

TOWN OF SILVERTON, COLORADO

ORDINANCE NO. 2013-02

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF SILVERTON, COLORADO; ADOPTING BY REFERENCE, THE 2010 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO" AND CERTAIN MODIFICATIONS THERETO; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOATIONS THERETO**

**WHEREAS**, pursuant to C.R.S. §§ 42-4-110(b) and 31-16-202, the Town of Silverton ("Town") maintains the authority to adopt model traffic codes by reference as necessary for the uniform regulation of traffic within its jurisdictional boundaries; and

**WHEREAS**, the Town Board of Trustees ("Board") has previously adopted the 2010 edition of the "Model Traffic Code for Colorado" but failed to codify the provisions thereof within the Silverton Municipal Code; and

**WHEREAS**, the Board wishes to so codify the Model Traffic Code into the Municipal Code while undertaking certain revisions and additions thereto concerning the operation of Off-Highway Vehicles on municipal streets;

**NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO that:**

Section 1. Findings and Intent. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board.

Section 2. Adoption of Model Traffic Code Including Certain Modifications. The entirety of Chapter 13 of the Town of Silverton Municipal Code is hereby abolished in its entirety and readopted as follows:

**Chapter 13 ARTICLE 1  
MODEL TRAFFIC CODE**

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OFF-HIGHWAY VEHICLE CODE**

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**ARTICLE 1 MODEL TRAFFIC CODE**

13-1-1      **Adoption**      Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted in its entirety, with the exceptions listed and stated below, the 2010 revised edition of the "Model Traffic Code for Colorado" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222. The subject matter of the "Model Traffic Code for Colorado" relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with State law and generally conforming to similar regulations throughout the State and Nation. Three (3) copies of the "Model Traffic Code for Colorado" adopted herein are now filed in the office of the Clerk of Silverton, Colorado and may be inspected and viewed during regular business hours. The 2010 revised edition of the "Model Traffic Code for Colorado" is adopted as if set out at length.

13-1-2      **Additions or Modifications**      The said adopted Model Traffic Code for Colorado Municipalities shall be subject to the following amendments:

**Modifications:**

Section 109 (9); shall only apply to the roadway known as Greene Street and shall not apply to every other street, alley, sidewalk area, driveway, park, public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. Article 11, Section 1101 (2) (b) and (c) shall be modified to read, "(b) Fifteen (15) miles per hour in any business, commercial, or industrial district within the corporate limits of the Town of Silverton, with the exception of Greene Street which is 25 miles per hour," and "(c) Fifteen (15) miles per hour in any residential district within the corporate limits of the Town of Silverton, with the exception of Greene Street."

**Additions:**

Section 1204 (1) (l); in any alleyways Section 1204(2)(b); 'The placement of municipal signage so as to enforce the terms of this provision is not deemed necessary pursuant to Part 1, Section 105 of this Code.'

Deletions:

Section 1204 (2) (e)

- 13-1-3      **Penalties**      The following penalties, herewith set forth in full, shall apply to this ordinance:
- (a)      It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance.
  - (b)      Every person convicted of a violation of any provision stated or adopted in this ordinance shall be punished by a fine not exceeding three hundred dollars (\$300), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.
- 13-1-4      **Application**      This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or place or public parking area either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 5-1, 5-2, 5-12, 21-13, and 23-3 of the adopted Model traffic Code respectively concerning reckless driving, careless driving, unauthorized devices, eluding officer, and accident investigation shall apply not only to public places and ways but also throughout this municipality.
- 13-1-5      **Validity**      If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.
- 13-1-6      **Repeal**      Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.
- 13-1-7      **Interpretation**      This ordinance shall be 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 the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or extent of the provisions of any article or section thereof.
- 13-1-8      **Certification**      The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.
- 13-1-9      **Effective date**      This ordinance shall take effect from and after the 13<sup>th</sup> day of July, 2013.

## ARTICLE 2 OFF-HIGHWAY VEHICLE CODE

13-2-1

**Definitions** As defined in this Chapter, unless the context otherwise requires, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number; and every word importing the masculine gender only may extend to and be applied to females and things as well as males, and every word importing the neuter gender only may extend to and be applied to natural persons as well as things. The word *shall* is always mandatory and not merely directory.

*Off-highway vehicle* means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. *Off-highway vehicle* does not include the following:

- a. Vehicles designed and used primarily for travel on, over or in the water;
- b. Snowmobiles. *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. *Snowmobile* does not include machinery used strictly for the grooming of snowmobile trails or ski slopes;
- c. Military vehicles;
- d. Golf carts;
- e. Vehicles designed and used to carry disabled persons;
- f. Vehicles designed and used specifically for agricultural, logging or mining purposes; or
- g. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

*Off-highway vehicle route* means the roads designated on the Town of Silverton - Temporary OHV Routes Map, attached hereto as Exhibit A.

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

*Operator* means every person who operates or is in actual physical control of an off-highway vehicle.

*Owner* means any person, other than a lienholder, having a property interest in an off-highway vehicle and entitled to the use and possession thereof.

*Possession* means physical custody of an off-highway vehicle by any person or by any owner of a motor vehicle or trailer on or in which an off-highway vehicle is placed for the purpose of transport.

13-2-2      Designated Off-Highway Vehicle Routes      In accordance with C.R.S. §33-14.5-108(1), C.R.S., the Town roads as specifically designated on the Town of Silverton - Temporary OHV Routes Map, attached hereto as Exhibit A and incorporated herein, are hereby designated as temporary off-highway vehicle routes and off-highway vehicles may use these roads only during special off-highway vehicle events as approved by the Town Board pursuant to C.R.S. § 33-14.5-108(d).

13-2-3      Operation of Off-Highway Vehicles

- (a) No person shall operate an off-highway vehicle in the Town, pursuant to this Chapter, except during Town Board approved special off-highway vehicle events.
- (b) No Person shall operate an off-highway vehicle in the Town, pursuant to this Chapter, unless the person possesses a valid Colorado driver's license or a valid driver's license from another state.
- (c) No person shall operate an off-highway vehicle on a road of the Town while carrying any person or riding in any position that may interfere with the operation or control of an off-highway vehicle or the view of the operator.
- (d) Every person operating an off-highway vehicle shall do so in compliance with the applicable laws of the State of Colorado and the Model Traffic Code for Colorado, as adopted by the Town, pursuant to the provisions of Chapter 13 of this Code.
- (e) The operator of an off-highway vehicle in the Town shall not exceed any speed limit designated by an official traffic control device.
- (f) When operated on any Silverton road designated for temporary off-highway vehicle use, off-highway vehicles shall be considered to be "motor vehicles" as defined in the Colorado Motor Vehicle Financial Responsibility Law, Title 42, Article 7, C.R.S. and shall be required to maintain at least the minimum liability insurance coverage required by such law.

13-2-4      Safety Equipment      Every off-highway vehicle operated pursuant to this Chapter shall be equipped, as provided by Section 33-14.5-109(1)(a) and (b), C.R.S., and the Colorado Division of Parks and Outdoor Recreation, Chapter 5 - OHV Regulations, as follows:

- (1) At least one (1) headlamp;
- (2) At least one (1) red tail lamp;
- (3) Braking system;
- (4) Spark arrester; and
- (5) Muffler.

13-2-5      Notice of Accident

- (a) The operator of an off-highway vehicle involved in an accident resulting in property damage, injuries or death, or any person acting for the operator, or the owner of the off-highway vehicle having knowledge of an accident, shall immediately, by the quickest available means of communication, notify the San Juan County Sheriff's Department.
- (b) The Sheriff's Department, upon receiving a report of an accident under this Section, shall forward a copy thereof to the Colorado Division

of Parks and Outdoor Recreation.

- (c) Within forty-eight (48) hours after an accident involving an off-highway vehicle, the accident shall be reported to the Denver office of the Colorado Division of Parks and Outdoor Recreation. The report shall be made on forms furnished by such Division and shall be made by the owner or operator of the vehicle or someone acting for the owner or operator.

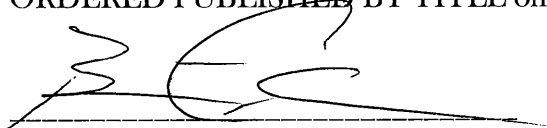
**13-2-6**      Limitation of Liability      To the maximum extent permitted by law, nothing in this Chapter shall be construed as an assumption of any duty of care by the Town with respect to, or the assumption of any liability by the Town for, any injuries to persons or property which may result from the operation of an off-highway vehicle on the roads within the Town limits.


**13-2-7**      Enforcement, Violations and Fines

- (a) Every Sheriff's officer is hereby authorized to enforce the provisions of this Chapter as provided by the applicable provisions of the Model Traffic Code for Colorado, as adopted by the Town. Notwithstanding the provisions of the adopted Model Traffic Code, Article II Definitions, subsection (88), an off-highway vehicle shall be considered a "vehicle" for purposes of the application or enforcement of the adopted Model Traffic Code, except for Article I, Part 2, Equipment, thereof.

Any person who violates the provisions of this Chapter shall be guilty of a Model Traffic Code violation and, upon conviction thereof, shall be punished in accordance with the provisions of Section 13-1-3.

INTRODUCED on May 15, 2013, PUBLISHED ONCE IN FULL on May 23, 2013, a PUBLIC HEARING HEREUPON HELD AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE on this 10<sup>TH</sup> day of June, 2013.

  
Witness, Brian Carlson, Clerk-Treasurer

  
Christine M. Tookey, Mayor