

Title 11

VEHICLES AND TRAFFIC

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- 11.08 Truck Routes
- 11.12 Junked and Abandoned Vehicles
- 11.16 Towing of Motor Vehicles
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Chapter 11.04

MODEL TRAFFIC CODE

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Section 11.04.010 Adoption. Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the 2010 Edition of the “Model Traffic Code for Colorado”, (“Model Traffic Code”), and appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic and vehicle control regulations for the Town of De Beque. The purpose of this Chapter 11.04 of the De Beque Municipal Code and the Model Traffic Code adopted herein is to provide a system of uniform traffic regulations generally consistent with State law, and generally conforming to similar regulations throughout the State and the nation. (Ord. 433 §1 2013).

Section 11.04.020 Deletions. The following Articles, Sections and/or subsections of the “Model Traffic Code for Colorado”, 2010 Edition, are inapplicable to the Town of De Beque and are therefore deleted:

(A) Part 1, “TRAFFIC REGULATION-GENERALLY,” Sections 101, Short title and 102, Legislative declaration;

(B) Part 1, “TRAFFIC REGULATION-GENERALLY,” subsection (3) of Section 116 concerning restrictions for minor drivers;

(C) Part 7, “RIGHTS OF WAY”, Section 711, Driving on mountain highways;

(D) 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;

(E) Part 11, “SPEED REGULATION”, Sections 1105(5), 1105(6), 1105(7), 1105(8), and 1105(9) concerning penalties for speed contests and exhibitions;

(F) Part 12, “PARKING”, subsection (9) of Section 1208, Parking privileges for persons with disabilities;

(G) Part 12, “PARKING”, Section 1210, Designated areas on private property for authorized vehicles;

(H) Part 14, “OTHER OFFENSES”, subsection (4) of Section 1409, Compulsory insurance-penalty-legislative intent;

(I) Part 14, “OTHER OFFENSES”, subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;

(J) Part 17, “PENALTIES AND PROCEDURE”, is deleted in its entirety;

(K) Part 18, “VEHICLES ABANDONED ON PUBLIC PROPERTY”, is deleted in its entirety;

(L) Part 19, “SCHOOL BUSES”, Section 1904, Regulations for school buses;

(M) All subsections of the 2010 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. (Ord. 433 §1 2013).

11.04.030 Additions and Modifications. The adopted Model Traffic Code is subject to the additions or modifications set forth below. All Sections not deleted, added to, or modified remain as if set out at length in the original form.

(A) Subsection (3) of Section 114 of Part 1 of the Model Traffic Code, concerning traffic

hazards, is 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 said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the local authority 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 local authority. 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 local authority must resort to court action for collection of amounts due, the local authority shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the local authority 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.

(B) Subsection (5) of Section 116 of Part 1 of the Model Traffic Code, concerning restrictions for minor drivers, is hereby amended to read as follows:

116. Restrictions on Minor Drivers-Definition.

(5) No driver in a motor vehicle shall be cited for a violation of this Section unless such driver was stopped by a law enforcement officer for an alleged violation of the Model Traffic Code other than a violation of this Section.

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

(4) No person shall operate a motor vehicle on any highway within this State 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.

(D) Part 2 of the Model Traffic Code, Equipment, is hereby amended to include the following additional Sections:

225. Mufflers-prevention of noise. There is hereby added a subsection (5) as follows:

(5) No person shall use or employ the use of an engine brake or engine braking system (commonly referred to as a "Jake Brake") in the operation of a commercial vehicle within the Town.

An engine brake is designed to mean an engine retarder or other device mounted on or adjacent to the engine of a vehicle which, when activated or employed, reduces the engine speed and causes the vehicle to slow without the use of the vehicle's braking system. This prohibition shall not apply to emergency vehicles actively engaged in the course of performing emergency response functions are

241. 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 De Beque.

(E) 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.

(F) Section 614 of Part 6 of the Model Traffic Code is 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.

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

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 fine normally imposed for any moving violation, whether a criminal traffic offense or a non-criminal traffic offense, that occurs in a school zone.

(H) Part 6 of the Model Traffic Code, concerning signals, signs and markings, is amended to include the following additional Section:

616. 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.

(I) Section 702 of Part 7 of the Model Traffic Code is 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.

(J) Subsection (3) of Section 703 of Part 7 of the Model Traffic Code, concerning entering through highway at stop or yield intersection, is 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 sign, 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, except that if the 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.

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

712. Driving in Highway Work Areas.

(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 municipal prosecutor or district attorney for appropriate penalizing action in a court of competent jurisdiction.

(L) Section 1201 of Part 12 of the Model Traffic Code is amended to read as follows:

1201. Moving a Parked Vehicle.

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

(M) Section 1205 of Part 12 of the Model Traffic Code is 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.

(N) Subsection (1) of Section 1208 of Part 12 of the Model Traffic Code, concerning parking privileges for disabled persons, 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(B), C.R.S.

(b) “Person with a Disability” has the meaning provided for such term in Section 42-3-204(1), C.R.S.

(O) Section 1401 of Part 14 of the Model Traffic Code 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.

(P) 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.

(Q) Section 1413 of Part 14 of the Model Traffic Code is amended to read as follows:

1413. Eluding or Attempting to Elude a Police Officer.

Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a State law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer directing the operator to bring the operator’s vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer or does elude such police officer commits a traffic offense.

(R) Subsection (3) of Section 1502 of Part 15 of the Model Traffic Code is amended to read as follows:

1502. Riding on Motorcycles.

(3) No person shall operate a motorcycle while carrying packages, bundles or other articles which prevent the person from keeping both hands on the handlebars.

(S) The “Definitions” section of the Model Traffic Code is amended as follows:

Meaning of Words.

Whenever any words and phrases used are defined in the “Definitions” section of the 2010 Model Traffic Code for Colorado, they shall have such meaning ascribed to them. In all cases where the definition or meaning of a word is not set forth and its meaning is not sufficiently apparent in its connection with the subject, the definition given in Webster’s Dictionary shall be taken as the true meaning.

(T) The “Definitions” section of the Model Traffic Code is amended to add certain definitions as stated below, retaining all other definitions in the Model Traffic Code.

(7.5) “**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.

(28.5) “**Electrical Assisted Bicycle**” means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) “**Electric Personal Assistive Mobility Device**” or “**EPAMD**” means a self balancing, non tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.

(49.5) “**Low-Power Scooter**” means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(b) A wattage not exceeding 4,476 if powered by electricity.

The term “low-power scooter” shall not include a toy vehicle, bicycle, electrical

assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights of way.
(Ord. 433 §1 2013).

11.04.040 Penalties.

(A) If a person receives a Penalty Assessment Notice for a violation under this Code and such person pays the fine and any applicable 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 3 or more points under Section 42-2-127(5) C.R.S., as amended, the points are reduced by 2 points;
- (b) For a violation having an assessment of 2 points under Section 42-2-127(5) C.R.S., as amended, the points are reduced by 1 point.

(B) The following penalties, herewith set forth in full, shall apply to this Chapter. Any person who violates any of the provisions stated or adopted in this Chapter commits a non-criminal municipal offense except any of the following which shall constitute Class B municipal offenses:

Class B Municipal Offenses

- | | | |
|----|--------------------|---|
| A. | MTC1101(1) and (2) | Speeding (If the alleged violator is accused of exceeding the prima facie 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. | MTC1413 | Eluding or Attempting to elude a Police Officer; |

- G. MTC1903 Failure to Stop for School Buses; and
- H. Any other offense contained in the Model Traffic Code resulting in an accident causing personal injury or substantial property damage.

(Ord. 433 §1 2013).

11.04.050 Application. This Chapter shall apply to every street, alley, sidewalk area, driveway, park and to every 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 ways but also throughout this Town. (Ord. 433 §1 2013).

11.04.060 Interpretation. This Chapter 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 Chapter 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. (Ord. 433 §1 2013).

11.04.070 Copies on File and Available for Sale. At least one copy of the Model Traffic Code for Colorado, 2010 Edition together with one copy of the Ordinance codified in this Chapter shall be kept on file in the office of the Town Clerk, or in the office of the Town Marshal as provided by §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, 2010 Edition available for purchase by the public at a moderate price. (Ord. 433 §1 2013).

Chapter 11.08

TRUCK ROUTES

Sections:

- 11.08.010 Definitions.
- 11.08.020 Restricted Routes - Designated.
- 11.08.030 Trucks and Other Commercial Vehicles Prohibited on Restricted Routes.
- 11.08.040 Designated Truck Parking.
- 11.08.050 Signs Required.
- 11.08.060 Exceptions.
- 11.08.070 Oversize and overweight permits.
- 11.08.080 Violations-Penalties.

11.08.010 Definitions. The following terms, as used in this Chapter shall have the meanings hereinafter designated unless the context specifically indicates otherwise or unless such meaning is excluded by express provision:

A. “Immediate area of operation” means a segment of a restricted route between successive intersecting streets, including any restricted route, which provides the only practical access to that segment of the restricted route.

B. “Mobile machinery” shall have the same meaning as defined in the Model Traffic Code for Colorado Municipalities, as adopted by the Town of De Beque.

C. “Official traffic control devices” means all signs, signals, markings, and devices, not inconsistent with State law, placed or displayed by authority of the Town, for the purpose of regulating, warning or guiding traffic.

D. “Origin” means a truck terminal and a “destination” is defined as a point of loading or unloading or a place of delivery of a product or good to a residence on a restricted route.

E. “Place of repair” means a licensed mechanical shop.

F. “Restricted route” means any street, highway, public way or portion thereof prohibited to the operation of certain through truck and other commercial vehicle traffic, as designated in this Chapter.

G. “Road tractor” shall have the same meaning as defined in the Model Traffic Code for

Colorado Municipalities, as adopted by the Town of De Beque.

H. “Semi-trailer” shall have the same meaning as defined in the Model Traffic Code for Colorado Municipalities, as adopted by the of Town of De Beque.

I. “Through truck traffic” means operation of a truck or mobile machinery without origin or destination in the immediate area of operation.

J. “Truck terminal” means a place where a trucking company is based and receives and disperses items for delivery. This Chapter allows a residential dwelling to be a truck terminal for no more than one (1) commercial vehicle and such vehicle must be unloaded and cannot be parked on public property.

K. “Truck tractor” means any motor vehicle equipped with a body designed to carry property which is generally and commonly used to carry and transport property over the public streets, except privately owned recreation motor vehicles, emergency services vehicles, and school buses, in excess of thirty-six thousand pounds gross vehicle weight rating (36,000 G.V.W.R.) (Amended Ord. 400, §1, 2010; Amended Ord. 428 §1, 2012)

11.08.020 Restricted Routes – Designated.

All streets within the Town of De Beque are hereby designated as restricted truck routes except as follows:

A. I-70, US 6 & 24, and I-70 frontage roads on both sides of I-70 which are maintained by the Colorado Department of Transportation.

B. Roan Creek Road north of I-70 and 45 ½ Road south of I-70.

C. Beginning on Road Creek Road at the intersection of 4th Street to the intersection on Minter Avenue:

1. Truck traffic may travel on 4th Street from Roan Street Road to Minter Avenue if such trucks are too long to meet the turns onto Stewart and intersecting streets.

D. Beginning on Roan Creek Road at the intersection of 4th Street to the intersection of Stewart.

1. All trucks, except those that are too long, making deliveries, or needing to enter or exit the gas station, shall travel on 4th Street from Roan Creek Road and turn onto Stewart and travel to 3rd Street and use 3rd Street to access Minter Avenue.

E. Beginning on Roan Creek Road at the intersection of 5th Street to the intersection of Stewart.

1. Trucks may elect to use 5th Street from Roan Creek Road to intersection of 5th Street and Stewart and turn southbound on Stewart.

F. Minter Avenue from 4th Street to 2nd Street may be used by trucks as provided above. All trucks may use Minter Avenue to enter or exit the gas station. Trucks may travel on Minter Avenue between 2nd Street and 3rd Street.

G. 2nd Street from Minter Avenue to the westerly town limits.

H. V Road.

I. The Town of De Beque reserves the right to temporarily change the truck routes enumerated in this Section because of events that may obstruct the normal truck routes. The Town shall clearly post the alternate route when it is being used.

(Amended Ord. 449, §1, 2014)

11.08.030 Trucks and Other Commercial Vehicles Prohibited on Restricted Routes.

A. Through truck traffic, as defined in subsections (G) and (H) of Section 11.08.010 above, including road tractors and semi-trailers, as well as mobile machinery, shall be prohibited upon the designated restricted routes set forth in Section 11.08.020 above, except as otherwise provided in this Section. It shall constitute a municipal offense for any person to operate or cause to be operated a truck, including a road tractor and semi-trailer, or mobile machinery, upon a restricted route without an origin or destination in the immediate area of operation. Nothing contained herein shall prevent a truck or mobile machinery to use a restricted route while traveling to or from a truck terminal, private property parking area, commercial garage, place of repair, place of performing a service, or place of loading or unloading, if such truck or mobile machinery proceeds from the restricted route to an unrestricted route without an unreasonable increase of the distance to be traveled on a restricted route. (Amended Ord. 400, § 2, 2010)

B. Any person operating a truck, including a road tractor or semi-trailer, upon a restricted route, shall have in his possession a log book, delivery slip or other evidence of his point of origin and destination to justify the presence of the vehicle upon such route. Failure to produce such evidence upon the request of a peace officer shall constitute a municipal offense.

11.08.040 Designated Truck Parking.

A. Any truck, truck tractor, or truck with trailer or semitrailer in tow, may park temporarily along any designated truck route unless the truck route is signed to the contrary. For the purposes of this subsection, “temporary” shall be defined as a period of seventy-two (72) hours or less.

B. The Town Marshal or CDOT, if applicable, shall post locations along designated

truck routes as no parking areas as the Town Board of Trustees may from time to time designate as appropriate.

C. It shall constitute a municipal offense for any person operating any truck, truck tractor, or truck with trailer or semitrailer in tow to park for any length of time at or upon any other location along any public street or right-of-way other than along the designated truck route. Nothing in this Section shall apply to noncommercial or recreational vehicles, emergency services vehicles or to any trailer coach, or for the purpose of loading or unloading.

D. Any truck, truck tractor, or truck with trailer or semitrailer in tow may park on private property such as a vacant lot with the expressed consent of the owner of such property.
(Amended Ord. 400, §3, 2010)

E. No truck while parked on a public right of way shall have repair work done to it unless such work is an emergency and the truck shall not be moved off the public right of way without the work first being done. (Amended Ord. 428, §2, 2012)

11.08.050 Signs Required. In accordance with Section 106(3) of the Model Traffic Code for Colorado Municipalities, as adopted by the Town of De Beque, the Town shall erect appropriate official traffic control devices, as determined by the Town's Traffic Engineer, designating the restrictions set forth in this Chapter.

11.08.060 Exceptions. Nothing in this Chapter shall be deemed to apply to any school bus owned or operated by any lawfully constituted school district, to any service vehicle or delivery vehicle delivering furniture, appliances, building materials or similar goods to an address within the Town limits of De Beque, to any farm tractor or machinery designed primarily for use in agriculture, or to any bus used in any commercial transportation purpose with an overall length of forty feet (40') or less or any noncommercial or recreational vehicle as defined herein. Also, nothing in this Chapter shall be deemed to apply to any refuse hauling truck while collecting refuse and nothing in this Chapter shall be deemed to apply to fire trucks while responding to an emergency. (Amended Ord. 428 §3, 2012)

11.08.070 Oversize and Overweight Permits. On designated truck routes specified in Section 11.08.030, oversize and overweight permits issued by the State of Colorado and Mesa County Road and Bridge Department shall constitute approval by the Town of De Beque. Oversize and overweight load permits for streets and rights-of-way may be approved individually by the Town Manager.

11.08.080 Violations-Penalty. Any person who knowingly violates any provision contained in this Chapter for the first time within twelve (12) consecutive months commits a non-criminal municipal offense. Any person who knowingly violates any such provisions for the second or subsequent time within twelve (12) consecutive months commits a Class B municipal offense. (Ord. 198 §4, 1993; Amended Ord. 258 §106(part), 2001; Amended Ord. 393 §1, 2009)

Chapter 11.12

JUNKED AND ABANDONED VEHICLES

Sections:

11.12.010	Authority.
11.12.020	Junked Vehicles Defined.
11.12.030	Abandoning Vehicles Prohibited.
11.12.040	Leaving Junked Vehicles on Street Prohibited.
11.12.050	Junked Vehicles on Private Property Prohibited--Exceptions.
11.12.060	Vehicle Restoration Projects.
11.12.070	Removal of Vehicles--Investigation--Notice.
11.12.080	Written Notice of Intent to Impound.
11.12.090	Removal and Impoundment.
11.12.100	Impoundment Fees.
11.12.110	Disposition of Unclaimed Vehicles.
11.12.120	Entry Upon Private Property.
11.12.130	Waiver of Liability.
11.12.140	Violation--Penalty.

11.12.010 Authority. The Town adopts this Chapter relating to the regulation and control of vehicles and traffic in accordance with the powers granted it in Section 31-15-401(a) and Section 31-15-702(1)(a)(VII), C.R.S. 1973, as amended. (Ord. 136 §1(part), 1982).

11.12.020 Junked Vehicles Defined. For the purposes of this Chapter, “junked vehicle” means any motor vehicle or part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed for use upon the highways of the State of Colorado, and is either:

- A. Unusable or inoperable because of lack of, or defects in, component parts; or
- B. Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or
- C. Beyond repair and therefore not intended for future use as a motor vehicle; or
- D. Being retained on the property for possible use of the salvageable parts; or
- E. That have remained on public or private property illegally for a period of more than seventy-two (72) hours. ((Ord. 136 §1(part), 1982; Amended Ord. 427, §1, 2012)

11.12.030 Abandoning Vehicles Prohibited. No person shall knowingly abandon any vehicle within the Town, and no person shall knowingly leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. A vehicle shall be considered abandoned if it is not a junked vehicle and has been left unmoved or unattended on any Town street or non-residential private property for a period of seventy-two (72) hours or more. (Ord. 136 §1(part), 1982) (Ord. 473 §2, 2016)

11.12.040 Leaving Junked Vehicles on Street Prohibited. No person, entity or corporation shall knowingly leave any partially dismantled, disassembled, wrecked, discarded, worn out or inoperable, junked or unlicensed vehicle on any street, alley or highway within the Town. (Ord. 136 §1(part), 1982; Ord. 197 §1, 1993).

11.12.050 Junked Vehicles on Private Property Prohibited--Exceptions. It is unlawful for any person who is the owner of any vehicle or any person who is in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, to knowingly permit or allow more than two (2) wrecked, junked, unlicensed or discarded vehicles to remain on such property longer than thirty (30) days; provided, that this Section shall not apply with regard to a vehicle in an enclosed building; or otherwise screened from public view, including neighboring properties; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained for impounded vehicles by the Town. (Ord. 136 §1 (part), 1982; Amended Ord. 427, §2, 2012).

11.12.060 Vehicle Restoration Projects.

A. Any vehicle that is part of a restoration project where the owner can demonstrate an observable, ongoing effort to restore and gradually reassemble said vehicle and make it operable shall be excluded from the application of this Chapter only if the owner can provide proof of a valid restoration permit for the subject vehicle as provided in Subsection B.

B. The Town Clerk shall be responsible for issuing restoration permits. To obtain a restoration permit, the owner of the vehicle shall fill out an application in the form prepared by the Town Clerk and pay the permit fee set by resolution of the Town Board of Trustees. A restoration permit shall expire one (1) year after the date of issuance and may be renewed up to 2 times for a specific vehicle. A restoration permit shall not be renewed unless the vehicle owner makes an affirmative showing that work has been done on the vehicle during the preceding permit period. Restoration permits shall be limited to two (2) per lot. A restoration permit shall only be valid for one (1) vehicle.

C. Notwithstanding anything else herein contained in this Chapter to the contrary, no person shall keep or maintain more than two (2) such vehicles for restoration or associated with a vehicle restoration project upon any property, whether single tracts or lots or contiguous parcels of land. (Ord. 197 §2, 1993) (Ord. 473 §2, 2016)

11.12.070 Removal of Vehicles--Investigation--Notice. The Town Marshal or any deputy marshal is authorized to investigate any vehicle left at any place within the Town which reasonably appears to be in violation of this Chapter, or lost, stolen or unclaimed. The investigating officer shall record the make of the motor vehicle, serial number, when available, and shall also detail the damaged or missing equipment and other applicable information. If after an investigation there is probable cause for believing a violation of this Chapter exists, the person making the investigation shall attach a notice to the vehicle which shall include the following:

- A. Date of notice;
- B. That if the vehicle is not removed within fifteen (15) days from the date of notice, it shall be impounded;
- C. Nature of violation;
- D. That the owner of the vehicle may within fifteen (15) days of the notice file a written response with the Town Administrator, or his designee, showing cause why said vehicle is not in violation of any of the provisions of this Chapter;
- E. That the owner of the vehicle may in addition request, within fifteen (15) days, a hearing before the Town Administrator, or his designee, in which the owner shall be provided an opportunity to show cause why said vehicle is not in violation of any of the provisions of this Chapter. Said hearing shall be held within three (3) business days from the date of such request;
- F. That a written response or request for hearing is made within fifteen (15) days from the date of the notice, said vehicle will not be impounded until a determination by the Town Administrator, or his designee, is made;
- G. That if said vehicle is impounded, it shall be held for a minimum of fifteen (15) days. If a claim to the vehicle is not established to the satisfaction of the Town Marshal, or his designee, it will be disposed of by auction or otherwise.

(Ord. 136 §1(part), 1982).

11.12.080 Written Notice of Intent to Impound. The person making the investigation of any vehicle which appears to be in violation of this Chapter shall, in addition, send a notice by registered or certified mail to the owner or occupant of the premises on which such vehicle is located, if applicable, as well as to the owner of the vehicle, if he is able to ascertain from the registration or other records in the vehicle or by other means the name and address of the owner. The contents of said notice shall be as provided in Section 11.12.070. (Ord. 136 §1(part), 1982; Ord. 197 §3, 1993).

11.12.090 Removal and Impoundment. In addition to the penalties imposed on any person for violating the provisions of this Chapter, any such vehicle found on any property within the

Town to be partially dismantled, wrecked, abandoned, unlicensed, junked or discarded in violation of the provisions of this Chapter may be removed and impounded by the Town Marshal upon the expiration of fifteen (15) days following the delivery of the notices herein provided or his designee, that said vehicle is in violation of the provisions for, or upon the determination by the Town Administrator or his designee, that said vehicle is in violation of the provisions of this Chapter as herein provided for, whichever event shall last occur. Whenever, as authorized in this Chapter, an officer or employee of the Town removes a vehicle from the place where it was left, and the officer or employee knows, or is able to ascertain from the registration or other records in the vehicle or by other means the name and address of the owner thereof, and if the vehicle is not reclaimed within two (2) days of impoundment, such officer or employee shall give, or cause to be given, on first business day subsequent to the first two (2) days of impoundment, a notice in writing to such owner of the fact of such removal, the reasons therefor, and the place to which such vehicle has been removed. In addition, the notice shall contain a description of the vehicle; an itemized statement of the amount due to the Town for removal and storage of the vehicle, showing the amount due at the time of notice; a demand that the amount due the Town as stated in the notice, and such further claims as shall accrue, be paid; and a statement that the right to possession of the vehicle must be established to the satisfaction of the Town Marshal, or his designee, on or before a date mentioned, not less than fifteen (15) days from the date of impoundment; and a statement that unless the amount so due the Town is paid and the right to possession established within the time specified, the vehicle will be disposed of by auction or otherwise. If said officer or employee is unable to give notice to the owner as herein provided, and the vehicle is subsequently disposed of as provided hereafter, a report of the disposition and identifying description shall be sent to the Colorado Department of Revenue. (Ord. 136 §1(part), 1982).

11.12.100 Impoundment Fees. No vehicle so removed and stored or impounded as provided in this Chapter shall be released until the charge for towing or otherwise removing such vehicle, together with the charge for storage of the same as hereinafter set forth, shall have been paid. The charge for towing or other removal of such vehicle shall be the actual costs for labor, equipment and materials and any other expense actually incurred by the Town in the elimination or removal of the junked or abandoned vehicle, plus an additional fee in an amount set forth by resolution of the Board of Trustees to defray the costs of collection, supervision and inspection. The storage charge for any vehicle so removed and restored or impounded shall be the Town's actual out-of-pocket costs for storage of said vehicle with any licensed and bonded person or commercial entity engaged in the business of storing and/or impounding motor vehicles. (Ord. 136 §1(part), 1982; Ord. 197 §4, 1993; Amended Ord. 309 §35 (part), 2006).

11.12.110 Disposition of Unclaimed Vehicles. Vehicles removed from streets or highways and other properties within the Town and placed in storage shall be disposed of in accordance with the provisions of C.R.S. 42-4-1601 *et seq.*, 1973. (Ord. 136 §1(part), 1982; Ord. 220 §1, 1994).

11.12.120 Entry Upon Private Property. The Town Marshall or deputy marshal is authorized to go on private property for the purpose of making an investigation of any violation of

this Chapter and for the purpose of determining ownership and condition of any vehicle reasonably appearing to be in violation of any of the provisions of this Chapter. (Ord. 136 §1(part), 1982).

11.12.130 Waiver of Liability. Neither the Town Marshal, the Town Administrator, their designees or any person acting under their direction or control shall be liable or responsible in any manner to the owner of the vehicle, the person claiming to be the owner of the vehicle, or any other person, for or on account of any damage to the vehicle or other property, or the loss or damage of or to any property which may be contained within the vehicle as the result of towing, storing or disposing of such vehicle pursuant to the provisions of this Chapter. (Ord. 136 §1(part), 1982).

11.12.140 Violation--Penalty. Any person who knowingly violates any section contained in this Chapter commits a Class B municipal offense. (Ord. 136 §1 (part), 1982; Amended Ord. 258 §107(part), 2001).

Chapter 11.16

TOWING OF MOTOR VEHICLES

Sections:

- 11.16.010 Authority.
- 11.16.020 Authority for Immediate Towing.
- 11.16.030 Impoundment--Notice Required.
- 11.16.040 Impoundment--Fees.
- 11.16.050 Disposition of Unclaimed Vehicles.
- 11.16.060 Violation--Penalty.

11.16.010 Authority. The Town adopts this Chapter relating to the regulation and control of vehicles and traffic in accordance with the powers granted it in Section 31-15-401(a) and Section 31-15-702(1)(a)(VII), C.R.S. 1973, as amended. (Ord. 136 §1(part), 1982).

11.16.020 Authority for Immediate Towing. The Town Marshal, or his designee, is authorized to remove immediately, without prior notice to the owner or occupant, any motor vehicle or junked vehicle from any public way or place, or any private way or place upon the written request and complaint of the owner or lessee thereof, under any of the circumstances hereinafter enumerated; the Board of Trustees finding and determining that such vehicles under such circumstances constitute obstructions to traffic or public nuisances. For purposes of this Section, a “junked vehicle” shall be as defined in Section 11.12.020.

A. When a vehicle is left unattended upon any bridge, viaduct, subway or tunnel, or which such vehicle constitutes an obstruction to traffic;

B. When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

C. When any vehicle is left unattended upon any street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic or left unattended upon any public street with engine running or with keys in the ignition switch or lock; or

D. When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the traffic engineer, provided such area or portion of such public street has been posted with an official sign or signs giving notice both of the limitation or prohibition and of the fact that such area or portion of such street is a tow-away area;

E. When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property;

F. When the driver of such vehicle is taken into custody by the Town Marshal, or any deputy marshal, and the vehicle would thereby be left unattended upon a street, highway or restricted parking area or other public way;

G. When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to him, or a vehicle is driven without proper license plates or license permit, or with no license plates or license permit, or driven with an invalid or expired license permit;

H. When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or who does not have such license in his immediate possession, or who drives a vehicle contrary to restrictions imposed upon his license, or who drives a vehicle while his operator's or chauffeur's license is denied, suspended, cancelled or revoked by the State of Colorado;

I. Where a vehicle is found parked on or near to any railroad tracks as to block the same in any manner, or when any truck-tractor or semitrailer is parked in any parking metered space;

J. When the driver of any vehicle or the vehicle which he is driving is reasonably suspected of having been involved in any hit and run accident;

K. When any vehicle is reasonably suspected of being stolen or parts thereof to be stolen parts;

L. When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected on containing stolen goods or other contraband.

(Ord. 136 §1(part), 1982).

11.16.030 Impoundment--Notice Required. Whenever, as authorized in this Chapter, an officer or employee of the Town removes a vehicle from the place where it was left, the officer or employee shall give a notice in writing of such impoundment, as required in Section 11.12.090. (Ord. 136 §1(part), 1982).

11.16.040 Impoundment--Fees. Impoundment fees shall be as set forth by resolution of the Board of Trustees. (Ord. 136 §1(part), 1982; Amended Ord. 309 §36 (part), 2006).

11.16.050 Disposition of Unclaimed Vehicles. Vehicles removed pursuant to this Chapter shall be disposed of in a manner provided for in Section 11.12.110. (Ord. 136 §1(part), 1982).

11.16.060 Violation--Penalty. Unless otherwise specified, violation of any of the Sections contained in this Chapter shall constitute a Class B municipal offense. (Ord. 136 §1 (part), 1982; Amended Ord. 258 §108(part), 2001).

Chapter 11.18

OFF-HIGHWAY VEHICLES

Sections:

- 11.18.010 Definitions
- 11.18.020 Off-highway Routes Designated
- 11.18.030 Regulations Concerning the Operation of Off-Highway Vehicles Within the Town
- 11.18.040 Enforcement

11.18.010 Definitions. As used in this Chapter, unless the context otherwise requires, the following terms shall have the meanings hereinafter designated unless such meaning is excluded by an express provision:

A. “Off-highway vehicle” shall mean any self-propelled vehicle which is designed to travel on wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes, as further defined in Article 14.5 of Title 33, C.R.S.

B. “Off-highway vehicle route” means any road, trail, or other public way owned or managed by the Town of De Beque and designated for off-highway vehicle travel.

(Ord. 270 §1(part), 2002).

11.18.020 Off-highway Routes Designated. In accordance with Section 33-14.5-108, C.R.S., all Town streets, roads, and alleys except any street or road which is part of the State highway system, within the Town of De Beque are hereby designated as off-highway vehicle routes. (Ord. 270 §1(part), 2002).

11.18.030 Regulations Concerning the Operation of Off-Highway Vehicles Within the Town. No off-highway vehicle shall be operated on the public streets, roads, and alleys within the Town except in accordance with the following:

A. No person shall operate an off-highway vehicle at a speed greater than is reasonable and prudent under the conditions then existing, and in no event greater than fifteen miles per hour (15 mph).

B. Any person who drives an off-highway vehicle in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property shall be deemed guilty of reckless operation of an off-highway vehicle.

C. Any person who operates an off-highway vehicle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, pedestrians and use of the streets, and all other attendant circumstances, shall be deemed guilty of careless operation of an off-highway vehicle.

D. A person operating an off-highway vehicle on any street or alley shall observe all official traffic control devices, including signs and signals, as set forth in the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town of De Beque, and shall further operate such off-highway vehicle in the manner required for vehicles under the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town of De Beque, except as otherwise provided in this Chapter.

E. No off-highway vehicle shall be operated on any public street, road, or alley between the hours of sunset and sunrise unless such off-highway vehicle is equipped with at least one lighted headlamp and one lighted tail lamp, each having the minimum candle power prescribed by the regulations of the State of Colorado.

F. No off-highway vehicle shall be operated on any public street, road, or alley unless such off-highway vehicle is equipped with brakes and a muffler and spark arrester which conform to the standards prescribed by the regulations of the State of Colorado. (Ord. 270 §1(part), 2002).

G. No person, except persons under the age of eighteen (18) years, shall operate an off-highway vehicle within the Town unless such person has a current valid driver's license. Persons under the age of eighteen (18) years need not have a valid driver's license, but must be accompanied by a parent or guardian and may only operate the off-highway vehicle to go directly from their residence out of the Town and back to their residence.

H. Any operator of an off-highway vehicle on Town streets and alleys that is under the age of eighteen (18) years shall wear a safety helmet. In the case of "dune buggies", any person under the age of sixteen (16) years shall have the proper safety restraints as required by Section 42-4-237, C.R.S., while such vehicle is operated on Town streets and alleys.

I. An off-highway vehicle operated within the Town shall not carry more people than such vehicle is designed to carry.

J. An off-highway vehicle operated on Town streets and alleys shall not tow objects or people behind such vehicle.

K. No off-highway vehicle shall be operated on sidewalks within the Town.

L. Operators of off-highway vehicles on Town streets and alleys shall use proper hand signals to warn other drivers of their intentions such as to turn or stop.

M. All operators of off-highway vehicles within the Town shall wear proper eye protection.

(Amended Ord. 279 §1, 2005).

11.18.040 Enforcement.

A. Penalties. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who violates any of the provisions of Section 11.18.020 and Section 11.18.030(B) commits a Class B municipal offense. Any person who violates any other provision of this Chapter, not resulting in appreciable damage to the property of another or any injury or death to any person, commits a non-criminal municipal offense. Any violation of this Chapter which does result in appreciable damage to the property of another or an injury or death to any person shall be deemed a Class B municipal offense. The municipal judge is hereby authorized to promulgate a penalty assessment schedule for violations of this Chapter in accordance with Rule 210(b)(5) of the Colorado Municipal Court Rules of Procedure.

B. Impoundment of Off-highway Vehicles. The De Beque Town Marshal's office hereby authorized to impound any off-highway vehicle which the De Beque Town Marshal's office has probable cause to believe is being operated on the public streets, roads and alleys within the Town in violation of the provisions of this Chapter. Unless otherwise determined by the De Beque Municipal Court or the De Beque Town Marshal, any vehicle so impounded shall remain impounded until such time as the operator of such impounded off-highway vehicle is found guilty of a violation under this Chapter, pleads guilty to a violation under this Chapter, or is found not guilty by the De Beque Municipal Court of violating a provision in this Chapter. In the event an off-highway vehicle is impounded pursuant to this Section, the owner of such vehicle shall pay an impoundment fee of one hundred dollars (\$100.00) and after five (5) days following impoundment of the vehicle, the owner shall also pay a storage fee of twenty-five dollars (\$25.00) per day for each day that said vehicle remains in the custody and control of the De Beque Marshal's Department. (Ord. 270 §1(part), 2002; Amended Ord. 391 §1, 2009).