or construction activity is taking place or will be taking place within four (4) hours. Such signs shall notify the public that increased penalties for speeding violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

3) Signs used for designating the beginning and end of a maintenance, repair or construction zone shall conform to the Colorado Department of Transportation requirements. Local authorities may display such signs on a fixed, variable or movable stand. Local authorities may place such sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

(m) Subsection (1) of Section 615 of Part 6 of the Model Traffic Code, concerning school zones, is hereby amended to read as follows:

615. School zones – increase in penalties for moving traffic violations.

1) Any person who commits a moving traffic violation in a school zone is subject to double the penalty and surcharge imposed for any moving violation, whether a criminal traffic offense or a non-criminal traffic offense, that occurs in a school zone.

(n) Part 6 of the Model Traffic Code, concerning signals, signs and markings, is hereby amended to include the following additional Section and read as follows:

617. Barricades.

Whenever barricades are erected to close off part or all of a highway, as authorized by Section 42-4-111, C.R.S., no person shall drive around, through, or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with the directions of a law enforcement officer or other authorized person.

(o) Section 702 of Part 7 of the Model Traffic Code, concerning vehicles turning left, is hereby amended to read as follows:

702. Vehicle turning left.

Unless there is an official traffic control arrow signal regulating the left turn, the driver of a vehicle intending to turn left within an intersection, or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(p) Subsection (3) of Section 703 of Part 7 of the Model Traffic Code, concerning entering through highway at a stop or yield intersection, is hereby amended to read as follows:

703. Entering through highway – stop or yield intersection.

3) Except when directed to proceed by law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. If a driver is involved in a collision with a vehicle, after driving past a stop sign, such collision shall be deemed prima facie evidence of his or her failure to yield the right-of-way.

(q) Subsection (3) of Section 710 of Part 7 of the Model Traffic Code, concerning emerging from or entering alley, driveway, or building, is hereby amended to read as follows:

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

3) No person shall drive any vehicle other than a bicycle, electric bicycle, toy scooter, motorized skateboard, human powered vehicles or EPAMD, if such person is disabled, upon a sidewalk or sidewalk area adjacent to streets in residential areas. Provided however, such devices shall not be permitted on sidewalks adjacent to local minor and major arterial roadways, except, upon permanent or duly authorized temporary driveway.

(r) Subsection (3) of Section 712 of Part 7 of the Model Traffic Code, concerning driving in highway work area, is hereby amended to read as follows:

712. Driving in highway work area.

3) Local road authorities, in cooperation with law enforcement agencies, may train and appoint adult civilian personnel for special traffic duty as highway flag-persons within any highway maintenance or construction work area. Whenever such duly authorized flag-persons are wearing the badge, insignia, or uniform of their office, or engaged in the performance of their respective duties, and are displaying any official hand signal device of any type and in the manner prescribed in the adopted State Traffic Control Manual, or supplement thereto, for signaling traffic in such areas to stop or proceed, no person shall willfully fail or refuse to obey the visible instructions or signals so displayed by such flag-person. Any alleged willful failure or refusal of the driver to

comply with such instructions or signals, including information as to the identity of the driver and license plate number of the vehicle alleged to have been driven in violation, shall be reported by the work area supervisor in charge at the location to the Palisade Police Department for the issuance of a citation or summons and complaint to a court of competent jurisdiction.

(s) Section 1101 of Part 11 of the Model Traffic Code, concerning speed limits, is hereby amended to read as follows:

1101. Speed limits.

1) No person shall drive a vehicle on a traveled roadway or highway within this municipality at a speed greater than the posted speed limit, and in no event greater than seventy-five (75) miles per hour, or if there is no posted speed limit, greater than the applicable speed set forth in subsection (2) below.

2) Except when a special hazard exists that requires a lower speed limit, the following speeds shall be absolute:

a. Twenty-five (25) miles per hour in any business district, as defined in Section 42-1-102 (11) C.R.S.;

b. Twenty-five (25) miles per hour in any residence district, as defined in Section 42-1-101 (80), C.R.S.;

c. Twenty (20) miles per hour in any alley; and

d. Any speed not in excess of the speed limit designated by official traffic control devices.

3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

4) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty (40) miles per hour.

5) It shall not be a defense to prosecution for a violation of this section that:

a. The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

b. The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

c. The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the maximum lawful speed limit.

6) The conduct of a driver of a 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 or 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 consequences sought to be prevented by this section; or

b. With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 108, exist.

7) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proof proving that such negligence was the proximate cause of an accident.

8) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

(t) Section 1201 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is hereby amended to read as follows:

1201. Moving parked vehicles.

No person shall move a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(u) Section 1202 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is hereby amended to read as follows:

1202. Parking or abandonment of vehicles.

No person shall stop, park, or leave standing any vehicle, either attended or unattended, upon the paved or improved main-traveled part of the highway. Nothing contained in this section shall apply to the driver of any vehicle which is disabled while on the paved or improved main-traveled portion of a highway in such a manner and to such extent that is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to emergency lighting requirements set forth in Section 230.

(v) Section 1204 of Part 12 of the Model Traffic Code, concerning parking of motor vehicles, is hereby amended to read as follows:

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

1) Except as otherwise provided in Subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- a. On a sidewalk;
- b. Within an intersection;
- c. On a crosswalk;
- d. Between a safety zone and an adjacent curve or within thirty feet (30') of points on the curb immediately opposite the ends of the safety zone unless the traffic authority indicates a different length by signs or markings;

- e. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - f. On the roadway side of any vehicle stopped or parked at the edge or curb of the street;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks;
 - i. Within an alley except during any expeditious loading and unloading of merchandise or freight and in no case shall a stop for loading or unloading of materials exceed thirty (30) minutes;
 - j. On a controlled access highway;
 - k. At any other place where official signs prohibit stopping.
- 2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:
- a. Within five feet of a public or private driveway;
 - b. Within fifteen feet of a fire hydrant;
 - c. Within twenty feet of a crosswalk at an intersection;
 - d. Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - e. Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;
 - f. At any other place where official signs prohibit standing.
 - g. No vehicle shall park on or over the curb;
 - h. No mobile home or travel trailer shall park on any street, alley, highway or public place.
- 3) In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:
- a. Within fifty feet of the nearest rail of a railroad crossing;
 - b. At any other place where official signs prohibit parking.
- 4) a. Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles or electrical assisted bicycles on sidewalks in accordance with the provisions of section 1412 (11) (a) and (11) (b).
- b. Paragraph (f) of subsection (1) of this section shall not prohibit persons from parking two or more bicycles or electrical assisted bicycles abreast in accordance with the provisions of section 1412 (11) (d).
 - c. Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles or electrical assisted bicycles parked on sidewalks in accordance with section 1412 (11) (a) and (11) (b).
- 5) No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.
- 6) This local authority, with respect to highways under its jurisdiction, may place official

traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where it is determined, upon the basis of a traffic investigation or study, that such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

7) No trucks, truck-tractors, semi-trailers or commercial vehicles larger than eighteen thousand (18,000) GVW shall park on any street or in any residential zone district on a public or private street or off street in the Town except for the purpose of loading or unloading of passengers or freight without delay and when such loading and unloading does not obstruct, impede or endanger any traffic.

8) No motor vehicles, trucks, truck-tractors, semi trailers, or commercial vehicles carrying or transporting any hazard substances, as that term is defined in Section 42-20-103 (3), C.R.S., shall park in any residential district of the Town; provided, however, that parking in any business district shall be permitted for loading and unloading such hazardous materials without delay when such loading and unloading does not obstruct, impede or endanger traffic.

9) No trailer, whatever its empty weight, that is over eight feet (8') in width or over eighteen feet (18') in length shall be parked on any street in the Town except for the purpose of loading and unloading freight or cargo when such loading and unloading does not obstruct, impede or endanger traffic.

(w) Section 1205 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is hereby amended to read as follows:

1205. Parking at Curb or Edge of Roadway.

1) Except as otherwise provided in this Section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right hand wheels parallel to and within twelve inches (12") of the right hand curb or as close as practicable to the right edge of the right-hand shoulder.

2) Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right hand wheels within twelve inches (12") of the right hand curb or as close as practicable to the right edge of the right hand shoulder or with its left-hand wheels within twelve inches (12") of the left hand curb or as close as practicable to the edge of the left hand shoulder.

3) On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.

(x) Section 1401 of Part 14 of the Model Traffic Code, concerning other offenses, is amended to read as follows:

1401. Reckless driving.

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter anywhere within this Town in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

(y) Section 1402 of Part 14 of the Model Traffic Code is amended to read as follows:

1402. Careless driving.

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter anywhere within this municipality in a careless and imprudent manner without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances is guilty of careless driving. A person convicted of careless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

(z) Section 1410.5 of Part 14 of the Model Traffic Code, concerning other offenses, is amended to read as follows:

1410.5 Providing false evidence of proof of motor vehicle insurance.

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 or 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.

(aa) Part 14 of the Model Traffic Code, concerning other offenses, is hereby amended to include the following additional Sections and read as follows:

1417. Operator's license required.

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

1418. Driving under restraint.

- 1) Any person who drives a motor vehicle or off-highway vehicle with knowledge that the person's license or privilege to drive, either as a state resident or a non-resident is under restraint for an outstanding judgment is guilty of a Class A Traffic Infraction.
- 2) Except as provided in subsection (1) of this section, any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of DUI, DUI per se, DWAI, or UDD is guilty of a criminal offense. A court may sentence a person convicted of this criminal offense to imprisonment for a period of not more than six months and may impose a fine of not more than five hundred dollars.
- 3) The Court shall not waive or reduce the three-point penalty imposed under state law.

1419. License plate required.

- 1) It is unlawful for any person to drive, stop or park, or for the owner or person in charge of any vehicle to cause or knowingly permit to be driven, stopped or parked, on any street or highway within the Town or any property that is owned by the Town, any vehicle that has been assigned a license plate, pursuant to Colorado law, unless the license plate assigned to be vehicle for the current registration year is properly attached to and displayed on the vehicle and stickers are affixed in their proper location in accordance with the laws of the State.
- 2) For purposes of this Section, the term *license plate* shall include license plates, number plates, personalized license plates, special license plates, stickers and other plates, both permanent and temporary, issued pursuant to Colorado law.

1420. Misuse of license plates unlawful.

It is unlawful for any person to display or cause or permit to be displayed on any vehicle driven, stopped or parked on any street or highway within the Town or any property that is owned by the Town, any license plate, as that term is defined in Section 1419, above, that is not the license plate that has been assigned to that vehicle pursuant to Colorado law.

1421. Vehicle idling reduction.

- 1) It is unlawful for any person to cause or permit a vehicle to idle for more than five minutes within any sixty-minute period except as authorized by subsection (2) of this section.
- 2) Subsection (1) of this section does not apply to an idling vehicle:
 - a. When it remains motionless because of highway traffic, an official traffic control device or signal, or at the direction of a law enforcement officer;
 - b. When the driver is operating defrosters, heaters, or air conditioners or is installing equipment only to prevent a safety or health emergency, and not for rest periods;
 - c. In the case of law enforcement, emergency, public safety, or military vehicle, or any other vehicle used to respond to an emergency, when it is responding to an emergency or being used for training for an emergency, and not for the convenience of the vehicle operator;

- d. When necessary for required maintenance, servicing, or repair of the vehicle;
- e. During a local, state, or federal inspection verifying that the equipment is in good working order if required for the inspection;
- f. During the operation of power take-off equipment if necessary for operating work-related mechanical or electrical equipment;
- g. In the case of an armored vehicle, when a person is inside the vehicle to guard its contents or during the loading or unloading of the vehicle;
- h. In the case of a passenger bus, when idling for up to five minutes in any sixty-minute period to maintain passenger comfort while nondriver passengers are on board;
- i. When used to heat or cool a sleeper berth compartment during a rest or sleep period at a safety rest area as defined under 23 CFR 752.3, fleet trucking terminal, commercial truck stop, or state-designated location designed to be a driver's rest area;
- j. When used to heat or cool a sleeper berth compartment during a rest or sleep period at a location where the vehicle is legally permitted to park and that is at least one thousand feet from residential housing, a school, a daycare facility, a hospital, a senior citizen center, or a medical outpatient facility providing primary, specialty, or respiratory care; or
- k. When idling for up to twenty minutes in any sixty-minute period if the ambient temperature is less than ten degrees.

(bb) The "Definitions" section of the Model Traffic Code is hereby amended to include the following additional definitions, retaining all other definitions in the Model Traffic Code:

(8.6) "**Barricade**" means a portable or fixed barrier having object markings, including but not limited to traffic cones, used to close all or a portion of the right of way to vehicular traffic.

Sec. 8-5. Application.

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 this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1211, 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively, concerning limitations on backing, reckless driving, careless driving, and eluding a police officer shall apply not only to public places and way but also throughout this municipality. Pursuant to Section 103 of the Model Traffic Code, all stop sign regulations and speed limits shall be enforced upon any way which is open to travel by the public by motor vehicles and which is privately maintained when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. In addition, as authorized by Section 1204 of the Model Traffic Code, as amended, the owner or lessee of any private property available for public use in the Town may request in writing that specified areas on such property be designated for use only by authorized vehicles or only at specified times, or may prohibit parking entirely, and upon acceptance by motion of the Board of Trustees, these private rights-of-way shall be clearly marked by the owner or lessee with official traffic control devices. It is unlawful for any person to park any vehicle in violation of any such sign or marking.

Sec. 8-6. Penalties for violation.

a) Except as otherwise provided for in this Section, any person who violates any provision of the Model Traffic Code shall be deemed to have committed a non-criminal traffic offense. Every person who is convicted of, who admits liability for, or against whom a judgment is entered, for a non-criminal traffic offense shall be penalized by imposition of a fine in an amount not less than five dollars (\$5.00) and not greater than three hundred dollars (\$300.00). The presiding Judge of the Municipal Court shall promulgate a schedule of penalties for all noncriminal traffic offenses contained in the Model Traffic Code. Said schedule shall be prominently posted in the office of the Municipal Court Clerk.

b) The following criminal traffic offenses shall be punished by a fine in an amount not greater than three hundred dollars (\$300.00) and/or imprisonment for a period not to exceed ninety (90) days.

(a)	MTC1101(1) and (2)	Speeding (If the alleged violator is accused of exceeding the absolute speed limit by more than 19 mph);
(b)	MTC1101(3)	Special Hazards (If the alleged violation has caused, or contributed to the cause of an accident resulting in appreciable damage to property of another or an injury or the death to any person);
(c)	MTC1105	Speed Contest;
(d)	MTC1401	Reckless Driving;
(e)	MTC1402	Careless Driving (If the violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or death to any person);
(f)	MTC1409	Compulsory Insurance
(g)	MTC1413	Eluding or Attempting to elude a Police Officer;
(h)	MTC1903	Failure to Stop for School Buses; and
(i)		Any other offense contained in the Model Traffic Code resulting in an accident causing personal injury or substantial property damage.

Sec. 8-7. Procedure—Non-criminal traffic offenses.

a) Notwithstanding the provisions of Rule 223(a) and (b) of the Colorado Municipal Court Rules of Procedure, or any other provision of law, the right of a jury trial shall not be available at a

hearing where the cited person is charged with a non-criminal traffic offense. In addition, no person charged with a non-criminal traffic offense shall be afforded the right of Court-appointed counsel.

b) The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a non-criminal traffic offense, unless any of the rules are clearly inapplicable. The burden of proof shall be upon the People beyond a reasonable doubt.

c) An appeal from final judgment on a non-criminal traffic offense shall be made in accordance with Rule 237 of the Colorado Municipal Court Rules of Procedure and Article 10, Title 13, C.R.S.

d) Except as otherwise provided in this subsection, no person against whom a judgment has been entered for a non-criminal traffic offense shall collaterally attack the validity of that judgment unless such attack is commenced within three (3) months after the date of entry of the judgment.

The only exceptions to the time limitations shall be:

1) A case in which the Court entering judgment did not have jurisdiction over the subject matter of the alleged infraction.

2) A case in which the Court entering judgment did not have jurisdiction of the person of the violator.

3) Where the Court finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

4) Where the Court finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

e) At any time that a person is cited for the commission of any non-criminal traffic offense, the citing officer shall give a notice to the person in charge of or operating the motor vehicle involved, which notice shall be in the form of a Penalty Assessment Notice.

f) The Penalty Assessment Notice tendered by the citing officer shall contain the name and address of such person, the license number of the vehicle involved, if any, the number of such person's driver's license, the nature of the offense, the amount of the penalty prescribed for such offense, the date of the Notice, the time and place and when and where such person shall appear in Court in the event such penalty is not paid, and a place for such person to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed within twenty (20) days as well as such other information as may be required by law to constitute such Notice as a Summons and Complaint to appear in Court, should the prescribed penalty not be paid within the time period.

g) One (1) copy of the Notice shall be given to the alleged violator by the citing officer.

h) The time specified in the Notice to appear shall be at least twenty-one (21) days, but not more than forty-five (45) days after such citation, unless the person cited shall demand an earlier hearing.

i) Whenever the alleged violator refuses to sign or accept the Penalty Assessment Notice, tender of such Notice by the citing officer to the alleged violator shall constitute service of a Summons and Complaint.

j) In the event a person who has been cited for a non-criminal traffic offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice, he/she shall make an appearance and answer the Complaint against him/her. If the alleged violator answers that he/she is liable, judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty on the Complaint and if he/she denies liability, a trial shall be held within the time period prescribed in Rule 248 of the Colorado Municipal Court Rules of Procedure. If the

alleged violator fails to appear for a final hearing, a default judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty and applicable Court costs.

k) In the event a person who has been cited for a non-criminal traffic offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice and fails to appear at the time and place specified in the Notice a default judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty and Court costs. The Clerk of the Municipal Court may proceed to collect this judgment as provided by law, and shall certify the same to the Department of Revenue as provided in Section 42-4-1709(7), C.R.S.

l) A Police Officer coming upon an unattended vehicle which is an apparent violation of any provision of the Model Traffic Code may place upon the vehicle a penalty assessment notice indicating the non-criminal traffic offense and directing the owner/operator of the vehicle to remit the penalty assessment to the Municipal Court within twenty (20) days. If the penalty assessment is not paid within twenty (20) days of the issuance of such notice, the Court shall mail a notice to the registered owner of the vehicle, setting forth the non-criminal traffic offense and the time and place where it occurred and directing the payment of the penalty assessment within twenty (20) days from the issuance of the notice. If the penalty assessment is not paid within twenty (20) days from the date of mailing of such notice, the Court shall request the Police Officer who issued the original penalty assessment notice to file a complaint with the Court and issue and serve upon the registered owner of the vehicle a summons to appear in Court at a time and place specified therein.

m) If the alleged violator is cited for a non-criminal traffic offense, he or she shall be privileged to answer the complaint made against him or her in the manner provided in the Colorado Municipal Court Rules of Procedure. The maximum penalty which may be imposed shall not exceed the penalty set forth in the penalty assessment notice.

n) The provisions of this Section shall not apply to violations specified in Section 8-6(b), nor shall they apply when it appears that the alleged violator has, in the course of the same transaction, violated one (1) of the provisions referred to in Section 8-6(b), and has also violated one (1) or more of the other provisions of the Model Traffic Code.

o) If a person receives a Penalty Assessment Notice for a violation under this Article I and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows, in the manner and to the extent permitted by Sections 42-2-127(5.5) and (5.6), C.R.S.

1) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points.

2) For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

Sec. 8-8. Procedure for parking violations.

a) Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the parking, standing or stopping provisions of the Model Traffic Code, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a penalty assessment notice directing the driver to respond and answer the charge at a place and time specified in said notice.

b) In any prosecution charging a violation of any provision of this Article, proof that the vehicle described in the notice was parked or stopped in violation of such provision, together with proof that the defendant named in the notice was at the time of such violation the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner was the person who parked or stopped the vehicle at the time and place of the violation.

c) In addition to any other liability provided for in the Model Traffic 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 can furnish sufficient evidence that the 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 Town Prosecutor the name and address of the person or company who leased, 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 Article, the operator who has the care, custody or control of the motor vehicle is liable for parking citations. The notice shall inform the operator that the operator's name and address shall be furnished to the Town Prosecutor of the Town when a parking violation fine is incurred by the operator.

d) Any person charged with a parking, stopping or standing violation under the Model Traffic Code for which a penalty assessment notice may be issued and for which payment of a fine may be made to the Municipal Court shall have the option of paying such fine within the date, time and at the place specified in said notice upon entering a plea of guilty and upon waiving appearance in Court; or may have the option of depositing any required lawful bail, and upon a plea of not guilty shall be entitled to a trial to the Court before the Municipal Judge.

e) Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice.

f) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the Municipal Court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. A check tendered and accepted and on which payment is received shall be deemed sufficient.

Sec. 8-9. 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. Section headings of this Article and the 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.

Sec. 8-10. Copies on file and available for sale.

At least one (1) copy of the Model Traffic Code for Colorado, 2020 Edition together with one (1) copy of the Ordinance codified in this Article shall be kept on file in the office of the Town Clerk, or in the office of the Police Department as provided by Section 31-16-206, C.R.S. The Clerk shall

at all times maintain a reasonable supply of copies of the Model Traffic Code for Colorado, 2020 Edition available for purchase by the public at a moderate price.

Section 5. Repeal. Any ordinance of the Town of Palisade, or part thereof, whose provisions are in conflict with this ordinance, is hereby repealed.

Section 6. Severability. Each section of this ordinance is an independent section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 7. Public Notice. Pursuant to Section 31-16-203, C.R.S., as amended, a public notice shall be published twice in a newspaper of general circulation within the Town, once at least fifteen (15) days preceding a public hearing, and once at least eight (8) days preceding the public hearing. The notice shall state the time and place of the hearing, shall state that copies of the primary code to be considered for adoption are on file with the Town Clerk and are open to public inspection, shall contain a description deemed sufficient to give notice to interested persons of the purpose of the primary code, the subject matters of said code and the name and address of the agency by which it has been enacted. The public hearing on the adoption of this ordinance is hereby set for June 9, 2020.

This ordinance shall be in full force and effect following adoption and approval by the Board of Trustees and thirty (30) days following the publication of the within ordinance.

INTRODUCED, READ, AND PUBLIC NOTICE ORDERED PUBLISHED, at a regular meeting of the Palisade Board of Trustees, on the 26 day of May 2020.

Public Notice Publication Dates:

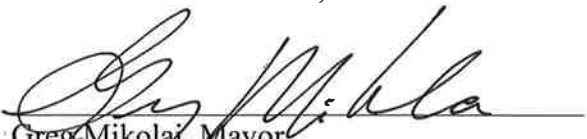
May 24, 2020

May 31, 2020

INTRODUCED A SECOND TIME at a regular meeting of the Board of Trustees of the Town of Palisade, Colorado at a public hearing held on June 9, 2020, PASSED, ADOPTED AND ORDERED PUBLISHED PURSUANT TO LAW.

TOWN OF PALISADE, COLORADO

By:


Greg Mikolai, Mayor

ATTEST:


Town Clerk

