

CHAPTER 8 Vehicles and Traffic

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Sec. 8-1-10. 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 by reference the 2010 edition of the *Model Traffic Code*, promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222, as modified in Section 8-1-30 below. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the Nation.

(Ord. 2 §1, 2010; Ord. 1 §1, 2012)

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

One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Town Clerk and may be inspected by appointment during regular business hours.

(Ord. 2 §6, 2010; Ord. 1 §1, 2012)

Sec. 8-1-30. Amendments.

The 2010 edition of the Model Traffic Code is adopted as if set out at length, save and except the following additions, deletions or modifications:

- (1) Section 105 is hereby deleted in its entirety.
- (2) Subsection 110(4) is modified to read as follows:

"The appropriate local court shall have jurisdiction over violations of traffic regulations enacted or adopted by the Board of Trustees."

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- (3) In Subsection 223(1), all references to "section 235(1)(a)" are modified to read "section 42-4-235(1)(a), C.R.S."
- (4) In Subsection 225(3), the reference to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."
- (5) In Subsection 228(5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (6) In Subsection 229(4), the reference to "section 219" is modified to read "section 42-3-219, C.R.S."
- (7) In Subsection 236(1)(a), the reference to "Code 6" is modified to read "Article 6."
- (8) In Subsection 237(3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (9) In Subsection 238(1), the reference to "section 42-1-102(6)" is modified to read "section 42-1-102(6), C.R.S."
- (10) Subsection 239 is modified as follows:
 - a. Subsection (2) is modified to read as follows:

"A person under eighteen (18) years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (3) of this section."
 - b. Subsection (3) is modified to read as follows:

"A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle."
 - c. In Subsection (5), all references to "section 42-4-1701(3)" are modified to read "section 42-4-1701(3), C.R.S."
 - d. Subsection (6) is modified to read as follows:

"(6)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen (18) years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.

(6)(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by section 42-4-1402, C.R.S."
- (11) In Subsection 504(4), the reference to "section 42-4-510" is modified to read "section 42-4-510, C.R.S."
- (12) Section 602 is hereby deleted in its entirety.
- (13) In Subsection 604(1)(a)(III), the reference to "section 42-4-802" is modified to read "section 42-4-802, C.R.S."
- (14) In Subsection 608(1), the reference to "section 42-4-903" is modified to read "section 42-4-903, C.R.S." and the reference to "section 42-4-609" is modified to read "section 42-4-609, C.R.S."
- (15) In Subsection 613, the reference to "Code 4" is modified to read "Article 4."
- (16) Subsection 614(1)(a) is modified to read as follows:

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"If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits the equivalent to certain State violations listed in section 42-4-1701(4), C.R.S., in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 42-4-1701(4)(c), C.R.S."

- (17) Subsection 614(1)(b) is modified to read as follows:

"If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits the equivalent to certain State violations listed in section 42-4-1701(4), C.R.S., in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 42-4-1701(4)(c), C.R.S."

- (18) In Subsection 615(1), the reference to "section 1701(4)(d)" is modified to read "section 42-4-1701(4)(d), C.R.S."
- (19) In Subsection 705(3)(b), the reference to "section 42-4-1402" is modified to read "section 42-4-1402, C.R.S."
- (20) In Subsection 805(5), the reference to "section 111" is modified to read "section 42-4-111, C.R.S." and the reference to "section 111(2)" is modified to read "section 42-4-111(2), C.R.S."
- (21) In Subsection 1010(1), the reference to "section 42-4-902" is modified to read "section 42-4-902, C.R.S."
- (22) Subsection 1010(3) is modified to read as follows:

"Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), C.R.S, with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations, local authorities, or their designees, shall install official traffic control devices in conformity with the standards established by section 601 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices."

- (23) Subsection 1012(2.5)(c) is modified to read as follows:

"Local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEVs and, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed."

- (24) In Subsection 1012(3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."
- (25) Subsection 1101(1) shall be modified by deleting therefrom the existing Subsection 1101(1) and substituting in its place the following:

"No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is authorized in this section 1101, and in no event greater than seventy (70) miles per hour."

- (26) Subsection 1101(4) shall be modified by deleting therefrom the existing Subsection 1101(4) and substituting in its place the following:

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"(4) The speed limits specified in Subsection 1101(2) hereof shall be considered maximum lawful speed limits and not prima facie speed limits."

(27) Subsection 1105(7)(c) is modified to read as follows:

"The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an 'abandoned vehicle,' as defined in section 1802(1)(d) and section 42-4-2102(1)(d), C.R.S., and subject to the provisions of part 18 of this Code and part 21 of article 4 of Title 42, C.R.S., whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or section 42-4-2108(2)(a.5), C.R.S."

(28) Subsection 1105(8)(b) is modified to read as follows:

"No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of part 18 of this Code or part 21 of Article 4 of Title 42, C.R.S."

(29) Section 1204 shall be modified by the addition of Subsection 1204(1)(l) to read as follows:

"(1) Within emergency access lanes designated pursuant to powers designated to the Town under state law, so as to obstruct designated and marked emergency access lanes anywhere within the municipality of the Town of Foxfield. This prohibition against stopping, standing or parking a vehicle within said designated emergency access lanes shall be applicable to all property, whether public or private within the Town of Foxfield, and shall prohibit the parking, stopping or standing of any vehicle within said emergency access lanes except emergency vehicles (i.e., police cars, fire department vehicles, ambulances, EMT vehicles, etc.) during the answering of an emergency call."

(30) Section 1208 shall be modified by deleting therefrom the existing Section 1208 and substituting in its place the following:

"1208. Parking for persons with mobility handicaps.

"a. Any motor vehicle with distinguishing license plates or an identifying placard obtained by a person with a mobility handicap as prescribed by law, may be parked in a parking space identified as being reserved for use by the handicapped, whether on public property or private property available for public use; or in any public parking area along any public street in one and two-hour time limit zones or at parking meters during hours parking is permitted regardless of any time limitation imposed upon parking along such streets.

"b. It shall be unlawful for persons with mobility handicaps to be parked along public streets, or in designated parking spaces on public or private property:

"1. During such times when all stopping, standing or parking of all vehicles is prohibited;

"2. When only special vehicles may be parked;

"3. When parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

"c. The owner of private property available for public use may install signs prescribed by the traffic engineer identifying parking spaces designated to specifications of the traffic engineer and reserved for use by the handicapped. Such installations shall be a waiver of any objection the owner may assert concerning enforcement of this section by officers, or parking control persons, and said persons are hereby authorized and empowered to enforce this section of the code.

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- "d. It shall be unlawful for any person who does not have a mobility handicap to exercise the parking privilege defined in this section.
- "e. It shall be unlawful for any motor vehicle without distinguishing license plates or any identifying placard obtained by a person with mobility handicap as prescribed by law to be parked in a parking space identified as being reserved for use by the handicapped. Notwithstanding any other provision of the Model Traffic Code, the penalty resulting from conviction of a violation of this section 1208 or any subpart thereof shall be a fine of not less than fifty dollars (\$50.00) nor more than four hundred ninety-nine dollars (\$499.00). In enforcing this section 1208, the municipal court shall not have the authority to suspend all or any part of any fine or violation hereof so as to result in a fine of less than fifty dollars (\$50.00), it being the intent of the Board of Trustees of the Town of Foxfield that section 1208 of this Code be strictly and diligently enforced so as to provide adequate parking of persons with mobility handicaps free from the interference of those not so handicapped."
- (31) In Subsection 1210(1), the reference to "section 42-1-102(64)" is modified to read "section 42-1-102(64), C.R.S."
- (32) In Subsection 1401(1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S."
- (33) In Subsection 1402(1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S."
- (34) In Subsection 1406(5)(b)(II), the reference to "section 1701(4)(a)(I)(N)" is modified to read "section 42-4-1701(a)(I)(N), C.R.S."
- (35) In Subsection 1408(1), the reference to "Code 1" is modified to read "Article 1" and the reference to "Code 20" is modified to read "Article 20."
- (36) In Subsection 1409(4)(a), all references to "section 42-4-1701(3)(a)(II)(A)" are modified to read "section 42-4-1701(3)(a)(II)(A), C.R.S."; and all references to "section 42-3-113(2) and (3)" are modified to read "section 42-3-113(2) and (3), C.R.S."
- (37) In Section 1412, all references to "section 111" are modified to read "section 42-4-111, C.R.S."; the reference to "Code 10" is modified to read "Article 10"; and all references to "section 127" are modified to read "section 42-2-127, C.R.S."
- (38) In Section 1415, the reference to "section 42-4-1701(3)(a)(II)(A)" is modified to read "section 42-4-1701(3)(a)(II)(A), C.R.S."
- (39) Section 1701 is deleted in its entirety. Any references to section 1701 in the Model Traffic Code shall be deemed to refer to Section 8-1-60 below.
- (40) Subsection 1702(2) is modified to read as follows:
"Violations of sections 238, 607(2)(b), 1402(2), and 1409 of this Code are class 1 traffic misdemeanors."
- (41) Subsection 1702(3) is modified to read as follows:
"Violations of sections 107, 233, 507 508, 509, 510, 1105, 1401, 1402(1), 1407, 1412, 1413, 1704, 1716(2) and 1903(1)(a) of this Code are class 2 traffic misdemeanors."
- (42) Subsection 1702(6) is modified to read as follows:
"The Board of Trustees may adopt a fine and surcharge schedule for penalty assessment violations."
- (43) In Section 1709 all references to "section 42-2-127" are modified to read "section 42-2-127, C.R.S." and all references to "section 42-4-1701" are modified to read "section 42-4-1701, C.R.S."
- (44) Subsection 1709(4) is deleted in its entirety.

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- (45) In Section 1805, all references to "section 42-4-1804(4)" are modified to read "section 42-4-1804(4), C.R.S."; all references to "section 42-4-1810(1)(b)" are modified to read "section 42-4-1810(1)(b), C.R.S."; the reference to "part 1 of Code 6 of this title" is modified to read "part 1 of article 6 of title 42, C.R.S."; and the reference to "Code 6 of title 12, C.R.S." is modified to read "article 6 of title 12, C.R.S."
- (46) In Section 1809, all references to "section 42-4-1805" are modified to read "section 42-4-1805, C.R.S." and all references to "section 42-4-1802(1)" are modified to read "section 42-4-1802(1), C.R.S."
- (47) In Section 1814, the reference to "section 42-13-106" is modified to read "section 42-13-106, C.R.S."

(Ord. 2 §§ 2, 3, 2010; Ord. 1 §1, 2012; Ord. 07 §1, 2017)

Sec. 8-1-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and Part 16 of the adopted code respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout the Town.

(Ord. 2 §4, 2010; Ord. 1 §1, 2012)

Sec. 8-1-50. Interpretation.

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

(Ord. 2 §5, 2010; Ord. 1 §1, 2012)

Sec. 8-1-60. Penalties.

It shall be unlawful for any person to violate any of the provisions stated or adopted in this Article.

- (1) Except as provided in Paragraph (2) below, failure to comply with the terms of this Article shall constitute a civil traffic infraction punishable by a civil penalty of not more than four hundred ninety-nine dollars (\$499.00) to be determined and assessed at the discretion of the Municipal Judge, which discretion may be based upon a fine schedule adopted by Resolution of the Board of Trustees.
- (2) Any violations of Section 239(3), Misuse of a Wireless Telephone; Section 1105, Speed Contests - Speed Exhibitions; Section 1401, Reckless Driving; and Section 1413, Eluding or Attempting to Elude Police Officer, of the Model Traffic Code shall constitute a misdemeanor traffic violation, punishable as provided by Section 1-4-20 of this Code; provided, however, that nothing contained herein shall empower the court to subject any person under the age of eighteen (18) to any imprisonment as a portion of a penalty for violation of the provisions of this Article.
- (3) Except for persons who are charged with one of the offenses specified in Paragraph (2) above regarding penalties, if a person fails to appear at a hearing before the Court at the date and time specified in the summons and complaint, or at such other time as the court may order, the Municipal Court shall enter a default judgment, assess an appropriate civil penalty and assess

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applicable court costs. A default judgment shall have the same legal effect as a plea of guilty or a conviction at trial. The Municipal Court shall report its entry of a default judgment, a plea of guilty or no contest, a conviction or a forfeiture of bail against every person concerning any charge specified in this Section, to the Colorado Department of Revenue, Motor Vehicles Division, and the Motor Vehicles Division may thereafter assess penalty points against such person's driving privileges. Following such a report by the Municipal Court, the provisions of Section 42-4-1709(7), C.R.S., shall control any outstanding obligations to the Municipal Court.

- (4) Any person found guilty or who pleads guilty or nolo contendere to a violation of section 239(3), Misuse of Wireless Telephone, shall be subject to the following criminal penalty:
 - (a) Except as provided in subsection (2) below, a minimum mandatory fine of not less than three hundred dollars (\$300.00).
 - (b) If the person's actions are the proximate cause of bodily injury or death to another, a minimum mandatory fine of not less than three hundred dollars (\$300.00) or imprisonment for a period of ten (10) days to one (1) year, or both such fine and imprisonment.

(Ord. 2 §7, 2010; Ord. 1 §1, 2012; Ord. 01 §7, 2014; Ord. 07 §2, 2017)

Sec. 8-1-70. Speed limits.

The speed limit for the Town streets shall be thirty (30) miles per hour unless otherwise established by the Board of Trustees.

(Ord. 13 §1, 1995; Ord. 1 §1, 2012)

Sec. 8-1-80. Weight limitations.

- (a) Excess weight; weight limitation. Notwithstanding the specific weight limits set forth in Part 5 of the adopted code, no truck shall be moved or operated or be permitted to be moved or operated on any street, bridge or highway within the Town when the empty weight thereof exceeds seven thousand (7,000) pounds.
- (b) Exceptions. The terms of this Section shall not apply to the following:
 - (1) Vehicles which are traveling within the Town to make a delivery within the corporate limits of the Town;
 - (2) Authorized emergency vehicles;
 - (3) Public transportation vehicles operated by municipalities or other political subdivisions of the State;
 - (4) County road maintenance and construction equipment;
 - (5) Town road maintenance and construction equipment;
 - (6) Vehicles registered at an address within the corporate limits of the Town; and
 - (7) Colorado State Highway 83 or Arapahoe Road.
- (c) Penalties. Any violations of this Section shall be traffic infractions punishable by civil penalties of not more than four hundred ninety-nine dollars (\$499.00) per violation or count to be determined and assessed at the discretion of the Court. Excess weight violations shall be considered traffic infractions and shall constitute civil matters.

(Ord. 14 §1, 2000; Ord. 4 §1, 2003; Ord. 1 §1, 2012)

Sec. 8-1-90. Driving under restraint prohibited.

Any person who drives a motor vehicle or off-highway vehicle upon any street or highway in the Town of Foxfield with knowledge that the person's license or privilege to drive, either as a resident or nonresident, is under restraint for an outstanding judgment is guilty of a civil traffic infraction punishable pursuant to Section 8-1-60 above.

(Ord. 07 §3, 2017)