

CHAPTER 8 Vehicles and Traffic

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ARTICLE I Model Traffic Code

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Sec. 8-1-10. Adoption.

Pursuant to Colorado Revised Statutes, Title 31, Article 16, Parts 1 and 2, there is hereby adopted by reference Articles I and II, inclusive, of the 2010 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, EP 700, Denver CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the Nation.

(Ord. 12-01 §1, 2012)

Sec. 8-1-20. Copy on file.

Three (3) copies of the Model Traffic Code are now filed in the office of the Town Clerk and may be inspected during regular business hours. The Model Traffic Code is adopted as if set out herein at length.

(Ord. 12-01 §1, 2012)

Sec. 8-1-30. Amendments.

The Model Traffic Code is subject to the following additions, modifications and amendments:

- (1) In accordance with the provisions of Sections 1101 and 1102 of the Model Traffic Code, and when official signs are erected giving notice thereof, all streets located within the Town intended for vehicular traffic shall have speed limits of fifteen (15) miles per hour, except for streets located within the Spruce Valley Ranch Subdivision.

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- (2) Article I, Part 11 of the Model Traffic Code is amended by the addition of the following language:

"1106. From and after the posting of signs, a person who commits a moving traffic violation on State Highway 9 within the Town of Blue River is subject to increased penalties and surcharges imposed by Section 1701(5)."

- (3) Section 1701 of the Model Traffic Code is amended by the addition of the following language:

"1701(5). The penalty and surcharge schedule for any moving traffic violation under subparagraph 4 of Section 1701 are doubled if the violation occurs on State Highway 9 within the Town of Blue River."

- (4) Section 1709 of the Model Traffic Code is amended by the addition of the following language:

"(5.5) If a person receives a penalty assessment notice for a violation under Section 1709 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:

"(a) For a violation having an assessment of three (3) or more points under Section 42-4-1701(5), Colorado Revised Statutes, the points are reduced by two (2) points;

"(b) For a violation having the assessment of two (2) points under Section 42-4-1701(5), Colorado Revised Statutes, the points are reduced by one (1) point.

(6) Whenever the Town of Blue River reduces a traffic offense the reduced offense and the points assessed for such reduced offense shall conform to the point assessment schedule under Section 42-2-127(5), Colorado Revised Statutes."

(Ord. 12-01 § 1, 2012; Ord. No. 15-03, § 1, 2-17-2015)

Sec. 8-1-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, place or parking area, including streets and ways not dedicated as such. The provisions of Sections 1401, 1402 and 1413 of the Model Traffic Code hereby adopted by reference, respectively concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout the Town.

(Ord. 12-01 §1, 2012)

Sec. 8-1-50. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof.

(Ord. 12-01 §1, 2012)

Sec. 8-1-60. Violation; penalties.

- (1) It is unlawful for any person to violate any of the provisions set forth or adopted in this Article.
- (2) Every person convicted of a violation of any provision stated or adopted in this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

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(3) The following is a schedule of fines for infractions which are eligible for payment as a penalty assessment, by mail or by payment at the Violations Bureau of the Court Clerk's office:

BRTC	Title	PA	Sur.	Pts
1101	5—9 mph over ___ in a ___-mph zone	\$70.00	\$10	1
1101	10—19 mph over ___ in a ___-mph zone	\$135.00	\$16	4
1101	20—24 mph over ___ in a ___-mph Zone	\$200.00	\$32	6
1101	25+ mph over ___ in a ___-mph zone	Summons		
1101(3)	Drove too fast for conditions	\$100.00	\$16	3
1401	Reckless driving	Summons		
1402	Careless driving	\$150.00	\$16	4
1402	Careless driving (with injury, fatality or substantial property damage)	Summons		
703(3)	Failed to stop at stop sign	\$80.00	\$10	4
1005(3)	Passed when prohibited	\$80.00	\$10	4
1007(1)(A)	Weaving from traffic lane	\$60.00	\$10	3
1008	Following too closely	\$80.00	\$10	4
805(3)	Pedestrian intoxicated on roadway	\$35.00	\$6	0
711	Improper mountain driving	\$60.00	\$10	3
1204	Stopping, standing or parking in prohibited places	\$50.00	\$6	0

All traffic offenses, except as provided for above requiring mandatory court appearance, are eligible for Violations Bureau disposition, via mail, in the form of a penalty assessment.

(Ord. 12-01 §1, 2012; Ord. No. 15-03, § 2, 2-17-2015)

Sec. 8-1-70. Jury trial.

- (a) All traffic violations set forth in the Model Traffic Code are classified as traffic infractions and are deemed civil matters, except those specifically described in Subsection (b) below. Trial of civil matter infractions shall be to the Municipal Court without right to jury trial, and no person convicted of a violation of the same shall be punished by imprisonment.
- (b) A person charged with violation of any of the following provisions of the Model Traffic Code shall have a right to trial by a jury and shall be subject to all criminal penalties, including imprisonment, herein provided:
 - (1) Section 1105, Speed contests.
 - (2) Section 1401, Reckless driving.
 - (3) Section 1402, Careless driving.
 - (4) Section 1413, Eluding or attempting to elude a police officer.
 - (5) Section 1903, Passing school buses.
- (c) Any person charged with more than one (1) traffic offense arising out of the same episode, including an offense treated in Subsection (a) above, shall have the right to trial by a jury for all offenses, which shall be consolidated for trial.

(Ord. 12-01 §1, 2012)

ARTICLE II Parking Regulations

[Sec. 8-2-10. Purpose.](#)

[Sec. 8-2-20. Restrictions; permit.](#)

[Sec. 8-2-30. Inoperable vehicles.](#)

[Sec. 8-2-40. Penalties.](#)

Sec. 8-2-10. Purpose.

- (a) It is unlawful to park upon any streets or public ways within the Town.
- (b) Parking or storage of registered vehicles and/or trailers is limited to designated and maintained off-street parking spaces as defined in Section 16-1-10 of this Code. Parking or storage of vehicles or trailers on landscaped areas or any areas other than designated off-street spaces is prohibited.
- (c) There shall be not more than five (5) unenclosed off-street vehicles or trailers of any type regularly parked on the property unless a variance is granted for good cause, depending on the characteristics of the neighborhood, the size of the lot and the associated densities.

(Prior code 4-1-5F; Ord. 08-07 §1, 2008; Ord. 09-06 §1, 2009; Ord. 13-08 §1, 2013; Ord. No. 17-04, § 2, 6-20-2017)

Sec. 8-2-20. Restrictions; permit.

- (a) Except as hereinafter provided, the parking or storage of the following personal property anywhere within the Town is prohibited:
 - (1) Construction vehicles, trailers, materials or equipment, except for sites which have an active building permit.
 - (2) Commercial trucks and trailers and other vehicles used in connection with any home occupation except insofar as the same are used solely for personal purposes.
 - (3) Semi-tractor trailers, gooseneck-type trailers and semi-tractor trucks.
 - (4) Travel trailers, enclosed trailers, mobile homes, vans or campers used for storage, permanent occupancy or temporary permanent occupancy.
 - (5) Snowcats.
- (b) Travel trailers, mobile homes, vans, campers and recreational equipment trailers are permitted in a designated parking space, provided they are operational, and legally registered.
- (c) The parking of the motor vehicles or trailers listed in Subsection (a) above is permitted in a completely enclosed building/garage, or in a designated parking space, so as to not be visible from the street or other public or private property.
- (d) The Town Marshal is authorized to permit the parking of the motor vehicles or trailers listed in Subsection (a) above upon a determination by him or her that there will be no significant impact on adjoining properties, including but not limited to a negative impact on property values or diminution in the appearance or enjoyment of the adjoining property. Any permission hereunder shall be in writing and shall be for a period of time stated in the writing. Any determination hereunder may be reviewed by the Board of Trustees on the request of the Board or any affected person.
- (e) The provisions of Subsection (a) above shall not apply to sites on which are kept vehicles used for road maintenance or snow removal pursuant to a contract with the Town.

(Prior code 4-1-5C, D; Ord. 08-07 §§2, 3, 2008; Ord. 09-03 §1, 2009; Ord. 09-04 §1, 2009; Ord. No. 17-03, § 2, 4-11-2017; Ord. No. 17-04, § 2, 6-20-2017)

Sec. 8-2-30. Inoperable vehicles.

Any inoperable vehicle parked on any lot or piece of ground in the Town that is not removed within thirty (30) days after the expiration of its registration, as determined by examining the license plate on the exterior of the vehicle, is a nuisance. A vehicle displaying no state license plate is also a nuisance.

(Prior code 4-1-5E)

Sec. 8-2-40. Penalties.

It is unlawful for any person to violate any provision of this Section, and any such violation shall be punishable as set forth in Section 1-4-20 of this Code.

(Prior code 4-1-5G; Ord. 06-01 §1, 2006)

ARTICLE III Federal Motor Carrier Safety Regulations

[Sec. 8-3-10. Adoption.](#)

[Sec. 8-3-20. Purpose.](#)

[Sec. 8-3-30. Copy on file.](#)

[Sec. 8-3-40. Violations and penalties.](#)

Sec. 8-3-10. Adoption.

Pursuant to Colorado Revised Statutes, Title 31, Article 16, Parts 1 and 2, there is hereby adopted by reference the Federal Motor Carrier Safety Regulations as set forth in Title 39, Parts 40, 325, 350 and 355 through 399, C.F.R. ("Federal Motor Carrier Safety Regulations"), as revised as of March 1, 2017, promulgated and published as such by Labelmaster, 5724 N. Pulaski Road, Chicago, IL 60646. The subject matter of the Federal Motor Carrier Safety Regulations relates primarily to comprehensive traffic control regulations for the Town. The revised March 2017 edition of the Federal Motor Carrier Safety Regulations is adopted as if set out at length herein.

(Ord. No. 17-06, § 1, 12-19-2017)

Sec. 8-3-20. Purpose.

The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with federal and state law and generally conforming to similar regulations throughout the State and the Nation.

(Ord. No. 17-06, § 1, 12-19-2017)

Sec. 8-3-30. Copy on file.

One (1) copy of the Federal Motor Carrier Safety Regulations adopted herein is now filed in the office of the Town Clerk and may be inspected during regular business hours.

(Ord. No. 17-06, § 1, 12-19-2017)

Sec. 8-3-40. Violations and penalties.

In accordance with the powers to enforce ordinances granted pursuant to state statute, all violations of the Federal Motor Carrier Safety Regulations, as adopted by the Town, shall be punished as provided in Section 1-4-20 of this Code.

(Ord. No. 17-06, § 1, 12-19-2017)

ARTICLE IV Snowmobiles ¹¹

[Sec. 8-4-10. Snowmobiles not permitted.](#)

[Sec. 8-4-20. Penalty for violation.](#)

Sec. 8-4-10. Snowmobiles not permitted.

It is unlawful for any person to operate a snowmobile on any road within the Town.

(Ord. No. 18-01, § 1, 2-20-2018)

Sec. 8-4-20. Penalty for violation.

It is unlawful for any person to violate any of the provisions of this Article. The fine for each violation shall be as provided in Section 1-4-20 of this Code.

(Ord. No. 18-01, § 1, 2-20-2018)

FOOTNOTE(S):

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Editor's note— Ord. No. 18-01, § 1, adopted Feb. 20, 2018, amended the Code by adding provisions designated as Art. III, §§ 8-3-10 and 8-3-20. Inasmuch as there were already provisions so designated, the provisions have been redesignated as Art. IV, §§ 8-4-10 and 8-4-20, at the discretion of the editor. [\(Back\)](#)