

CHAPTER 8

Vehicles and Traffic

- Article I Model Traffic Code**
- Sec. 8-1-10 Adoption
 - Sec. 8-1-20 Application
 - Sec. 8-1-30 Definitions
 - Sec. 8-1-40 Deletions, additions or modifications
 - Sec. 8-1-50 Citation to state statutes
 - Sec. 8-1-60 Violation and penalties
 - Sec. 8-1-70 Interpretation
 - Sec. 8-1-80 Certification
- Article II Parking Regulations**
- Sec. 8-2-10 Unlawful to park on private property
 - Sec. 8-2-20 Illegally parked vehicles to be reported to Police Department
 - Sec. 8-2-30 On-street parking in residential areas
 - Sec. 8-2-40 Posting of signs
- Article III Towing and Impoundment**
- Sec. 8-3-10 Unauthorized private parking prohibited
 - Sec. 8-3-20 Stopping, parking or impeding traffic on public property or roadways prohibited; authority to remove
 - Sec. 8-3-30 Removal and storage of vehicles from public property or roadways; procedures
 - Sec. 8-3-40 Compensated referrals prohibited
 - Sec. 8-3-50 Comingling of stored vehicles; transfer of storage duties; prohibitions
 - Sec. 8-3-60 Transfer of vehicle prohibited
 - Sec. 8-3-70 Rotational tow and impound policies and procedures
 - Sec. 8-3-80 Qualifications for rotational tow program
 - Sec. 8-3-90 Recreational vehicles
- Article IV Traffic Regulations**
- Sec. 8-4-10 Regulation of speed limits, traffic control, parking
 - Sec. 8-4-20 Hazards mitigation
 - Sec. 8-4-30 Posting of signs
 - Sec. 8-4-40 Shuttles
 - Sec. 8-4-50 Unlawful to enter designated streets without permit
 - Sec. 8-4-60 Issuance of permits; violation
 - Sec. 8-4-70 Violation; penalties
- Article V Miscellaneous Regulations**
- Sec. 8-5-10 Idling of motor vehicles
 - Sec. 8-5-20 Dynamic braking devices
 - Sec. 8-5-30 Tire chain restrictions
 - Sec. 8-5-40 Improper driving in passing lane
 - Sec. 8-5-50 Operation of bicycles
 - Sec. 8-5-60 Bus parking
 - Sec. 8-5-70 Snowmobile and off-highway vehicle operations prohibited on roadways and City-owned land
 - Sec. 8-5-80 Parking on Leavitt Street
- Article VI Kinds and Classes of Vehicles and Traffic**
- Sec. 8-6-10 Restricted use of streets

- Sec. 8-6-20 Size restrictions; applicability
- Sec. 8-6-30 Height, width, length and kind of vehicles and loads
- Sec. 8-6-40 Projecting loads on vehicles
- Sec. 8-6-50 Spilling loads on streets or parkways
- Sec. 8-6-60 Trailers and vehicles in tow
- Sec. 8-6-70 Permit requirements for oversized or overweight vehicles or loads
- Sec. 8-6-80 Revocation of permit
- Sec. 8-6-90 Liability for damage to street or structure
- Sec. 8-6-100 Schedule of permit fees adopted

Article VII Parkway Access Code

- Sec. 8-7-10 Short title
- Sec. 8-7-20 General purpose
- Sec. 8-7-30 Authority
- Sec. 8-7-40 Applicability
- Sec. 8-7-50 Application requirements
- Sec. 8-7-60 Application and contents of engineering plans
- Sec. 8-7-70 Access permit review process
- Sec. 8-7-80 Criteria of approval
- Sec. 8-7-90 Issuance of access permit
- Sec. 8-7-100 Revocation of access permit
- Sec. 8-7-110 Interference with traffic flow and prevention of traffic hazards
- Sec. 8-7-120 Compliance with State Access Code
- Sec. 8-7-130 City annexation or inclusion in Central City Business Improvement District
- Sec. 8-7-140 Compliance with county intergovernmental agreements
- Sec. 8-7-150 Permit fees
- Sec. 8-7-160 Indemnification of City
- Sec. 8-7-170 Enforcement
- Sec. 8-7-180 Violations and penalties
- Sec. 8-7-190 Appeal of denial of access permit

Article VIII Highway Access Code

- Sec. 8-8-10 Adoption
- Sec. 8-8-20 Application

ARTICLE I

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the Revised 2010 Model Traffic Code for Colorado ("Model Traffic Code") as promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the adopted Model Traffic Code relates primarily to comprehensive traffic control regulations of the City. The purpose of this Article and those portions of the Model Traffic Code adopted herein is to provide a system of traffic control regulation consistent with state law and generally conforming to similar regulations throughout the State and the Nation. Copies of the Model Traffic Code adopted herein are on file in the office of the City Clerk and may be inspected during regular business hours. (Ord. 12-11 §1, 2012)

Sec. 8-1-20. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, public place or public parking area, either within or without the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. This Article shall in no way limit the application and enforcement of any statutes of the State but shall be in addition thereto. The provisions of Sections 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively, concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways, but also throughout the City. (Ord. 12-11 §1, 2012)

Sec. 8-1-30. Definitions.

As used in this Article, unless the context clearly indicates otherwise, the words defined below shall have the respective meanings set forth for them:

City means the City of Central, Colorado.

Law enforcement officers means law enforcement personnel of the City, including City Police Department personnel and any entity with whom the City may contract to provide law enforcement services from time to time.

Official traffic control device means any sign, signal, marking and/or device, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Owner means a person who holds the legal title of a vehicle or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagee shall be deemed the owner for purposes herein. The term

also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty (30) days or more.

Park or parking means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

Stand or standing means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or stopping means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or official traffic control device.

Vehicle means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. (Ord. 12-11 §1, 2012)

Sec. 8-1-40. Deletions, additions or modifications.

The Model Traffic Code is adopted as if set out at length, save and except the following articles and/or sections which are subject to the deletions, additions and/or modifications as set forth below. Articles and/or sections identified as "deleted" are hereby determined to be inapplicable to the City.

(1) Section 103(2) and 103(2)(b), "Scope and effect of Code – exceptions to provisions," are repealed in their entirety and reenacted to provide:

"(2) The provisions of this code relating to the operation of the vehicles and the movement of pedestrians shall apply to every street, alley, sidewalk, driveway, park and to every other public way or public place or public parking area within or outside of the corporate limits of the municipality, the use of which the municipality has jurisdiction and authority to regulate except:

"(b) Sections 1401, 1402, and 1413 of the code pertaining to reckless driving, careless driving and eluding a police officer shall apply to all land, areas, property (including private property) within or outside the corporate limits of the municipality, the use of which the municipality has jurisdiction and the authority to regulate."

(2) Section 103(3) of the Model Traffic Code is enacted to provide:

"(3) All provisions in this code establishing offenses as Class A or B traffic infractions or Class 1 or Class 2 misdemeanor offenses, and establishing fines and other sentencing conditions in relation to such offenses, shall be repealed in their entirety, it being the intent that any violation of this code be subject to the City's general penalty provision set forth in Section 1-4-20 of the Municipal Code."

(3) Section 104 of the Model Traffic Code is enacted to provide:

"(1) It shall be the duty of the law enforcement officers to enforce all traffic regulations of the City and all of the State laws applicable to the City.

"(2) Police officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with State traffic laws and this code; provided that, in the event of fire or emergency, or to expedite traffic or protect pedestrians, law enforcement officers may direct traffic as conditions may require notwithstanding the provisions of State traffic laws or this code.

"(3) Fire department personnel, when at the scene of a fire or other emergency, may at the direction of authorized law enforcement officers assist such law enforcement officers with directing traffic."

(4) Section 106(4) of the Model Traffic Code is enacted to provide:

"(4) The use of certain streets and roadways by motorized vehicles, trucks or other commercial vehicles, bicycles or other non-motorized vehicles shall be restricted or prohibited when official signs giving notice thereof are erected thereon."

(5) Section 110(4), "Provisions uniform throughout jurisdiction," is amended by deleting the phrase "City or Town Council or Board of County Commissioners" and replacing it with the phrase "the City."

(6) Section 114(4), "Removal of traffic hazards," is enacted to provide:

"(4) If the City is not reimbursed within forty-five (45) calendar days after the property owner has been provided a demand for payment, the amount due shall become a lien against the property and certified by the City's Finance Director and recorded with the Office of the Gilpin County Treasurer. Such lien shall have priority over all other liens except general taxes. The Gilpin County Treasurer shall collect and pay over to the City such charges in the same manner as the Treasurer is authorized to collect delinquent general property taxes."

(7) Section 236 is deleted and replaced in its entirety with the following:

"236. Child restraint systems required – definitions – exemptions.

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

"(a) 'Child care center' means a facility required to be licensed under the Child Care Licensing Act, Article 6 of Title 26, C.R.S.

"(a.3) Deleted.

"(a.5) Child restraint system means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 CFR 571.213, as amended.

"(a.7) Deleted.

"(a.8) 'Motor vehicle' means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand (10,000) pounds. 'Motor vehicle' does not include motorcycles, low-power scooters, motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

"(b) 'Safety belt' means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is physically a part of a child restraint system. 'Safety belt' includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

"(c) 'Seating position' means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

"(2)(a)(I) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight (8) years of age and who is being transported in this State in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system, according to the manufacturer's instructions.

"(II) If the child is less than one (1) year of age and weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

"(III) If the child is one (1) year of age or older, but less than four (4) years of age, and weighs less than forty (40) pounds, but at least twenty (20) pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

"(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least eight (8) years of age but less than sixteen (16) years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

"(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

"(3) Except as provided in section 42-2-105.5(4), C.R.S., subsection (2) of this section does not apply to a child who:

"(a) Repealed.

"(b) Is less than eight (8) years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

"(c) Is being transported in a commercial motor vehicle, as defined in Section 42-2-402 (4)(a), C.R.S., that is operated by a child care center;

"(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 42-4-237, C.R.S.;

"(e) Deleted.

"(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in Section 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in Section 40-10.1-301, C.R.S.

"(4) Deleted.

"(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen (16) years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

"(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

"(7)(a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section 236 commits a violation of the model traffic code, as adopted by this Ordinance.

"(b) A minor driver under eighteen (18) years of age who violates this section shall be punished in accordance with Section 42-2-105.5(5)(b), C.R.S.

"(8) The fine may be waived if the defendant presents the court with satisfactory evidence of proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance."

(8) Section 1101(1), "Speed limits," is amended by deleting the phrase "is reasonable and prudent under the conditions then existing," and replacing it with the phrase "the maximum lawful speed limit."

(9) Section 1101(5), "Speed limits," is amended by deleting the phrase "alleged reasonable and prudent speed," and replacing it with the phrase "maximum lawful speed limit."

(10) Section 1205(3.5), "Stopping, standing or parking prohibited in specified places," is amended by deleting the phrase "fifteen feet" and replacing it with the phrase "seven and one-half feet".

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

(11) Section 1209, "Owner liability for parking violations," is amended by the addition of the following sentence:

"In any prosecution charging a violation of any provision of this Part 12 governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute an evidentiary prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred."

(12) Section 1210, "Designated areas on private property for authorized vehicles," is deleted in its entirety.

(13) Section 1409 is deleted and replaced in its entirety with the following:

"1409. Compulsory insurance – penalty.

"(1) No owner of a motor vehicle or low-power scooter required to be registered in this State, or of a low-speed electric vehicle, shall operate the vehicle or permit it to be operated on the public highways of this State when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

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

"(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a law enforcement officer, no owner or operator of a motor vehicle, low-power scooter or low-speed electric vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

"(4)(a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a traffic offense. The defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

"(b) Upon a second or subsequent conviction under this section within a period of five (5) years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to law, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000.00), and the court shall not suspend such

minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of Section 16-11-101.6, C.R.S., shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained.

"(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of this court, be sentenced to perform not less than forty (40) hours of community service, subject to the provisions of Section 18-1.3-507, C.R.S.

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

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

"(7) The owner of a motor vehicle, low power scooter or low-speed electric vehicle, upon receipt of an affirmation of insurance as described in Section 42-3-113(2) and (3), C.R.S., shall sign and date such affirmation in the space provided."

(14) The Model Traffic Code is further amended by the addition of a new section 1416 entitled "Minor driver restrictions" to read as follows in its entirety:

"1416. Minor driver restrictions.

"(1) Occupants in motor vehicles driven by persons under seventeen (17) years of age shall wear safety belts or be secured in a child restraint system as required by sections 236 and 237 of this code.

"(2) No more than one (1) passenger shall occupy the front seat of the motor vehicle driven by a person under seventeen (17) years of ages and the number of passengers in the back seat of such vehicle shall not exceed the number of safety belts."

(15) The preface to Part 17, Penalties and Procedures, is deleted in its entirety.

(16) Section 1701, "Traffic offenses and infractions classified – penalties – penalty and surcharge schedule – repeal," is deleted and replaced in its entirety to read as follows:

"(1) Except as set forth herein, it is a traffic infraction for any person to violate any of the code provisions set forth herein, as may specifically be amended by this Ordinance. Such a traffic infraction shall constitute a civil matter. The Colorado municipal court rules of

procedure shall apply to traffic infraction proceedings, except that no bench warrant for arrest shall be issued for a defendant's failure to appear when the only violation charged is a non-criminal traffic infraction. Instead, the court may enter judgment of liability by default against the defendant for failure to appear, assess any penalty and costs established by law and report the judgment to the Colorado Department of Revenue, Motor Vehicle Division, or to the motor vehicle department of any other State which participates in the Interstate Non-Resident Violator Compact, as codified at Section 24-60-2101, C.R.S., which may assess points against the defendant's driver's license and may take appropriate action to ensure that the judgment is satisfied. There is no right to trial by jury for any non-criminal traffic infraction.

"(2) The following violations constitute criminal traffic offenses:

"(a) A violation of section 1101(1) of the Model Traffic Code as adopted by this Ordinance involving driving twenty-five (25) or more miles per hour in excess of the maximum lawful speed limit or in excess of the lawful speed limit that is a criminal traffic offense.

"(b) A violation of any of the following sections of the Model Traffic Code as adopted by this Ordinance: 107 (obedience to police officers), 507 (wheel and axle loads), 508 (gross weight of vehicles and loads), 705(2), 705(2.5) and 705(2.6) (operation of vehicle approached by emergency vehicle), 1105 (speed contests), 1208 (parking privileges for persons with disabilities), 1401 (reckless driving), 1402 (careless driving), 1409 (failure to show compulsory insurance), 1413 (eluding or attempting to elude police officer), 1703 (aiding or abetting a traffic offense), 1704 (offenses by persons controlling vehicles), and 1903 (failure to stop for a school bus).

"(3)(a) Traffic infractions shall be subject to the following penalties:

<i>"Minimum Penalty</i>	<i>Maximum Penalty</i>
A fine of \$25.00	A fine of up to the maximum fine authorized by Section 1-4-20 of the Municipal Code

"Traffic offenses shall be subject to the following penalties:

<i>"Minimum Sentence / Penalty</i>	<i>Maximum Sentence / Penalty</i>
1 day imprisonment, or fine of \$25.00, or both	Up to 1 year imprisonment or a fine of up to the maximum fine authorized by Section 1-4-20 of the Municipal Code, or both

"Subject to the minimum and maximum penalty limitations as set forth in this subsection (3)(a) for each and every violation of this Article, and pursuant to C.M.C.R. 210(b)(4), the municipal court of the City may, by order, publish a suggested fine schedule (the 'Fine Schedule'), which may from time to time be amended, supplemented, or repealed. The court may also designate the traffic offenses and infractions, the penalties for which may be paid at the office of the court clerk, and is therefore vested with jurisdiction to amend the Fine Schedule. The fines and penalties imposed by the municipal court will be within the limits set forth in this subsection (3)(a).

"In addition, the City Council of the City of Central may, from time to time, amend, repeal or supplement the Fine Schedule by resolution duly adopted following a public hearing thereon. Any changes to the Fine Schedule approved by the City Council shall be prominently posted in the municipal court, in a place where fines are to be paid, and in the office of the City Clerk.

"(b) Court costs as authorized by State law and the municipal court shall be added to the fines and penalties set forth in the Fine Schedule.

"(c) Any person convicted of a traffic infraction may be required to pay restitution as required by Article 18.5 of Title 16, C.R.S., and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by subsection (3)(a) of this section.

"(d) Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this code shall be fined or penalized, and have a surcharge levied thereon, pursuant to any surcharge that has been or may be lawfully enacted by the City Council from time to time.

"(e) All fines, costs and surcharges shall be paid to, receipted by, and accounted for by the violations clerk or court clerk. Nothing in this Article shall affect the jurisdiction of the municipal court to waive certain fines, costs and surcharges, based upon the particular facts of the case presented."

(17) Section 1702, "Counties – traffic offenses classified – schedule of fines," is deleted in its entirety.

(18) Section 1705, "Person arrested to be taken before the proper court," is hereby added as follows:

"1705. Person arrested to be taken before the proper court.

"(1) Whenever any person is arrested by a police officer for any violation of this code, the arrested person shall, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 1707 or be taken without unnecessary delay before a municipal or county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or will disregard a summons to appear. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

"(2) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with a violation of Section 42-4-1301, C.R.S., and who has been given a written notice or summons to appear in court as provided in section 1707 in a State-approved treatment facility for alcoholism even though entry or other record of such arrest has been made. Such placement shall be governed by Part 3 of Article 1 of Title 25, C.R.S., except where in conflict with this section."

(19) Section 1707, "Summons and complaint for traffic violations," is hereby added as follows:

"1707. Summons and complaint for traffic violations.

"(1) Whenever a person commits a violation of this Code, and such person is not required by the provisions of section 1705 to be arrested and taken without unnecessary delay before a municipal judge, the law enforcement officer may issue and serve upon the defendant a summons and complaint which shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute or Model Traffic Code section alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in or otherwise respond to the City municipal court, at a specified time and place; shall be signed by the law enforcement officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint.

"(2) The City of Central may offer or extend to a defendant the opportunity for the defendant to pay a penalty assessment for a non-criminal traffic infraction prior to the date and time scheduled for the defendant's appearance in City municipal court. Whenever a penalty assessment is made available for a traffic infraction, the defendant shall be required to execute a signed acknowledgment of guilt and shall pay the penalty prescribed by the City within a specified period of time, as well as provide such other information as may be required by the City. 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 and shall be deemed a complete satisfaction for the violation, and the City, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof, if requested."

(20) Section 1709(1), "Penalty assessment notice for traffic offenses – violations of provisions by officer – driver's license," is amended by inserting the phrase "or code provision," after the phrase "citation of the statute" and by inserting the phrase "or municipal" after the phrase "in a specified county court."

(21) Section 1710(3), "Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures," is amended by adding the phrase "or Rule 248(b) of the Colorado Municipal Court Rules" after the phrase "in Section 18-1-405, C.R.S."

(22) Section 1710(5), "Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures," is enacted to provide:

"(5)(a) Upon the date and at the time for appearance, if the defendant fails to appear and if the prosecution proves to the satisfaction of the Judge that venue is proper and that defendant was served a summons and complaint at least ten (10) calendar days prior to the appearance date, the Judge may, for traffic offenses of not more than four (4) points (except for compulsory insurance), or a six (6) point offense of speeding, not more than twenty-four (24) miles over the

posted speed limit, enter judgment and impose a sentence, including costs against the defendant.

"(b) Failure to appear on any date scheduled for trial shall constitute cause for entering a default judgment for all traffic offenses of not more than four (4) points (except for compulsory insurance) or a six (6) point offense of speeding not more than twenty four (24) miles over the posted speed limit, and upon entry of such default, the Judge may impose a sentence including costs against the defendant.

"(c) On the grounds of excusable neglect, the Judge may by motion of the defendant set aside an entry of default and the judgment entered thereon. Such motion must be filed with the court within seven (7) calendar days of the entry of judgment for such matter. A motion under this section shall not affect the finality of a judgment or suspend its operation.

"(d) Any default entered in accordance with this section shall be certified to the State Motor Vehicle Division for enforcement.

"(e) The court shall not issue a warrant for the arrest of any defendant against whom a default is entered and upon which a sentence is imposed thereon."

(Ord. 12-11 §1, 2012; Ord. 13-08 §5, 2013)

Sec. 8-1-50. Citation to state statutes.

All references to provisions of the Colorado Revised Statutes that contain counterpart provisions to the adopted Model Traffic Code as contained in this Article shall be deemed proper references to the counterpart provisions of the adopted Model Traffic Code. When enforcing the adopted Model Traffic Code, the City's law enforcement officers and the City's prosecuting attorneys and officials are authorized to cite to equivalent counterparts contained in the Colorado Revised Statutes. Any citation by such persons to a state statute containing the substantially same or identical provisions as those found in counterpart sections of the adopted Model Traffic Code is equivalent to a citation to the relevant provisions of the adopted Model Traffic Code for purposes of notifying, designating, charging, prosecuting and penalizing violations of the adopted Model Traffic Code pursuant to this Article. (Ord. 12-11 §1, 2012)

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

(a) It shall be unlawful for any person to violate any provision of this Article or to disobey any official traffic control device referenced herein. In any prosecution for any violation of this Article wherein the identity of violator is in question (such as parking citations issued when the driver of the vehicle is not present), there shall be a rebuttable presumption that the violation was committed by the owner of the motor vehicle in which the violation occurred.

(b) Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this Article shall be paid into the treasury of the City.

(c) In addition to the fines and penalties prescribed in this Article and authorized by this Code, any person convicted of a violation of this Article, whether such person acknowledges guilt or

liability, is found guilty by the Municipal Court or has judgment entered against such person, shall be subject to a Municipal Court cost surcharge of thirty dollars (\$30.00). This surcharge shall be paid to the Municipal Court Clerk. Once paid into the treasury of the City, said moneys shall be segregated by the Finance Director, separately accounted for and thereafter used by the City exclusively for funding necessary costs and expenses associated with the following: (1) victim services; (2) law enforcement training; and (3) prisoner expenses.

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

(1) It is unlawful for any person to violate any of the provisions of this Article or of the 2010 edition of the Model Traffic Code, as adopted by the City.

(2) Every person convicted of a violation of any provision of this Article or of the Model Traffic Code shall be punished by a fine not exceeding the maximum fine authorized by Section 1-4-20 of this Code or by imprisonment not exceeding one (1) year or by both such fine and imprisonment, pursuant to and in accordance with the Fine Schedule, as the same may be amended from time to time.

(3) In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense. For purposes of this Paragraph, *aggressive driving* means committing any two (2) or more of the following violations in a single act or series of acts in close proximity to another motor vehicle: (1) exceeding the speed limits (section 1101); (2) following too closely (section 1008); (3) failure to obey official traffic control devices (section 603); (4) passing on shoulder of road (section 1004); (5) failure to give an adequate signal (section 903); (6) failure to yield right-of-way (sections 701, 702, 703); and/or (7) unsafe lane change (section 1007).

(4) Unless otherwise set forth in the Fine Schedule, the applicable penalty, penalty assessment or surcharge imposed for any moving traffic violation shall be doubled if the violation occurs within a school zone (section 615) or construction zone (section 614). (Ord. 12-11 §1, 2012; Ord. 13-08 §6, 2013)

Sec. 8-1-70. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 12-11 §1, 2012)

Sec. 8-1-80. Certification.

The City Clerk shall certify to the passage of this Article and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours. (Ord. 12-11 §1, 2012)

ARTICLE II

Parking Regulations

Sec. 8-2-10. Unlawful to park on private property.

(a) Private property. It shall be unlawful for any person to park or stand a vehicle, whether occupied or not, other than temporarily for the purpose of, and while engaged in, loading or unloading, in any private driveway or on private property without the express or implied consent of the owner or person in legal control of such driveway or property.

(b) Private parking lots. Where private property or a portion thereof is devoted to the purpose of parking motor vehicles, and where the owner or other authorized agent of such owner has established parking restrictions or prohibitions on said property, which restrictions or prohibitions are prominently posted so as to give notice thereof, it shall be unlawful for any person to park or to stand a vehicle, whether occupied or not, in violation of the parking restrictions or prohibitions so posted.

(c) Manner of posting/signage. Signage to indicate any private parking restrictions shall be posted on all nonresidential property. Said signage shall be of the same type and design as outlined in Section 8-2-40 of this Chapter and shall be conspicuously posted and spaced on the property no greater than forty (40) feet apart. (Prior code 8-21)

Sec. 8-2-20. Illegally parked vehicles to be reported to Police Department.

Vehicles considered to be illegally parked on any parking lot or on any private parking area/driveway may be reported by the property owner or agent of such parking lot or private parking area/driveway to the Police Department for the issuance of an appropriate parking citation. For a citation to be issued, the property owner or agent shall be on scene with the police officer or other authorized City employee to identify the offending vehicle. Any police officer or any employee of the City designated by the Mayor is hereby empowered to issue an appropriate parking citation or summons and complaint under this Code. (Prior code 8-22)

Sec. 8-2-30. On-street parking in residential areas.

The City Council, after consultation with the City Traffic Engineer or other appropriate traffic engineer, may determine that the on-street parking of motor vehicles in residential areas for the purpose of accessing destinations in nearby commercial, industrial or institutional areas could:

- (1) Cause hazardous traffic conditions in the residential areas;
- (2) Produce auto emissions, noise and trash and refuse in the residential areas;
- (3) Unreasonably burden residents of the residential areas in gaining access to their residences; or
- (4) Damage the character of those residential areas as residential districts and diminish the value of property in those areas. (Prior code 8-23)

Sec. 8-2-40. Posting of signs.

Upon such determination, the City Manager may post signs pursuant to this Article to prohibit parking of nonresidents and/or limit the duration of on-street parking within the residential areas. The City Manager shall specifically consider and post areas necessary to recognize the need for temporary parking at churches within residential areas. (Prior code 8-24)

ARTICLE III

Towing and Impoundment

Sec. 8-3-10. Unauthorized private parking prohibited.

No motor vehicle, as defined in Title 42, Article 1, C.R.S., shall be parked, stopped or allowed to stand, attended or unattended, on private property without the consent of the property owner. Any motor vehicle found on private property without such consent may be towed, transported or otherwise removed at the request of the property owner so long as such removal is in accordance with the provisions of this Article. For the purpose of this Article, *owner* shall include the lessee or the agent of either authorized in writing. (Prior code 8-41)

Sec. 8-3-20. Stopping, parking or impeding traffic on public property or roadways prohibited; authority to remove.

Whenever any member of the Chief of Police's office finds a motor vehicle, attended or unattended, standing in any no parking zone marked as a *tow-away* zone or upon any portion of a public street, alley, public way or highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer is authorized to cause the motor vehicle to be moved to eliminate any such obstruction; and neither the officer nor anyone acting under his or her direction shall be liable for any damage to such motor vehicle occasioned by such removal. Any motor vehicle found to be abandoned, as defined in Section 42-4-1802(1), C.R.S., on other public property for more than 24 hours may be towed and impounded pursuant to Section 8-3-30 below. (Prior code 8-43)

Sec. 8-3-30. Removal and storage of vehicles from public property or roadways; procedures.

Upon ordering a vehicle removed pursuant to Section 8-3-20 above, the Chief of Police shall perform the following:

(1) As soon as practicable, the Chief of Police shall determine whether the vehicle is or is not reported stolen. If so reported stolen, the Chief of Police shall immediately take such vehicle into physical custody, at the City's expense, and held for further processing pursuant to Section 42-4-1804, C.R.S.

(2) In the event the vehicle is not reported stolen, and the owner or owner's agent is not in attendance, is unconscious or is otherwise not able to make a determination of the disposition of the vehicle, then the Chief of Police shall have the designated towing carrier remove and store the vehicle at a storage facility located within the County or the City. The Chief of Police shall

complete a written inventory of such impounded vehicle, including any articles contained in the interior of such vehicle, and shall give a copy of such inventory to the designated towing carrier.

(3) In the event the vehicle is unattended at the time of impoundment, then the Chief of Police shall follow all procedures for abandoned vehicles, as so defined and set forth in Title 42, Article 4, Part 18, C.R.S.

(4) In the event the vehicle is attended at the time of impoundment or removal, and the owner or owner's agent is competent to determine the disposition of the vehicle, then the Chief of Police shall have the vehicle towed or removed by the towing carrier of the owner's or owner's agent's own choosing. In default of the designation of a towing carrier by the vehicle owner or owner's agent, the Chief of Police shall form a rotating list of qualified and available towing carriers within the County, and have the vehicle removed and stored by the designated towing carrier.

(5) All towing carriers designed for the removal and storage of vehicles under this Section shall hold all necessary permits required by the Public Utilities Commission, and shall perform all towing services, including rates for services, prescribed, governed or approved by the PUC. (Prior code 8-44)

Sec. 8-3-40. Compensated referrals prohibited.

No person, public official, law enforcement officer or other entity shall pay, offer to pay, advertise, charge, exact, demand, collect or impose, directly or indirectly, any fee, gratuity, commission or other compensation for referral of a vehicle to a towing carrier for the purpose of towing and/or storage of such vehicle under this Article. Any violation of this Section shall, in addition to all other penalties enumerated herein, cause a forfeiture of all towing and storage charges owing on the removed vehicle. (Prior code 8-45)

Sec. 8-3-50. Comingling of stored vehicles; transfer of storage duties; prohibitions.

All towing carriers performing both towing and storage of vehicles under Section 8-3-30 above shall perform storage of such vehicles in storage lots held exclusively by such towing carrier, and not in conjunction with or as a secondary part of automotive repair or body shop activities conducted on the same premises. No towing carrier towing a vehicle under this Article may deposit such vehicle for storage in, on, at or about the facilities or premises of an automotive repair shop or auto body repair business without the prior written consent of the vehicle owner or owner's agent in advance of such deposit. Any person found guilty of a violation of this Section shall, upon conviction thereof and in addition to all other penalties enumerated herein, forfeit all towing and storage charges owing or collected on the removed vehicle. (Prior code 8-46)

Sec. 8-3-60. Transfer of vehicle prohibited.

Upon the placement of a towed vehicle in a storage or impound lot under Section 8-3-30 of this Article, no towing carrier may transfer, relocate or move such vehicle to any other storage facility beyond the first storage facility in which such vehicle was placed, without the express written consent of the vehicle owner or owner's agent. This restriction shall not apply to a law enforcement officer recovering a stolen motor vehicle. Any person found guilty of a violation of this Section shall, upon

conviction thereof and in addition to all other penalties enumerated herein, forfeit all towing and storage charges owing or collected on the removed vehicle. (Prior code 8-47)

Sec. 8-3-70. Rotational tow and impound policies and procedures.

(a) The City Police Department shall assign towing assistance on a rotational basis. All towing companies which wish to participate in this program, hereinafter "Service Providers," shall first meet all requirements set forth in Section 8-3-80 below.

(b) The Police Department shall contact the company next in line for the purpose of towing and possible storage or impoundment at the time that the need for such assistance comes to the attention of the Police Department.

(c) The company next on the list shall, at the time it is contacted by the Police Department, indicate whether it has equipment and personnel available to timely respond to the request for assistance, as set forth in Subsection (d) below. If the company called indicates that they will be able to provide a timely response, the call will be assigned to said company. If the company indicates that they cannot assure timely compliance, the tow will be offered to the next company on the list.

(d) *Timely response*, for the purpose of this program, is defined as arrival at the scene where assistance is needed within thirty (30) minutes of being contacted by the Police Department, except that exceptional weather, traffic, congestion, road obstructions or hazards, and similar factors may be considered by the Police Department in determining whether, in each instance, additional time is justified for the response. In situations where such factors are known at the time the Police Department places the call for assistance, the company will be notified in advance of any additional response time deemed appropriate by the Police Department. (Prior code 8-49; Ord. 11-10 §1, 2011)

Sec. 8-3-80. Qualifications for rotational tow program.

(a) All companies wishing to participate in the rotational towing program set forth in Section 8-3-70 above shall apply for permission to participate, providing such licensure, insurance, financial and qualifications information as deemed appropriate by the Police Department. As part of said application, the company and its representatives will be required to acknowledge that they have received, read and understood the provisions of Section 8-3-70 of this Code and this Section, and agree to fully abide and comply with all of the provisions and requirements of same.

(b) The service provider shall be available on a twenty-four-hour-a-day, on-call basis, and will service the towing needs in a timely and efficient manner. Service provider will provide full twenty-four-hour two-way radio dispatch service and/or telephone dispatch service seven (7) days per week. All towed vehicles shall be taken to a secured storage area, or if released by the police at the scene, to a location designated by the owner of the vehicle, at the owner's expense. If a vehicle is to be held as evidence, the police may direct the service provider to tow to any location for purpose of security and/or investigation. In the case of a tow from the scene of an accident, the service provider shall be responsible for all cleanup, including but not limited to removing broken glass, metal and debris.

(c) Each service provider shall maintain adequate personnel and equipment to respond to locations where tow services are required within thirty (30) minutes.

(d) The service provider shall be responsible for and hold harmless the City, its elected and appointed officials, employees, agents and representatives from any and all liability, damage, loss, cost or expense which the City, its elected and appointed officials, employees, agents or representatives may suffer as a result of the negligent or intentional acts of the service provider, its employees or representatives in performing or omitting to perform the services required under this Agreement. By requiring this right to indemnification, the City in no way waives or intends to waive the limitations on liability which are provided to the City and its employees under the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S.

(e) Each service provider shall be required to obtain and maintain, at its own expense and without any cost to the City, as follows:

(1) Any and all insurance coverage as required by the Public Utilities Commission ("PUC").

(2) Workers' compensation and employers' liability insurance to cover the obligations of the service provider in accordance with the provisions of the Workers' Compensation Act, as amended, of the State.

(f) Each service provider shall provide certificates of insurance of the above-referenced policies prior to commencing work pursuant to this program. Each certificate shall contain a valid provision or endorsement that the policy may not be cancelled, terminated, changed or modified without first giving the City thirty (30) days' written notice by certified mail, return receipt requested. The service provider shall provide a renewed certificate of insurance to the City thirty (30) days prior to the expiration date of any policy.

(g) The service provider shall be responsible for all permits and licenses, including a valid PUC license, pay all charges, fees and taxes and give all notices necessary and incidental to the performance of the towing services. The service provider must, at all times, comply with the rules and regulations promulgated by the PUC. Revocation of the service provider's permit by the PUC will be cause for immediate removal from the tow list.

(h) The Chief of Police may, upon review of performance of the service providers, make a determination as to whether each service provider is adequately performing its obligations as required by the rotational tow program. In the discretion of the Chief of Police, action may be taken, including without limitation warnings, suspensions and removal from the program of any service provider not meeting said obligations. (Prior code 8-50)

Sec. 8-3-90. Recreational vehicles.

The following regulations shall apply in all residential, commercial and industrial districts to the storage and use of travel trailers, tent trailers, pickup campers or coaches, motorized dwellings, boats and boat trailers, snow vehicles, cycle trailers, utility trailers and vans, horse trailers and vans, and similar vehicular equipment:

(1) Such vehicular equipment shall not be stored or parked on any public roadway.

(2) Such vehicular equipment shall not be stored or parked closer than eighteen (18) inches to any proposed or existing public sidewalk, and in no instance shall it project into the public right-of-way.

(3) Any such vehicular equipment which exceeds thirty (30) inches in height shall not be parked in a vision clearance area.

(4) Travel trailers, tent trailers, pickup campers or coaches, motorized dwellings and/or vans shall not be used for living or housekeeping purposes, except when located in an approved mobile home park or in a campground providing adequate sanitary facilities, and no business shall be conducted within such equipment parked or stored unless the Zoning Administrator has given written approval.

(5) Travel trailers, tent trailers, detached pickup campers or coaches, boats and boat trailers, cycle trailers, utility trailers and vans, and horse trailers and vans, which are parked and stored out-of-doors, shall be adequately blocked and/or tied down or otherwise secured so that such vehicles do not roll off the lot and are not otherwise moved about by high winds.

(6) No vehicular equipment regulated by this Section shall be stored out-of-doors on a residential lot unless it is in condition for safe and effective performance of the functions for which it was intended. (Prior code 8-51)

ARTICLE IV

Traffic Regulations

Sec. 8-4-10. Regulation of speed limits, traffic control, parking.

(a) The City Council shall have power and authority and is hereby empowered and authorized, upon the basis of traffic engineering or other investigations and studies or where necessitated by the peculiar character of the roadway, highway or street or any other public way, to determine that any basic maximum speed limit is greater or less than is reasonable and safe under the conditions found by the City Council to then exist at any intersection or other place, or upon any part or portion of any street, roadway, highway or other public way, and, in such event, the City Council shall determine and declare a safe and reasonable speed limit thereat, which speed limit shall be effective when appropriate signs giving notice thereof are erected and posted at reasonable intervals along such place, part, portion or section of the street, roadway, highway or other public way. The City Council is authorized to accept, upon the basis of traffic engineering investigations and studies, recommendations of the State Department of Highways traffic engineer for speed limits upon any state highway or federal aid highway within the City limits; and such speed limits shall be effective when appropriate signs giving notice thereof are placed along such highways, regardless of whether the signs are placed by the City Council or State Department of Highways traffic engineer.

(b) By way of example, but not by way of limitation, the City Council shall have power and authority upon the basis of traffic engineering investigations and studies to:

- (1) Install, test under actual traffic conditions and maintain traffic control devices;

- (2) Designate and place medians, islands, markers, signs or signals within or adjacent to intersections;
- (3) Establish construction zones for special parking;
- (4) Designate those places where yield right-of-way signs shall be necessary and to erect the same;
- (5) Designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections or other places where there is a particular danger to pedestrians crossing the roadway;
- (6) Mark lanes for traffic on street pavements consistent with the traffic ordinances of the City;
- (7) Authorize temporary street or alley closures;
- (8) Establish traffic safety provisions with regard to street enclosures and building projects; and
- (9) Designate certain streets within the City as snow routes, and post signs along said routes advising of their designation. (Prior code 8-61; Ord. 11-10 §1, 2011)

Sec. 8-4-20. Hazards mitigation.

The City Council, after consultation with a traffic engineer or through an appropriate traffic study, may determine that vehicular access to certain designated and periodically redesignated streets and alleys within the City could:

- (1) Cause hazardous traffic conditions;
- (2) Cause auto emissions, noise and potential damage to historic buildings and structures; or
- (3) Endanger pedestrians. (Prior code 8-62; Ord. 11-10 §1, 2011)

Sec. 8-4-30. Posting of signs.

Upon such determination, the City Council may authorized the City Manager to post signs pursuant to this Article and otherwise restrict vehicular traffic on certain designated streets and alleys within the City. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such designated streets and alleys. (Prior code 8-63; Ord. 11-10 §1, 2011)

Sec. 8-4-40. Shuttles.

All shuttle operations may access such designated streets only as determined by the City Council, shall stop only at designated shuttle stops, shall circulate through such designated streets and alleys as determined by the City Council and shall otherwise operate pursuant to a traffic plan approved by the City Council. (Prior code 8-65; Ord. 11-10 §1, 2011)

Sec. 8-4-50. Unlawful to enter designated streets without permit.

It shall be unlawful for any person operating a vehicle of such class or classes excluded from entering the designated streets and alleys to enter upon such designated streets and alleys without first obtaining a written permit from the City. (Prior code 8-67; Ord. 11-10 §1, 2011)

Sec. 8-4-60. Issuance of permits; violation.

Permits pursuant to Section 8-4-50 above shall be issued on an annual basis. Violation of any terms of this Article shall constitute grounds for termination by the City Manager of the right to a permit of the person violating this Article, subject to all appropriate administrative appeal procedures. (Prior code 8-68)

Sec. 8-4-70. Violation; penalties.

The following penalties, in addition to the effect of violation of the terms of this Article as stated above in Section 8-4-60 above, shall apply to this Article:

- (1) It is unlawful for any person to violate any of the provisions of this Article;
- (2) Any person effecting a violation of any of the provisions of this Article will be punished as set forth in Section 1-4-20 of this Code; and
- (3) The City Manager or any employee of the City designated by him or her is authorized to remove or have removed or immobilize or have immobilized any vehicle in violation of this Article. Such removed vehicle will be impounded until lawfully claimed or disposed of in accordance with the law. (Prior code 8-69)

ARTICLE V

Miscellaneous Regulations

Sec. 8-5-10. Idling of motor vehicles.

(a) It shall be unlawful for any person, while operating any motor vehicles in the City, to cause or permit the idling of such motor vehicle, except while the motor vehicle is loading or unloading passengers, which loading and unloading shall not continue for more than five (5) minutes.

(b) For purposes of this Section, a motor vehicle is idling if the engine is running and the motor vehicle is parked, stopped, or standing.

(c) It shall not be a violation of this Section if a motor vehicle idles:

- (1) Due to traffic congestion which is caused through no fault of the operator of the motor vehicle;
- (2) In observance of a traffic control device, such as a traffic light or stop sign;

- (3) At the direction of a police officer or person directing traffic in a construction area;
- (4) To permit one (1) or more pedestrians to cross a designated crosswalk; or
- (5) To avoid an otherwise unavoidable accident.

(d) This Section shall not apply to emergency vehicles or government vehicles performing official functions.

(e) Any person convicted of a violation of this Section shall be punished by a fine of not more than four hundred ninety-nine dollars (\$499.00). Each violation shall constitute a separate offense. (Prior code 8-101)

Sec. 8-5-20. Dynamic braking devices.

(a) As used in this Section, *dynamic braking device* (also known as *engine compression brakes*) shall mean a device used primarily on trucks, buses and commercial vehicles for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(b) Mufflers for dynamic braking devices are required on all commercial vehicles within the City.

(c) Notwithstanding any other provision of this Code, the use of dynamic braking devices shall be restricted, and it shall be unlawful to operate any motor vehicle within the City with a dynamic braking device engaged during the hours of 10:00 p.m. to 6:00 a.m., except for the aversion of immediate and imminent danger. (Prior code 8-102)

Sec. 8-5-30. Tire chain restrictions.

(a) The City shall have authority to close any portion of a City street or right-of-way to public travel or to prohibit the use thereof unless motor vehicles using the same are equipped with tire chains, four-wheel drive with adequate tires for the existing conditions or snow tires with a mud and snow or all-weather rating from the manufacturer having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions during storms, when other dangerous driving conditions exist or during construction or maintenance operations, whenever the City considers such closing or restriction of use necessary for the protection and safety of the public.

(b) Such prohibition or restriction of use shall be effective when signs, including temporary or electronic signs, giving notice thereof are erected upon such portion of said street, and it shall be unlawful to proceed in violation of such notice.

(c) The operator of a commercial vehicle with four (4) or more drive wheels other than a bus shall affix tire chains to at least four (4) of the drive wheel tires of such vehicle when such vehicle is required to be equipped with tire chains under this Section.

(d) The operator of a bus shall affix tire chains to at least two (2) of the drive wheel tires of such vehicle when such vehicle is required to be equipped with tire chains under this Section.

(e) It shall be unlawful for any person to operate a motor vehicle in violation of this Section.

(f) Any person who operates a motor vehicle in violation of this Section shall be subject to a fine not to exceed one hundred dollars (\$100.00). Any person who operates a motor vehicle in violation of restrictions imposed by the City where the result of the violation is an incident that causes the temporary closure of a travel lane in one (1) or both directions shall be subject to an enhanced penalty of a fine not to exceed five hundred dollars (\$500.00).

(g) Definition. For purposes of this Section, *tire chains* means metal chains which consist of two (2) circular metal loops, one (1) on each side of the tire, connected by not less than nine (9) evenly spaced chains across the tire tread, and any other traction devices differing from such metal chains in construction, material or design but capable of providing traction equal to or exceeding that of such metal chains under similar conditions. (Prior code 8-103)

Sec. 8-5-40. Improper driving in passing lane.

All buses, commercial motor vehicles or vehicles in tow must drive in the far right lane of any City street at all times. It is a violation of this Code for any operator of any of the above-mentioned vehicles to drive in any lane other than the right lane, unless otherwise directed by a police officer or to avoid a road hazard. (Prior code 8-104)

Sec. 8-5-50. Operation of bicycles.

(a) Every person riding or operating a bicycle on City streets and parkways shall comply with the regulations set forth in Sections 42-4-1412 and 42-4-221, C.R.S., except as may be in conflict herewith, in which case the specific regulations set forth in this Section shall apply.

(b) Every person riding or operating a bicycle on City streets and parkways shall comply with the following regulations. For purposes of this Section, the term *bicycle* shall mean every vehicle, propelled solely by human power applied to pedals upon which any person may ride, having two (2) tandem wheels or two (2) parallel wheels and one (2) forward wheel, all of which are more than fourteen (14) inches in diameter.

(1) Central City Streets – General. Except as provided in Paragraph (2) below, any person riding a bicycle shall ride in the right-hand lane and shall ride in single file, except when passing or being overtaken by another bicycle rider. When being overtaken by another bicycle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle riding is present, persons operating bicycles shall ride on the paved shoulder. These provisions shall apply, except in the following circumstances:

- a. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
- b. When preparing for a left turn at an intersection or into a private road or driveway.
- c. When reasonably necessary to avoid hazardous conditions, including but not limited to fixed or moving objects, parked or moving vehicles, pedestrians, animals or surface hazards.

(2) Central City Parkway – Specific Regulations. Any person riding or operating a bicycle on any portion of the Central City Parkway from the junction of County Road 279 to the interchange of Interstate 70 and Exit 243 shall comply with the following regulations:

- a. A person riding a bicycle shall ride in the paved right-hand shoulder at all times.
- b. Bicycle riders shall ride no more than two (2) abreast.
- c. When being overtaken by another bicyclist, such person shall ride as close to the right-hand side of the shoulder as practicable.
- d. Passing of another person riding a bicycle shall occur only where there is adequate shoulder width along the Parkway so that two (2) bicycles can safely ride abreast within the shoulder and not encroach upon or impede the travel lane of the Parkway.
- e. Riding a bicycle in the travel lanes along the Central City Parkway is strictly prohibited except when reasonably necessary to avoid hazardous conditions, including but not limited to fixed or moving objects, parked or moving vehicles, pedestrians, animals or surface hazards.

(c) A person who violates this Section shall be subject to the penalties specified in Section 1-4-20 of this Code. (Prior code 8-105)

Sec. 8-5-60. Bus parking.

It is unlawful for any person to park a bus on the following streets within the City:

- (1) Lawrence Street. (Prior code 8-106)

Sec. 8-5-70. Snowmobile and off-highway vehicle operations prohibited on roadways and City-owned land.

(a) Definitions. For purposes of this Section, unless the context otherwise requires:

Off-highway vehicle means any self-propelled vehicle or device which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public streets or roadways, and which generally and commonly is used to transport persons for recreational purposes.

Operate means to ride in or on and control the operation of a snowmobile or off-highway vehicle.

Roadway means that the portion of a highway, parkway, street or roadway, improved, designed or ordinarily used for vehicular travel, including all City-owned rights-of-way, whether or not used for travel.

Snowmobile means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts or cleats.

(b) No person shall operate an off-highway vehicle may be operated on any City roadway or City owned lands except in the following cases:

(1) When crossing a street or road, the crossing shall be made at an angle of approximately ninety (90) degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing. The snowmobile/off-highway vehicle shall be brought to a complete stop before proceeding to cross the roadway. The operator shall yield the right-of-way to all motor vehicle traffic on such street or road, which constitutes an immediate hazard to such crossing.

(2) During emergency conditions declared by proper local authorities.

(3) When a public utility or government-owned snowmobile/off-highway vehicle is used in the course of official duties.

(4) Vehicles registered pursuant to Article 3 of Title 42, C.R.S. (Prior code 8-107)

Sec. 8-5-80 Parking on Leavitt Street.

It is unlawful for any person to park, unload or load on the following streets within the City:

(1) Leavitt Street. (Prior code 8-108)

ARTICLE VI

Kinds and Classes of Vehicles and Traffic

Sec. 8-6-10. Restricted use of streets.

The use of certain streets and roadways by motor vehicles, motor-driven cycles, trucks or other commercial vehicles, bicycles and horse-drawn vehicles or other nonmotorized traffic shall be restricted or prohibited when declared by the City Council by ordinance, and when official signs giving notice thereof are erected as authorized in Section 8-4-30 of this Chapter. (Prior code 8-121; Ord. 11-10 §1, 2011)

Sec. 8-6-20. Size restrictions; applicability.

It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or parkway within the City any motor vehicle of a size, weight or load exceeding the limitations described in this Chapter or in Sections 42-4-502 through 42-4-510, C.R.S., or otherwise in violation of this Chapter or Section 42-4-1407, C.R.S. (Prior code 8-122; Ord. 11-10 §1, 2011)

Sec. 8-6-30. Height, width, length and kind of vehicles and loads.

(a) No vehicle unladen or with load shall exceed a height of thirteen (13) feet. Vehicles with loads extending higher than thirteen (13) feet require a special permit issued by the City Manager.

(b) The total outside width of any vehicle or the load thereon shall not exceed one hundred two (102) inches, except as otherwise provided in this Section.

(1) The total outside width of buses and coaches used for transportation or passengers shall not exceed eight (8) feet six (6) inches.

(2) The total outside width of any vehicle, as required in this Subsection, shall not be construed so as to prohibit the projection beyond such width of clearance lights, rear view mirrors or other accessories required by law.

(c) No single motor vehicle shall exceed a length of forty-five (45) feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the City or within a radius of fifteen (15) miles thereof may extend to sixty (60) feet. The length of school buses may also extend to forty (40) feet.

(d) Buses used for the transportation of passengers between the City and other towns, cities and municipalities in the State may be sixty (60) feet extreme overall length, inclusive of front and rear bumpers, but shall not exceed a height of thirteen (13) feet six (6) inches if such buses are equipped to conform with the load limitations set forth in this Article; except that buses with a height of fourteen (14) feet six (6) inches which otherwise conform to the requirements of this Subsection shall be operated only on highways designated by the Colorado Department of Transportation.

(e) No combination of vehicles coupled together shall consist of more than four (4) units, and no such combination of vehicles shall exceed a total overall length of seventy (70) feet. Said length limitation shall not apply to unladen truck tractor and semi-trailer combinations when the semi-trailer is fifty-seven (57) feet four (4) inches or less in length, or to unladen truck tractor and semi-trailer/trailer combinations when both the semi-trailer and the trailer are twenty-eight (28) feet six (6) inches or less in length. Said limitations shall not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties, or when operated under special permit as provided in Section 8-6-70 below, but in respect to night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. The limitations provided in this Section shall be strictly construed and enforced.

(f) Notwithstanding the provisions of Subsection (e) above, the following combinations of vehicles shall not exceed seventy-five (75) feet in total overall length:

(1) Saddlemount combinations consisting of no more than four (4) units;

(2) Laden truck tractor and semi-trailer combinations; and

(3) Specialized equipment used in combination for transporting automobiles or boats. The overall length of such combination shall be exclusive of:

a. Safety devices; however, such safety devices shall not be designed or used for carrying cargo,

b. Automobiles or boats being transported, and

c. Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, shall not extend more than four (4) feet beyond the extreme front of the grill of such vehicle, and no load or extension device may extend more than six (6) feet to the extreme rear of the vehicle.

(g) The length limitations of vehicles and combinations of vehicles provided for in this Section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, pipes and automobiles shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of Subsection 8-6-40(b), and no load shall project to the rear more than ten (10) feet.

(h) Dump trucks or hauling vehicles of any size. As used in this Section, a *dump truck* or *hauling vehicle* shall mean a heavy-duty truck whose contents can be emptied without personal handling by means of a platform that can be pneumatically and/or hydraulically raised so that the load is discharged by gravity rather than human effort. No person or company shall drive, operate or allow, authorize or cause to be driven or operated any dump truck or hauling vehicle on City streets or parkways, unless a permit is obtained from the City and a permit fee paid as established in Section 8-6-100 of this Article. (Prior code 8-123; Ord. 11-10 §1, 2011)

Sec. 8-6-40. Projecting loads on vehicles.

(a) No passenger-type vehicle, except a motorcycle or bicycle, shall be operated on any parkway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

(b) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the headlamp lenses of such vehicle; provided, that a load may project not more than four (4) feet beyond the front headlamp lenses of such a vehicle at a point above the cab of the driver's compartment, so long as that part of any load projecting ahead of the rear of the cab or the driver's compartment is so loaded as not to obscure the vision of the driver to the front or to either side, except as otherwise provided in this Article.

(c) It is unlawful for any person to operate a vehicle which has attached thereto in any manner any chain, rope, wire or other equipment which drags, swings or projects in any manner so as to endanger the person or property of another. (Prior code 8-124)

Sec. 8-6-50. Spilling loads on streets or parkways.

No vehicle shall be driven or moved on any street or parkway within the City unless such vehicle is constructed or loaded or the load thereon securely covered to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. (Prior code 8-125)

Sec. 8-6-60. Trailers and vehicles in tow.

(a) When one (1) vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and the drawbar or other connection shall not exceed fifteen (15) feet from one (1) vehicle to the other, except the connection between any two (2) vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five (55) feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

(b) When one (1) vehicle is towing another with a chain, rope, cable or similar connection, there shall be displayed, as near the center of such connection as practical, a white flag or cloth not less than twelve (12) inches square.

(c) Whenever one (1) vehicle is towing another, in addition to the drawbar or other connection, except a fifth-wheel connection meeting the requirements of the Interstate Commerce Commission, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened or otherwise damaged, shall be used. This shall apply to all motor vehicles; all trailers, except semi-trailers connected by a proper fifth wheel; and any dolly used to convert a semi-trailer to a full trailer. (Prior code 8-126)

Sec. 8-6-70. Permit requirements for oversized or overweight vehicles or loads.

(a) The City Manager may, in his or her discretion, subject to the requirements and criteria set forth in this Chapter, upon receiving application in writing and good cause being shown therefor, issue a permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Chapter or otherwise not in conformity with the provisions of this Chapter.

(b) Types of permits. The following types of permits may be issued by the City Manager for oversized and/or overweight vehicles operating within the City:

(1) Single trip permit: A permit that is valid for only a single daily trip for a set number of days, as determined by the City Manager, over specifically designated roadways or parkways.

(2) Fleet permit: A fleet permit is valid for a one-year period. For purposes of this Subsection, *fleet* means any group of two (2) or more vehicles owned by one (1) person or entity.

(3) Annual permit: A permit that is valid for one (1) year from the date of issuance on all or any specifically designated roadways or parkways.

(4) Special permit: A permit that is valid for a set number of days for structural or oversize moves requiring extraordinary action or for dump trucks or hauling vehicles.

(c) The City Manager is authorized to promulgate administrative rules, regulations and forms not inconsistent with this Article for the efficient administration of this Article.

(d) The City Manager shall prepare and promulgate application forms and other documents to implement the provisions of this Article. Such forms and documents may require from any applicant information deemed necessary or desirable by the City Manager, including but not limited to information needed to identify the applicant and the vehicles and loads to be operated or moved, the particular streets or parkway for which the permit to operate is required and the estimated timeframe of such movement.

(e) The City Manager shall administratively review any submitted application for completeness. Upon a determination that an application is complete, the City Manager shall administratively issue the permit if, in his or her opinion, the application and the permit issuance meet all requirements of this Article and any other applicable law. In rendering such decision, the City Manager shall consider whether the applicant's use of the public right-of-way in accordance with the permit will adversely or potentially adversely impact the health, safety or welfare of the public or cause or risk damage to the public rights-of-way. The City Manager may impose reasonable conditions on any permit to mitigate in whole or in part any adverse impact or damage as a condition of issuance of the permit.

(f) In granting such permit, the City Manager may, at his or her discretion, impose reasonable conditions of approval, including but not limited to: limiting the number of trips or establishing seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise limiting or prescribing conditions of operation of such vehicle, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference or to protect the highways from undue damage to the road foundations, surfaces or structures; and requiring such other undertaking or other security as may be deemed necessary to compensate for any injury to any roadway, highway or road or highway structure.

(g) Permits for excess size and weight and for manufactured homes. The City may charge permit application fees on an annual, single trip, fleet or special permit basis in accordance with the City's comprehensive fee schedule adopted by resolution of the City Council.

(h) Special permit for dump trucks or hauling vehicles. Dump trucks or hauling vehicles shall be subject to a special permit application and the City's comprehensive fee schedule described in Section 8-6-100 of this Article. The permittee of a dump truck or hauling vehicle must obtain a special permit on a form provided by the City in which a schedule of the frequency of trips, hours of operation, proposed routes of the dump truck or hauling vehicle and other information required by the permit is specified. Based upon frequency and use, the City, through the City Manager, may issue a special permit subject to reasonable terms and conditions to allow said dump truck or hauling vehicle to operate on City streets and parkways. Any decision to deny a special permit to use City streets and parkways for use by a dump truck or hauling vehicle must be in writing and may be appealed to the City Council following written notice of such appeal tendered by the applicant. Said notice of appeal shall be provided to the City Clerk within thirty (30) days of the decision of denial.

(i) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any authorized agent of the City, and no person shall violate any of the terms or conditions of such special permit.

(j) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the State,

implements of husbandry and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to his or her place of business within the State or to the premises of a purchaser or prospective purchaser within the State, nor shall such vehicle be subject to the size and weight provisions of Section 8-6-30 of this Article. (Prior code 8-127; Ord. 11-10 §1, 2011)

Sec. 8-6-80. Revocation of permit.

The City may, after notice and hearing to a permit holder, revoke, suspend, refuse to renew or refuse to issue any permit upon a finding that the permit holder has violated any conditions of the permit, or any ordinance or resolution of the City. (Ord. 11-10 §1, 2011)

Sec. 8-6-90. Liability for damage to street or structure.

(a) No person shall drive, operate or move upon or over any street or parkway structure any vehicle, object or contrivance in such a manner so as to cause damage to said street or parkway structure or sign bridge within or suspended over the public right-of-way.

(b) Every person violating the provisions of Subsection (a) above shall be liable for all damage which said street or parkway structure may sustain as a result thereof. Whenever the driver of such vehicle, object or contrivance is not the owner thereof but is operating, driving or moving such vehicle, object or contrivance with the express or implied consent of the owner thereof, then said owner and driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such street or parkway structure may be enforced by a civil action by the City. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of Subsection (a) above. (Prior code 8-128; Ord. 11-10 §1, 2011)

Sec. 8-6-100. Schedule of permit fees adopted.

The schedule of permit fees for oversize and overweight vehicles is adopted by the City Council by resolution and may be amended or repealed and replaced in full or in part by the City Council by resolution. (Prior code 8-129; Ord. 11-10 §1, 2011)

ARTICLE VII

Parkway Access Code

Sec. 8-7-10. Short title.

This Article shall be known as the Central City Parkway Access Code ("Parkway Access Code"). (Prior code 8-141)

Sec. 8-7-20. General purpose.

This Parkway Access Code is necessary (i) to protect the public safety with respect to maintaining the smooth flow of traffic and drainage on the Central City Parkway ("Parkway"); (ii) to protect the functional level of the Parkway for which it was intended, financed, designed and constructed by the

City of Central Business Improvement District ("District"); and (iii) to secure the financial security and welfare of the District, its taxpayers and bondholders, including some recovery of the costs of financing, constructing, maintaining and improving the Parkway. Although the Parkway will be open to the public, access to the Parkway will be restricted between the points of the Parkway's connection with the City street system and Interstate 70 in order to maintain the design flow of traffic into and from the City, to protect the safety of Parkway users, to reduce Parkway operating and maintenance costs, to promote the vitality of commercial properties within the District who are paying for the Parkway, to secure the prosperity, security and general welfare of the inhabitants of the City and taxpayers within the District, and to assure compliance with the conditions imposed under the District bond indenture with respect to the financing of the Parkway project and restrictions on access to the Parkway. The Parkway is not part of the State Highway System. (Prior code 8-142)

Sec. 8-7-30. Authority.

Pursuant to Sections 31-15-702 and 43-2-147(1), C.R.S., the City is authorized to regulate vehicular access to or from any public highway under its jurisdiction from or to property adjoining a public highway in order to protect the public health, safety and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage and to protect the functional level of public highways. In partial implementation of such authorities, the City, under City Ordinance 03-18, designated the Parkway as a controlled-access highway. (Prior code 8-143)

Sec. 8-7-40. Applicability.

An access permit shall be required in any one (1) of the following circumstances:

- (1) A newly proposed access;
- (2) An existing access is physically relocated or modified in terms of size; or
- (3) There is a change in use of the site being served by an existing access that will increase anticipated traffic volumes above those generated by existing uses.

All provisions of this Parkway Access Code shall be subject to any specific rights granted to landowners under any Parkway right-of-way agreement between such landowner and the City or the District. (Prior code 8-144)

Sec. 8-7-50. Application requirements.

(a) An applicant seeking permission for access to the Parkway shall submit three (3) copies of the following materials and information:

- (1) Completed application form;
- (2) Engineering plans as set forth in Section 8-7-60 below;
- (3) Payment of all applicable fees and charges; and
- (4) Any additional information or documentation deemed necessary by the City.

(b) The City may waive any application requirements based on the nature of the application submittal. (Prior code 8-145)

Sec. 8-7-60. Application and contents of engineering plans.

Designs, plans and specifications prepared by a registered Colorado professional engineer, together with an estimate of costs and time for completion (together, the "engineering plans") shall be required for any access improvements made to the Parkway. The following information shall be included in the engineering plans as such are submitted to the City for review:

(1) A cover sheet showing the record name, address and telephone number of the development or property owner, a map showing the location and length of all access improvements, an index of sheets, the address, telephone number and stamp of the registered engineer who prepared the engineering plans, and the engineer's signature affixed over the stamp;

(2) General notes and specifications;

(3) Typical cross-sections;

(4) Detailed construction plans and profile sheets at a scale of one (1) inch to twenty (20) feet showing angles of intersections, sight distances, the location of utilities and the distances from intersecting roads and property lines;

(5) The preliminary site plan of the development with approved revisions, if applicable;

(6) A traffic control plan detailing traffic control stages, if applicable, to be implemented during construction;

(7) Traffic control devices for the final access improvements, such as fixed signs, pavement markings and traffic signal layout plans, if signalization is authorized under the access permit; provided, however, that unless authorized by the City and the District, no traffic signals shall stop, disrupt, interfere with or impede the smooth and continuous flow of traffic on the Parkway;

(8) A drainage study and drainage plan for the development, which shall be engineered to prohibit any stormwater discharge onto the Parkway or its rights-of-way. The drainage plan shall incorporate a USGS map delineating existing and proposed watershed and subwatershed areas affecting the project site, any drainage facilities and design volumes and velocities of all drainage structures, systems and ditches;

(9) A street lighting plan that shall include without limitation:

a. A description and map of the location, spacing and number of street lights, which shall be identical in design to other street lights installed along the Parkway;

b. electrical detail;

c. construction methods; and

d. estimate of costs of all street lighting improvements.

(10) Soil surveys conducted prior to completion of the engineering plans to determine the existence of any unsatisfactory subgrade materials or the need for remedial underground drainage;

(11) A traffic impact study that shall include without limitation:

a. A general description of the development, including its size, location and the roadway network within the development and within the vicinity of the development, and the boundary limits of the study;

b. A description of the existing and proposed land uses of the development;

c. A detailed description of the roadway network in the vicinity of the development, including all Parkway intersection geometrics, existing twenty-four hour volume counts, a.m./p.m. peak hour counts at intersections, and any traffic control devices;

d. The average trip generation rates for both total daily traffic and a.m./p.m. peak hours, plus the total number of trips generated for each type of proposed land use;

e. A description of the most likely traveled routes in the vicinity of the development and trip distribution analysis;

f. An analysis of existing and projected traffic volumes along the Parkway and other roadway networks;

g. An analysis of the capacity of the proposed access improvements and influenced intersections and any impact upon the continuous flow of traffic on the Parkway. The existing and projected levels of service derived from the analysis shall be used to assist in evaluating design and operation alternatives of the access and influenced intersections. The access improvements shall be designed to a Level of Service C or better under the State Code for the intersection at the traffic volume projected twenty (20) years from the expected year of construction;

h. If it is anticipated that the development's access will satisfy one (1) of the traffic signal warrants soon after the development has been completed, a warrant analysis shall be conducted using the projected volumes determined from the trip generation analysis;

i. A description of the type and extent of traffic control measures, including without limitation regulatory signage, signalization and pavement markings, which shall be consistent with Paragraph (7) above, and any impact upon the continuous flow of traffic on the Parkway; and

j. Clear and concise descriptions of the professional findings, including all recommended access improvements, rights-of-way and requirements for access facilities connecting to the Parkway, intersections and the area roadway network.

(12) Cost estimates based on unit prices for all access, drainage and street lighting improvements;

(13) Estimate of time to complete all project work and, if the application is approved by the City and District, a progress schedule shall be completed and submitted periodically as required in the access permit;

(14) A professional engineer registered in Colorado shall prepare the preliminary plans, soil, drainage and street lighting studies, other engineering plans, and the estimate of costs and time for completion of all access improvements. The traffic impact study shall be prepared by a professional traffic engineer registered in Colorado. All engineering documents shall be stamped with the engineer's seal and the engineer's signature affixed over the seal.

(15) The engineering plans shall strictly prohibit:

- a. Any stormwater drainage or discharge onto the Parkway or its rights-of-way;
- b. Any blasting activity within five hundred (500) feet of the Parkway; and
- c. Any left turn onto the Parkway, unless otherwise expressly authorized by the City in the access permit. (Prior code 8-146)

Sec. 8-7-70. Access permit review process.

The process for review and approval of an access permit is as follows:

(1) Preliminary submittal. The initial submittal by a permittee shall include, without limitation, a completed application for an access permit, a preliminary survey plat and a preliminary plat of the development or property. The City shall forward the submittal to the District and any other applicable agency, department or district for its review and consideration. The failure of the District or any agency to respond within thirty (30) days of the date on which the referral was sent by the City shall be deemed to constitute a "no comment" response upon such permit application. The absence of a timely District or agency comment shall not preclude the City Manager, in his or her discretion, from later seeking such comments during the review process.

(2) Final submittal. After review and re-submittal of any items required by the City and the District under Paragraph (1) above, the permittee shall submit the final survey plat, the engineering plans in compliance with Section 8-7-60 above, any supplemental studies that may be required by the City or the District in order to make a determination on the application and any other submittal requirements specified in Paragraph (3) below.

(3) Other submittal requirements.

a. If an access permit is granted, a performance, payment and completion guarantee ("guarantee") in the form of a letter of credit, cash escrow account or certificate of deposit acceptable to the City and District shall be submitted prior to commencement of construction of the access improvements to protect the City and District against any costs for completing construction or correcting deficiencies in the access improvements. A letter of commitment from the financial institution for such guarantee shall be required at the time of final submittal of the application. The amount of the guarantee shall be one hundred twenty-five percent

(125%) of the engineer's estimate of costs to complete the proposed access and any associated improvements. The permittee may apply to the City for a partial release of fifty percent (50%) of any escrow funds when sixty-five percent (65%) of the work is completed, if no claim has been made, but the balance of such escrow funds will not be released until all work is completed and accepted by the City. The status of project completion must be verified in a letter from the permittee's engineer, stating that the engineer has inspected the project site and the percentage of project work claimed to be completed has been completed per the approved engineering plans. When all project work is complete and accepted by the City, the guarantee may, if no claim has been made, be reduced to an amount not less than twenty-five percent (25%) of the original guarantee amount. Upon termination of a two-year warranty period, the guarantee shall be released in its entirety if no claim has been made. If at any time the City determines that the amount of the guarantee is not adequate to cover the costs of completing the project work, the City shall notify the permittee that it must increase the amount of the guarantee. The City may revoke the access permit if the permittee fails to increase the guarantee within thirty (30) days of such request or if the guarantee becomes unenforceable for any reason.

b. If it is determined that additional improvements to the Parkway may be necessary as a result of any future impact of an access authorized hereunder (i.e., a traffic impact study prepared for a development to be staged or phased over a period of years concludes that a traffic signal/signal interconnection is not currently warranted but will be required as subsequent stages or phases of the development are completed), the permittee shall be responsible for providing a guarantee for all costs of any future improvements to the Parkway. The guarantee shall be in the form of a letter of credit, cash escrow account or certificate of deposit acceptable to the City and District. The amount of the guarantee for the future improvements shall be equal to the engineer's estimate of the future costs of the improvements with a contingency of twenty percent (20%), plus thirty percent (30%) to cover the costs of the City's administration of the future improvements work.

c. Certificates of insurance shall be provided at the time of final submittal of the application. Prior to the issuance of the access permit, the permittee shall file with the City and District copies of completed certificates of insurance for broad form comprehensive commercial and automobile liability coverages, satisfactory to afford protection to the City and District against all claims for damages to public or private property and injuries to persons arising out of or occurring during the completion of the project work, any warranty period and the term of the access permit. Such insurance policies shall name the City and District as additional insureds. The minimum amounts of insurance shall be two million dollars (\$2,000,000.00) for combined single-limits per occurrence for each of the following types of liability insurance:

1. Bodily injury;
2. Property damage; and
3. Automobile liability.

All such insurance shall include an endorsement whereby the insurer agrees to notify the City and District at least thirty (30) days prior to nonrenewal, reduction or cancellation of such

policies. The permittee shall cease, or cause to be ceased, all work, construction and use of any access improvement if such insurance is cancelled or reduced below the required minimum amount of coverage. The permittee shall also provide to the City and District a certificate of insurance covering workers' compensation or satisfactory evidence that this liability is otherwise covered in accordance with state law. All insurance shall be kept in effect until all project work to be performed under the access permit has been completed and accepted in accordance with the terms thereof, and it is understood and agreed that the maintenance of such insurance during the term of the access permit is a condition of issuance of the access permit. Failure to maintain such insurance will result in the suspension or revocation of the access permit.

d. Any dedication of rights-of-way or easements across the development property as may be required by the City and District.

(4) Issuance of access permit. Following receipt of the application, engineering plans, guarantee, certificates of insurance or other required documentation, the City Manager may approve an access permit subject to the criteria set forth in Section 8-7-80 below and ratification of said approval by the City Council. Upon ratification of the City Manager's approval by the City Council, the City Manager may issue a revocable access permit ("access permit") and construction work may begin on the access improvements. All project work performed on the Parkway under the terms of the access permit shall be in compliance with all conditions of the access permit itself and all engineering plans approved by the City and District, as applicable. The permittee or its contractor shall have a copy of the access permit available at the project site during any construction activity.

(5) Preconstruction meeting. A preconstruction meeting with the permittee, the permittee's engineer, the contractor for the project work and a representative of the City ("representative") shall be held prior to commencement of any construction work to discuss the timeframes in which construction will be completed, periodic inspection requirements and requirements for final acceptance upon completion of the access improvements.

(6) Field inspections. The representative will conduct periodic field inspections during the course of the project work. At the request of the representative, the permittee's engineer may be required to submit periodic inspection reports. The number of inspections (not less than weekly) shall be determined by the representative and shall reflect the complexity and magnitude of the access improvements made to the Parkway. During the project work, inspections shall be made periodically by the permittee's engineer to ensure compliance with the engineering plans. The engineer shall provide weekly field reports to the representative.

(7) Final inspection. A final inspection shall be performed by the representative and the permittee's engineer. If any deficiencies are noted in the work performed, the permittee and the contractor shall have thirty (30) days following the date of written notice from the City to correct such deficiencies to the satisfaction of the representative. When all deficiencies have been corrected and are acceptable to the City and written confirmation thereof has been received from the permittee's engineer, the City will provide in writing probationary approval of the access improvements. There shall be a two-year warranty period from the date of such probationary approval in which the permittee will guarantee all access improvements against defects of every nature. All deficiencies that occur during the two-year warranty period shall be corrected by the

permittee and restored to satisfactory condition, subject to the approval of the City and District. The permittee shall request an inspection of the access improvements by the City eighteen (18) months after probationary approval. The permittee shall, upon written notice from the City, proceed to perform any work necessary to correct deficiencies prior to the expiration date of the warranty period. Failure to perform such work and complete the access improvements will result in the suspension or revocation of the access permit. (Prior code 8-147; Ord. 11-10 §1, 2011)

Sec. 8-7-80. Criteria of approval.

Upon acceptance of a completed application, engineering plans, guarantee and other required documentation, an application for an access permit may be approved by the City Manager and ratified by the City Council if all of the following criteria are met:

- (1) The application, engineering plans and all supporting documentation are complete and in conformance with the requirements of this Article;
- (2) The proposed access would not adversely affect the Parkway or impede traffic flow or present a safety hazard to users of the Parkway; and
- (3) The proposed access will serve the best interests of the City in promoting the health, safety and welfare of its residents. (Prior code 8-148; Ord. 11-10 §1, 2011)

Sec. 8-7-90. Issuance of access permit.

(a) No access to the Parkway shall be permitted unless (1) there is full compliance with the requirements and standards set forth in this Article by the permittee, and (2) approval is granted in writing by the City Manager through issuance of an access permit in consultation with the District and upon ratification by the City Council.

(b) The City will issue an access permit only after: (1) review of the engineering plans and related documentation; (2) payment of all taxes, assessments, charges and fees prescribed under this Parkway Access Code; and (3) approval thereof by the City, in consultation with the District.

(c) The access permit shall set forth the term thereof, any conditions relating to access to the Parkway and the completion of access improvements and the incorporation by reference of all provisions of this Parkway Access Code. (Prior code 8-149; Ord. 11-10 §1, 2011)

Sec. 8-7-100. Revocation of access permit.

The City may revoke an access permit in conformance with this Section. When it appears that: (1) a permittee has failed to comply with any term or condition of this Article, to provide any engineering plans, guarantee, certificates of insurance or other required documentation, to operate, maintain, repair and replace the access improvements in accordance with the terms of the access permit or this Parkway Access Code, or to remedy and correct a violation of any provision of the access permit; or (2) conditions arising out of the utilization or exercise of such access permit impede or interfere with the smooth flow of traffic or drainage on the Parkway, the City Manager may issue a written notice to the permittee specifying the violation or other condition, directing the permittee within a time specified to cure or correct the same, and notifying the permittee that the access permit

may be revoked if the permittee fails to cure or correct the same within the time specified. The permittee shall be entitled to request a hearing before the City Manager on the matters set forth in the notice. If the permittee fails to cure or correct the alleged violation or condition in conformity with the notice, or with the orders of the City Manager following a hearing, the City Manager may issue a notice of suspension or revocation of such access permit, including without limitation establishing any conditions that must be complied with in order to reinstate such access permit and any fines, penalties, charges and costs related thereto. During any period of suspension or revocation of an access permit, the access improvements shall not be used for, and the permittee (and any other person) shall have no right of, access to the Parkway for any purpose, unless expressly authorized in writing by the City Manager. The City may thereafter refuse to reconsider the reinstatement of any access permit that has been suspended or revoked, and the permittee, in consideration of the original issuance of such access permit, shall be deemed to have waived and released the City and District from any and all claims, actions and damages of any nature that such permittee may otherwise have against the City and District. (Prior code 8-150)

Sec. 8-7-110. Interference with traffic flow and prevention of traffic hazards.

During any period of time that the Parkway or any access improvement to the Parkway is being constructed, maintained or repaired, care shall be taken to ensure the protection of workmen, vehicular traffic and the general public. Any such work shall be accomplished in a manner that minimizes interference with vehicular traffic and general Parkway operations. All warning signs, pavement markings and traffic control during construction shall be in compliance with the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways ("MUTCD") published by the U.S. Department of Highway, Federal Highway Administration. To the extent that there is any conflict between the provisions of the MUTCD and this Parkway Access Code, the provisions of this Parkway Access Code shall prevail, unless otherwise authorized by an access permit. Copies of traffic control standards from the MUTCD may be attached to any access permit issued by the City in accordance with this Parkway Access Code indicating the manner in which the permittee will protect and control traffic during any period of construction activity. During construction of any access improvements, the permittee shall be fully responsible for maintaining the continuous flow of traffic on the Parkway. After completion and during the term of the access permit, the permittee shall be fully responsible for maintaining, repairing and replacing all access improvements, including without limitation the removal of snow, ice, debris, materials and equipment interfering with traffic flow on the Parkway, and keeping that portion of the permitted access within the Parkway right-of-way in a safe condition for the general use of the Parkway, all to the satisfaction of the City and District. Failure to perform such maintenance will result in the suspension or revocation of the access permit. (Prior code 8-151)

Sec. 8-7-120. Compliance with State Access Code.

Any access improvements shall be constructed in compliance with the State Highway Access Code ("State Code") promulgated by the Colorado Department of Transportation ("CDOT") as set forth in 2 CCR 601-1, as amended, and adopted by reference by the City. In particular, the design standards and specifications in Section Four of the State Code for sight distances, access spacing, access width, access radii, access surfacing, speed change lanes and other requirements shall be strictly adhered to, unless otherwise authorized in the access permit. To the extent that there is any conflict between the provisions of the State Code and this Parkway Access Code, the provisions of this Parkway Access Code shall prevail, unless otherwise authorized in the access permit. Further, all

provisions of the CDOT 1601 Permit and associated access permit used by CDOT for the Parkway shall be applicable to any access permit issued hereunder. (Prior code 8-152)

Sec. 8-7-130. City annexation or inclusion in Central City Business Improvement District.

Prior to commencement of construction of any access improvements authorized pursuant to a validly issued access permit, the development or property for which such access improvements are constructed, as well as any property directly or indirectly using such access (all of such property collectively, the "benefited property"): (1) shall, if such benefited property is not located within Clear Creek County and is classified as commercial property pursuant to Section 31-25-1203(2), C.R.S., be annexed into the City and included in the District in accordance with statutory requirements and be subject to and pay all property taxes, assessments, charges or fees assessed by the District against all properties located within the District's boundaries; or (2) if the Benefited Property is not located within Clear Creek County, is not classified as commercial property pursuant to Section 31-25-1203(2), C.R.S., or cannot be annexed into the City and included in the District for any reason acceptable to the City and the District, then the owner of the benefited property may be obligated to the District, as permitted by law, for the payment of fees in lieu of property taxes that are based upon the assessed valuation of the benefited property and the District's mill levy, together with all other assessments, charges and fees assessed by the District, including without limitation any sum that the District and the owner of the benefited property may determine in order to liquidate such owner's obligations under this Section, which obligation shall otherwise terminate when the District's bonds and notes issued to finance the Parkway project have been fully paid and discharged. This Section shall not apply to any properties in Clear Creek County. (Prior code 8-153)

Sec. 8-7-140. Compliance with county intergovernmental agreements.

No access permit shall be granted if such access improvements would violate the terms of either the intergovernmental agreement among the City, Clear Creek County and the City of Idaho Springs or the intergovernmental agreement among the City, Gilpin County and the Town of Black Hawk unless all parties to such intergovernmental agreements otherwise approve such access improvements in written form acceptable to the City and the District. (Prior code 8-154)

Sec. 8-7-150. Permit fees.

The City shall establish reasonable fees to cover the administrative costs of processing an access permit as established by resolution of the City Council. (Prior code 8-155)

Sec. 8-7-160. Indemnification of City.

The permittee, its contractors and any other persons designated by the City shall indemnify, hold harmless, release and defend the City, the District, their governing bodies, officers, agents, employees and consultants from and against any judgment, loss, damage or expense that such parties may sustain as a result of any proceeding, suit, action or claim of any character brought on account of property damage, injury to or death of any person or persons, including all persons traveling upon the Parkway or affected by or performing any work that arises in connection with the issuance of or any work performed under the access permit. This provision is not intended to create in the public or any member thereof any third party beneficiary right, or to authorize anyone not a party to the access

permit to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of the access permit. (Prior code 8-156)

Sec. 8-7-170. Enforcement.

If the permittee fails to perform the project work with sufficient work force and equipment or with sufficient materials to ensure the completion of such work within the specified time, performs such work incorrectly as determined by the City in consultation with the District, neglects or refuses materials or fails to remedy any work which may be rejected as defective or contrary to the approved engineering plans, discontinues the project work before completion, or for any other cause whatsoever does not carry on the project work in a manner acceptable to the City, the City shall give notice by certified mail to the permittee, the contractor and their sureties of such condition or delinquency, the time for correcting such conditions and the corrective measures required. If such corrective measures are not taken in accordance with such notice, the City or District shall call upon the guarantee to have the work completed. Upon receipt of funds from the surety, the City and District may then take over the project work, including any or all materials or equipment on the ground as may be suitable and acceptable, and may complete the project work or take appropriate measures to terminate and abandon the access improvements at the expense of the permittee. (Prior code 8-157)

Sec. 8-7-180. Violations and penalties.

Any person who constructs any access improvement in violation of the requirements of an access permit or this Parkway Access Code shall be subject to a fine of not more than one thousand dollars (\$1,000.00) for each violation thereof as set forth in Section 1-4-20 of this Code. Each day that any access improvement is in place in violation of the access permit or this Parkway Access Code shall constitute a separate offense, subject to the above fines and penalties. This violation includes any access improvements to the Parkway installed without access permit approval, as well as access improvements that are installed in noncompliance with approved engineering plans. The provisions of this Parkway Access Code shall not be deemed to be exclusive or deemed to prevent the prosecution of any other action or proceeding in law or equity to enforce the provisions of this Parkway Access Code or any other provision of the City Code, or to vacate and remove any access improvements constructed in violation of an access permit or this Parkway Access Code. In addition to any remedies specifically set forth herein, the City may pursue any other remedies provided by law in the event of a violation of this Parkway Access Code or an approved access permit by a permittee. (Prior code 8-158)

Sec. 8-7-190. Appeal of denial of access permit.

Any applicant denied an access permit by the City Manager shall be entitled to submit a written request to appeal said decision to the City Council within thirty (30) days of the written decision of denial. Upon the City's receipt of a written notice of appeal, the City Council shall hear such appeal within thirty (30) days. (Prior code 8-159)

ARTICLE VIII

Highway Access Code

Sec. 8-8-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is adopted by reference the State of Colorado State Highway Access Code codified in Volume 2 of the Code of Colorado Regulations Section 601-1, March 2002, promulgated by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the State Highway Access Code relates primarily to ingress and egress to the state highway system and design thereof. The purpose of this Article and the code adopted herein is to provide a comprehensive set of access regulations for the Central City Parkway. At least three (3) copies of the State Highway Access Code adopted herein are on file in the office of the City Clerk and may be inspected during regular business hours. (Prior code 8-171)

Sec. 8-8-20. Application.

This Article and the State Highway Access Code adopted herein shall apply to access permits for the Central City Parkway and to no other street, alley or roadway within the City, except as otherwise provided in this code. In particular, the design standards and specifications in Section Four of the State Highway Access Code for sight distances, access spacing, access width, access radii, access surfacing, speed change lanes and other requirements shall apply to the access improvements authorized in any access permit issued by the City for access to the Central City Parkway. (Prior code 8-172)