

CHAPTER 8

VEHICLES AND TRAFFIC

- Article 1** **Model Traffic Code and Other Traffic and Parking Violations**
 Sec. 8-1 Adoption
 Sec. 8-2 Application
 Sec. 8-3 General parking prohibitions; permit required
 Sec. 8-4 Penalties
 Sec. 8-5 Compulsory insurance; penalty
 Sec. 8-6 Authority to issue citations for parking violations
 Sec. 8-7 Jake brakes prohibited
 Sec. 8-8 Parking vehicles with intent to sell on private property
 Sec. 8-9 School zones
 Sec. 8-9.5 Deletions, modifications and additions to the Model Traffic Code
- Article 2** **Abandoned Vehicles**
 Sec. 8-10 Definitions
 Sec. 8-11 Abandonment of motor vehicles
 Sec. 8-12 Removal and impoundment
 Sec. 8-13 Report of abandoned motor vehicles
 Sec. 8-14 Appraisal--Sale
 Sec. 8-15 Proceeds of sale
 Sec. 8-16 Exemptions
- Article 3** **Vehicle Weight Limits**
 Sec. 8-30 Definitions
 Sec. 8-31 Weight limit
 Sec. 8-32 Exceptions
- Article 4** **Railroads and Railway Crossings**
 Sec. 8-40 Blocking or obstructing streets

Article 1

**MODEL TRAFFIC CODE
AND OTHER TRAFFIC AND
PARKING VIOLATIONS**

Sec. 8-1. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, E.P. 700, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the town. The purpose of this article and the code adopted herein is to provide a system of traffic regulations throughout the state and the nation. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Clerk of the Town, and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length, except as amended hereby. (Ord. 07-10 Sec. 1, 2007)

Sec. 8-2. Application.

This chapter shall apply to every street, alley, sidewalk area, driveway, park and every other public way or public 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 606, 1401 and 1402 of the adopted Model Traffic Code respectively concerning reckless driving, careless driving and unauthorized devices shall apply not only to public

places and ways but also throughout the town. (Ord. MTC 1-86 Sec. 4, 1986; Ord. 99-3 Sec. 2, 1999)

Sec. 8-3. General parking prohibitions; permit required.

(a) Definitions. For purposes of this section, the following terms shall have the following meanings:

(1) *Camper* shall mean and include camping trailers and pickup (slide-in) campers.

(2) *Camping trailer* shall mean and include a type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass, plastic or metal. The walls of such trailer are collapsible while being towed, and are raised or unfolded when the vehicle becomes temporary living quarters and is not being moved.

(3) *Commercial vehicle* shall mean and include any truck tractor, dump truck, semi-trailer, commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with an empty weight of ten thousand (10,000) pounds or greater, or any vehicle, regardless of weight, which is used or normally associated with the transportation of materials, products, freight, other vehicles or equipment in furtherance of any commercial activity or used "for hire," except that any passenger vehicle designed to transport no more than nine (9) persons or any pickup truck or van not exceeding twenty-four (24) feet in length shall not be considered *commercial vehicles*.

(4) *Mobile home* shall mean and include a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site.

(5) *Motor home* shall mean and include recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom. The truck or motor van chassis may have single or double rear wheels.

(6) *Motor vehicle* shall mean and include any vehicle classified as a *motor vehicle* under state laws.

(7) *Pickup (slide-in) campers* shall mean and include recreational structures designed to be mounted temporarily or permanently in the beds of light trucks, with the trucks having either single or double rear wheels, and with or without an assisting, extra tag axle and wheels mounted on either the camper chassis or the truck chassis behind the truck's rear wheels.

(8) *Private property* shall mean and include any real property which is not public property.

(9) *Public property* shall mean and include real property having its title, ownership, use or possession held by the federal government, this state, any county or municipality as defined in Section 31-1-101(6), C.R.S., or any other governmental entity of this state.

(10) *Recreational vehicle* shall mean and include a self-contained transportation structure, self-propelled or capable of being towed by a passenger car, station wagon or pickup truck, of such size and weight as

not to require any special highway movement permits, and primarily designed or constructed to provide temporary, movable living quarters for recreational, camping or travel use, but not for profit or commercial use. Included as *recreational vehicles* are trailers, trailer coaches, camping trailers, motor homes, pickup (slide-in) campers, chassis mounts, converted vans, chopped vans, mini-motor homes and fifth-wheel trailers of recreational vehicle construction (as opposed to commercial fifth-wheel trailers).

(11) *Semi-trailer* shall mean and include a trailer so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by such motor vehicle.

(12) *Trailer* and *trailer-coach* shall mean and include recreational vehicles constructed with integral wheels to make them mobile and intended to be towed by passenger cars, station wagons or pickup trucks, but does not include truck tractors or commercial vehicles of any type.

(13) *Truck tractor* shall mean and include a motor vehicle designed and used primarily for drawing a semi-trailer and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(14) *Vessel* shall mean and include every description of watercraft used or capable of being used as a means of transportation of persons and property on water, other than single-chamber air-inflated devices or seaplanes.

(b) Prohibitions. It is unlawful:

(1) To park any motor vehicle or trailer upon public property where an official sign is posted prohibiting such parking.

(2) To park any commercial vehicle, truck exceeding ten thousand (10,000) pounds empty weight, trailer-coach, motor vehicle or a combination trailer-coach and motor vehicle exceeding twenty-five (25) feet in length or eight (8) feet in width on a public right-of-way adjacent to any residential district, unless such vehicle is rendering services to any property located within two hundred (200) feet.

(3) To park any truck tractor, trailer, semi-trailer not attached to a truck tractor, vessel or any vehicle that is not self-propelled on a public right-of-way adjacent to a residential district for a period of time longer than seventy-two (72) hours unless a permit has been issued pursuant to subsection (c) below, allowing such vehicle to be parked for a period of up to fourteen (14) days.

(4) To park any trailer, boat, mobile home, motor home or recreational vehicle on any public highway or street for a period of time longer than seventy-two (72) hours unless a permit has been issued pursuant to subsection (c) below, allowing such vehicle to be parked for a period of up to fourteen (14) days.

(5) For any person by means of parking or storing any truck tractor, trailer, semi-trailer, vessel or any other vehicle in or upon any public street or highway in the town to damage or destroy any street, highway or surface.

(6) For any camper not mounted on a vehicle to be left upon any street or highway within the town.

(7) To park any vehicle upon any public street, highway, right-of-way or public property for the purpose of greasing, painting or repairing such vehicle, except in emergency situations.

(c) Parking permits. In order to receive a permit authorizing a truck tractor, trailer, semi-trailer, vessel, vehicle that is not self-propelled, trailer, boat, mobile home, motor home or recreational vehicle to be parked on a public right-of-way for a maximum period of fourteen (14) days, the owner or operator of said truck tractor, trailer, semi-trailer, vessel or any vehicle that is not self-propelled must file a request with the town administrator on a form supplied by the town for such a permit. The request for a permit shall be granted unless the town administrator determines as follows:

(1) The location for which the parking permit is sought causes a traffic hazard based on the location of the parked vehicle and its size.

(2) The location for which the parking permit is sought causes a hazard to pedestrians based on the location of the parked vehicle and its size.

(3) A permit has already been granted for the same vehicle in the same general location, or the town administrator determines that the granting of a permit is inconsistent with the use of the public highway and constitutes permanent storage of the vehicle for which a permit is sought. (Ord. 02-21 Sec. 2, 2002)

Sec. 8-4. Penalties.

(a) It shall be unlawful for any person to violate any of the provisions of this article or any of the provisions of the Model Traffic Code for Colorado Municipalities, 2003 edition. Any violations of the provision of said Model Traffic Code shall be a violation of this article.

(b) Except as provided in subsection (c) of this Section, any violations of this article shall be traffic infractions punishable by civil penalties of not more than four hundred ninety-nine dollars (\$499.00), to be determined and assessed at the discretion of the municipal judge. Traffic infractions shall constitute civil matters.

(c) Any violations of Section 1105, Speed Contests; Section 1401, Reckless Driving; or Section 1413, Eluding or Attempting to Elude a Police Officer, of the Model Traffic Code shall be misdemeanor traffic violations subject to the penalties specified in Section 1-51 of this code.

(d) Any person who pleads guilty or no contest to, or is convicted of, any offense specified in this article shall be assessed the applicable civil penalty or criminal punishment in an amount to be determined at the discretion of the municipal court judge. At any trial for offenses specified by this article, the burden of proof shall be upon the people of the town to prove both civil traffic infractions and misdemeanor traffic violations beyond a reasonable doubt.

(e) Except for persons who are charged with one (1) of the offenses specified in subsection (c) of this section, 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 applicable court costs and the law enforcement assistance surcharge against such person. A default judgment shall have the same legal effect as a plea of guilty or a conviction at trial. Upon motion made not later than one hundred eighty (180) days following the entry of a default judgment, the municipal court may vacate a default judgment upon adequate showing of excusable neglect, or that the default judgment violates the Constitution or laws of the United States, the Constitution or laws of the state of Colorado or the Charter or ordinances of the Town, or any other reason justifying relief from the operation of the default judgment.

(f) If a person who is charged with one (1) of the offenses specified in subsection (c) of this Section 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 court may issue a bench warrant for the arrest of such person and set the amount of bail for such person pursuant to Rule 246 of the Colorado Rules of Municipal Court Procedure.

(g) The municipal court shall report its entry of a default judgment, a plea of guilty or no contest, or a conviction or a forfeiture of bail, against every person concerning any charge specified in this section, to the Department of Revenue, Motor Vehicles Division, and the Motor Vehicles Division may thereafter assess penalty points against such person's driving privileges pursuant to Section 42-2-127, C.R.S. (Ord. 07-10, Sec. 2, 2007)

Sec. 8-5. Compulsory insurance; penalty.

(a) No owner of a motor vehicle which is required to be registered in the state shall operate the vehicle, or permit it to be operated, on any public street, road or highway of the town when such owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(b) No person shall operate a motor vehicle on any public street, road or highway of the town without a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(c) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer of the town, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or a certificate of self-insurance that is in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(d) Any person who violates the provisions of subsections (a), (b) or (c) above shall be subject to a minimum penalty of no less than a one-hundred-dollar fine, ten (10) days of imprisonment, or both, but not to exceed the maximum penalty of a one-thousand-dollar fine, one (1) year of imprisonment, or both. The minimum fine imposed under this section shall be mandatory and the court shall not suspend such minimum fine, in whole or in part, unless it is established that appropriate insurance as required under Sections 10-4-705 and 10-4-716, C.R.S., has been obtained. Nothing in this paragraph shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(e) Upon a second or subsequent conviction under this section within a period of two (2) years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to the minimum or maximum penalties enumerated under subsection (d) above, the defendant shall be punished by a mandatory fine of not less than two hundred dollars (\$200.00) but no more than one thousand dollars (\$1,000.00), and the court shall not suspend such minimum fine, in whole or in part, unless it is established that appropriate insurance as required under Sections 10-4-705 and 10-4-716, C.R.S., has been obtained. Nothing in this section shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(f) In addition to the penalties prescribed in subsections (d) and (e) above, any person convicted pursuant to this section shall be sentenced to perform not less than forty (40) hours of useful community service.

(g) Testimony that the owner or operator of a motor vehicle failed to present immediate evidence of a complying policy or a certificate of self-insurance in full force and effect, as required in Sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a peace officer of the town, shall constitute prima facie evidence at a trial that such owner or operator violated this section.

(h) No person charged with violating this section shall be convicted if such person produces in court proof of a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by Sections 10-4-705 and 10-4-716, C.R.S., at the time of the alleged violation.

(i) The clerk of the municipal court shall forward to the executive director of the Colorado department of revenue a certified record of a conviction under subsection (a) of this section. (Ord. 95-1 Sec. 1, 1995)

Sec. 8-6. Authority to issue citations for parking violations.

The mayor or any designee of the mayor shall be empowered to enforce any parking violation of this code by issuing parking citations; such designees of the mayor must be either an employee of the town or an employee of the county. (Ord. 98-9 Sec. 1, 1998)

Sec. 8-7. Jake brakes prohibited.

(a) It shall be unlawful for the operator of a vehicle driven upon any public street within the town to use, or employ the use of, a jake brake.

(b) For purposes of this section, a *jake brake* means any device mounted on or adjacent to the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without use of the vehicle's braking system. (Ord. 00-11 Sec. 1, 2000)

Sec. 8-8. Parking vehicles with intent to sell on private property.

It is unlawful for any person to park or allow to be parked with the intent to sell more than two (2) motor vehicles or trailers on any private property within the town with or without the permission of the owner of such

property unless the property is zoned for such a use. The placing of a "For Sale" sign on the motor vehicle or trailer shall be prima facie evidence of the person's intent to sell the motor vehicle or trailer. (Ord. 02-11 Sec. 1, 2002)

Sec. 8-9. School zones.

(a) Legislative purpose. The board of trustees finds and determines that certain areas of the town constitute a public safety risk based on the combination of high traffic volume and/or dangerous speeds in combination with a large amount of pedestrian traffic, in areas near and adjacent to schools ("school zones") and such zones shall be designated as "school zones." The board of trustees herein implements a system of mandatory enhanced penalties for traffic violations in the school zones in order to deter such violations and enhance the health, safety and welfare of the community.

(b) Designation of school zones. The board of trustees hereby designates those areas near and adjacent to schools to be school zones within the meaning of this section, and subject to the erection of signage in accordance with subsection (c) of this Section.

(c) Mandatory signage. School zones shall be indicated by signage with the following language: "SCHOOL ZONE: MANDATORY DOUBLE FINE."

(d) Process.

(1) If a summons and complaint is issued for a moving traffic violation in the school zone, the summons and complaint shall indicate that the alleged violation has occurred in a school zone.

(2) In the event a summons and complaint is issued for a moving traffic violation in a school zone, that violation will be subject to the following enhanced fine structure:

a. The fine assessed for a moving violation in the school zone shall be imposed at a rate of twice, or double, the customary fine for the violation had it not occurred in a school zone.

b. The fine assessed for a moving violation in the school zone shall be mandatory and may not be subject to a plea bargain; provided, however, that the points assessed against a traffic violator's Colorado driver history may be reduced based on the discretion of the municipal prosecutor to offer a plea bargain.

(3) In no event may the total civil penalty assessed for a traffic offense in a school zone exceed four hundred ninety-nine dollars (\$499.00) for a single offense. (Ord. 06-03 Sec. 1, 2006)

Sec. 8-9.5 Deletions, modifications and additions to the Model Traffic Code.

(a) Section 109 of Article 1 of the Model Traffic Code is hereby amended as follows:

"109. Motor-assisted scooters, motorized bicycles, animals, skis, skates, toy vehicles, and all-terrain recreational vehicles.

"(1) Every person riding a motor-assisted scooter upon a roadway where motor-assisted scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties

applicable to the driver of a vehicle as set forth in this code, except those provisions of this code which, by their very nature, can have no application. Said riders shall also comply with special rules set forth in this section and in section 220(2) and, when using streets and highways within municipalities and counties, shall be subject to local ordinances regulating the operation of motor-assisted scooters. Whenever the word "vehicle" is used in any of the driving rules set forth in this article that are applicable to motor-assisted scooter riders, such term shall include motor-assisted scooters.

"(2) A person riding a motor-assisted scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

"(3) No motor-assisted scooter shall be used to carry more persons at one time than the number for which it was designed and equipped.

"(4) No person riding upon any motor-assisted scooter, motorized bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

"(5) Every person operating a motor-assisted scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

"(6) Persons riding motor-assisted scooters upon a roadway shall not ride more than two abreast, except on lanes or parts of roadways set aside for exclusive use of bicycles.

"(7) For the sake of uniformity and bicycle and motorized bicycle safety throughout the state, the department of revenue in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle and motorized bicycle riders therein a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to such riders and their bicycles or motorized bicycles. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that are applicable within their respective jurisdictions.

"(8) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

"(9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

"(10) No person shall operate any toy vehicle, motorized bicycle, all-terrain

vehicle, or other similar device on any highway, roadway, sidewalk, trail, bicycle path, park, or property zoned for any residential use within the town, except that for purposes of this code, agriculturally zoned property shall not be considered property zoned for residential use.

"(11) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this code, except those provisions of this code which by their very nature can have no application.

"(12) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of Section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet (450) of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic which is found to be incompatible with the normal and safe movement of traffic, and upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice thereof; except that, with respect to controlled access highways, the provisions of Section 42-4-1010(3), C.R.S., shall apply. When such official signs are so erected,

no person shall violate any of the instructions contained thereon.

"(13) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this section.

"(14) For purposes of this Section, the following terms shall have the following meanings:

"(a) 'All-terrain vehicle' means a multipurpose motorized vehicle having at least three (3) wheels that are generally sold and manufactured for utility such as agriculture and recreational use. All-terrain vehicles may have multiple speed transmissions and can reach speeds of up to seventy-five (75) miles per hour.

"(b) 'Motor-assisted scooter' or 'motor scooter' means a vehicle having two or three wheels, a step-through frame, and a cylinder capacity exceeding 50 C.C., which is registered and insured under Colorado law and meets the federal motor vehicle safety standards.

"(c) 'Toy vehicle' means any vehicle, whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen inches and is not designed, approved, or intended for use on public roadways or highways. 'Toy vehicle' includes, but is not limited to, gas or electric-powered vehicles commonly known as motorized bicycles, mopeds, trail bikes, mini bikes, 'pocket' bikes, kamikaze boards, go-peds, stand-up scooters, go-carts, golf carts and other unregistered vehicles that do not meet the federal motor vehicle safety standards."

(b) Section 109.5 of Article I of the Model Traffic Code is hereby amended as follows:

"(1) Except as provided in 42-4-111(1)(aa), C.R.S., no person shall operate a neighborhood electric vehicle on any highway, roadway, sidewalk, trail or bicycle path within the Town.

"(2) For purposes of this section, neighborhood electric vehicle means a self-propelled, electrically powered vehicle that:

"(a) Meets the equipment standards set forth in part 2 of article 4 of the Colorado Revised Statutes; and

"(b) Has a speed attainable in one mile that does not exceed twenty-five miles per hour."

(c) Section 102(39) of Article II of the Model Traffic Code is hereby amended as follows:

"(39) 'Motor-driven cycle' means every motorcycle, including every motor-assisted scooter that is required to be registered and insured under Colorado law."

(d) Section 102(42)(a) of Article II of the model Traffic Code is hereby amended as follows:

"(42)(a) 'Motorbicycle' means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term 'farm tractor' as defined in this section and any motorized bicycle as defined in paragraph (b) of this

subsection (42), which motor vehicle is powered by an engine of not to exceed six-brake horsepower."

(Ord. 07-10 Sec. 3, 2007; Ord. 08-01 Sec. 1, 2008)

Article 2

ABANDONED VEHICLES

Sec. 8-10. Definitions.

For the purposes of this article, the following words shall have the following meanings:

(1) *Abandoned motor vehicle* shall mean and include:

a. Any motor vehicle left unattended on private property for a period of seventy-two (72) hours or longer.

b. Any motor vehicle left unattended on public property, including any portion of a highway, street or public right-of-way within the limits of the town, for a period of seventy-two (72) hours shall be presumed inoperable and abandoned unless the owner or operator thereof has conspicuously affixed thereto a dated notice indicating his or her intention to return or has otherwise notified the town of his or her intention to move the same within a reasonable period of time, not to exceed thirty-six (36) hours from the time of discovery by the town.

c. Any motor vehicle left unattended on a street, highway or public right-of-way within the limits of the town in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

d. Any motor vehicle stored in the police car pound at the request of its owner, the owner's agent or the town and not removed from the police car pound according to the agreement with the owner or agent or within seventy-two (72) hours of the time the town notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the town requested the storage, the provisions of Section 8-13 of this article apply as of the time of abandonment.

(2) *Appraisal* means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by any employee of the Colorado State Patrol or of the Weld County Sheriff's Department whose appointment for such purpose has been reported by the sheriff to the executive director of the Department of Revenue.

(3) *Disabled motor vehicle* means any motor vehicle which is stopped or parked, either attended or unattended, upon a public right-of-way and which is, due to any mechanical failure or any inexorability because of a collision, a fire or any other such injury, temporarily inoperable under its own power.

(4) *Motor vehicle* means any vehicle classified as a motor vehicle under state laws.

(5) *Operating condition* means a vehicle which is safe to operate, displaying a safety inspection sticker where required by law, and duly tagged with the proper current plates where required by the state motor vehicle division. Any dismantled, partially dismantled, discarded, junked or wrecked vehicle shall not be deemed to be in operating condition.

(6) *Police car pound* means and includes any building, enclosure or place designated by the mayor or by ordinance or resolution of the board of trustees for the storage of impounded motor vehicles by the town, including privately owned garages or other privately owned locations designated as a police car pound.

(7) *Private property* means any real property which is not public property.

(8) *Private tow* means any tow of an abandoned motor vehicle not requested by a law enforcement agency.

(9) *Public property* means any real property having its title, ownership, use or possession held by the federal government, this state, any county, municipality as defined in Section 31-1-101(6), C.R.S., or other governmental entity of this state.

(10) *Public tow* means any tow of an abandoned motor vehicle requested by a law enforcement agency.

(11) *Tow operator* means a person or a firm licensed by the Public Utilities Commission as a towing carrier. (Ord. AV-1-88 Sec. 1, 1988; Ord. 02-21 Sec. 3, 2002)

Sec. 8-11. Abandonment of motor vehicles.

No person shall abandon any motor vehicle upon public property or upon private property in this town.

(1) Any motor vehicle left on private property without the property owner's consent shall be presumed to be abandoned. In the event a motor vehicle is abandoned on private property, the owner or lessee of such property or his or her legally authorized agent may have it removed from his or her property by having it towed and impounded by any tow operator or he or she may notify the town to request removal of such vehicle.

(2) Any motor vehicle left unattended on public property, including any portion of a highway, street or public right-of-way within the limits of the town, for a period of seventy-two (72) hours shall be presumed inoperable and abandoned unless the owner or operator thereof has conspicuously affixed thereto a dated notice

indicating his or her intention to return or has otherwise notified the town of his or her intention to move the same within a reasonable period of time, not to exceed thirty-six (36) hours from the time of discovery by the town. Any such motor vehicle shall immediately be presumed abandoned if it is parked in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

(3) A motor vehicle shall not be presumed abandoned until a bona fide effort is made by the mayor or his or her designee to contact the owner or operator of the vehicle unless it is parked in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance. (Ord. AV-1-88 Sec. 2, 1988; Ord. 02-21 Sec. 4, 2002)

Sec. 8-12. Removal and impoundment.

(a) If the mayor or his or her designee finds a motor vehicle standing upon any portion of a highway right-of-way, or upon private property without the consent of the owner, in violation of any of the provisions of this article, and who has reasonable grounds to believe the vehicle has been abandoned, shall require such motor vehicle to be removed or cause the same to be removed and placed in the police car pound.

(b) Whenever the mayor or his or her designee finds a motor vehicle, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, the mayor or his or her designee is authorized to cause the motor vehicle to be moved to eliminate any such obstruction; and neither the mayor nor anyone acting under his or her direction shall be liable for any damages to such motor vehicle occasioned by such removal.

(c) Any motor vehicle impounded pursuant to the provisions of Section 22-20 and 22-21 of the Model Traffic Code shall be subject to the provisions of sections 8-11 and 8-12 of this article. (Ord. AV-1-88 Sec. 3, 1988)

Sec. 8-13. Report of abandoned motor vehicles.

(a) Owner's opportunity to request a hearing.

(1) Upon having an abandoned motor vehicle towed, the town shall ascertain, if possible, whether or not the motor vehicle has been reported stolen, and if so reported, the town shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings under this article. The town shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(2) As soon as possible, but in no event later than three (3) working days after having the abandoned motor vehicle towed, the town shall report the same to the Colorado Department of Revenue by first class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue. Such report shall contain the information required by Section 42-4-1604, C.R.S., or other applicable state law.

(3) Upon receipt of such report, the Department of Revenue shall search its records or make other inquiries to ascertain, if possible, the last known owner of record of the abandoned motor vehicle and any lienholder as those persons are represented in Department of Revenue records. In the event the vehicle is determined by the Department of Revenue not to be registered in the state, the report required by this article shall state that no Colorado title record exists regarding the vehicle. Within ten (10) working days of such receipt, the Department of Revenue shall complete its search and shall transmit such report, together with all relevant information thereon, to the town.

(4) Should the Department of Revenue report the vehicle as stolen, the town shall notify the rightful owner as required by subsection (a)(1) above. Otherwise the town shall, within five (5) working days of receiving the report of the Department of Revenue as to the vehicle, notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 42-4-1607, C.R.S., and shall send a copy of such notice to the operator of the towing vehicle. The notice shall contain information that the identified motor vehicle has been reported abandoned to the town, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty (30) calendar days from the date the notice was sent as determined by the postmark on the notice, the motor vehicle is subject to sale. Such notice shall also inform the owner of record of his or her opportunity to request a hearing concerning the legality of the towing of the abandoned motor vehicle. Such request shall be made in writing to the town within ten (10) days of the post-marked date of sending such notice. The issue at such hearing shall be limited to whether the vehicle was legally towed. In the event it is determined at the hearing that the motor vehicle was illegally towed, all towing charges and storage fees assessed against the vehicle shall be forgiven.

(b) Duties of tow operators.

(1) Any tow operator having in his or her possession any abandoned motor vehicle from a private tow from the town shall immediately notify the mayor or his or her designee as to the name of the tow operator and the location of the impound lot to which the vehicle is towed. The tow operator shall also provide a description of the abandoned motor vehicle, including the make, model, color and year; the number, issuing state and expiration date of the license plate and the vehicle identification number. Upon such notification, the police department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings under this article. The town shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

(2) Any tow operator shall, as soon as possible, but in no event later than seventy-two (72) hours after the receipt of determination that such motor vehicle has not been reported stolen, report the same to the Department of Revenue by first class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue. Such report shall contain the information required by Section 42-4-1605 (3)(b), C.R.S., or other applicable law.

(3) Upon its receipt of such a report, the Department of Revenue shall search its records or make other inquiries to ascertain, if possible, the last known owner of record of the abandoned motor vehicle and any lienholder as those persons are represented in Department of Revenue records. In the event the vehicle is determined by the Department of Revenue not to be registered in the state, the report required by this article shall state that no Colorado title records exist regarding the vehicle. Within ten (10) working days of such receipt, the Department of Revenue shall complete its search and shall transmit such report, together with all relevant information thereon, to the tow operator.

(4) Within five (5) working days of the receipt of such report from the Department of Revenue, the tow operator shall notify the owner of record and any lienholder and the town by certified mail or by personal delivery:

- a. That the identified motor vehicle has been reported abandoned to the Department of Revenue;
- b. of the claim, if any, of a lien under Section 8-15(a);
- c. of the location of the motor vehicle and the location from which it was towed; and

d. That, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale. (Ord. AV-1-88 Sec. 4, 1988)

Sec. 8-14. Appraisal--Sale.

(a) Public tow abandoned motor vehicles or motor vehicles abandoned in the police car pound subsequent to a public tow shall be appraised and sold by the town not less than thirty (30) nor more than sixty (60) days after the date the notice required by Section 8-13(a)(4) above was mailed.

(b) If the appraised value of an abandoned motor vehicle sold pursuant to this article is two hundred dollars (\$200.00) or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such motor vehicle, and the purchaser shall not, under any circumstances, be entitled to a Colorado certificate of title. The town shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 8-13(a)(2), to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The town shall promptly submit a report of sale, with a copy of such report of sale to the purchaser of the motor vehicle.

(c) If the appraised value of an abandoned motor vehicle sold pursuant to this article is more than two hundred dollars (\$200.00), the sale may be made for any intended use by the purchaser thereof. The town shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 8-13 (a)(2) and an application for a Colorado certificate of title signed by a legally authorized representative of the town, to the person purchasing such motor vehicle. The purchaser of the abandoned motor vehicle shall be entitled to a Colorado certificate of title upon application and proof of compliance with the applicable provisions of the "Certificate of Title Act", Section 42-6-101, C.R.S., and regulations of the Department of Revenue. (Ord. AV-1-88 Sec. 5, 1988)

Sec. 8-15. Proceeds of sale.

(a) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of Section 8-14 produces an amount less than or equal to the sum of all charges of the tow operator who has perfected a lien, then the tow operator shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Such charges shall be assessed in the manner provided for in the provisions of any towing contract in force between the town and its authorized tow operator. If no such towing contract is in force, the charges shall be assessed in the manner provided for in Section 42-4-1610 (2)(a), C.R.S.

(b) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of Section 8-14 produces an amount greater than the sum of all charges of the tow operator who has perfected a lien, then the provisions of any towing contract in force between the town and its authorized tow operator shall prevail. If no such towing contract is in force, the charges shall be assessed in the manner provided for in Section 42-4-1610 (2)(a), C.R.S.

(c) Any balance then remaining shall be forwarded to the Department of Revenue, and the Department of Revenue may recover from such balance any taxes, fees and penalties due and payable to it with respect to such motor vehicle.

(d) Any balance then remaining shall be paid by the Department of Revenue; first, to any lienholder of record as its interest may appear upon the records of the Department of Revenue; second, to any owner of record as his or her interest may so appear; and then to any person submitting proof of his or her interest in such motor vehicle upon the application of such lienholder, owner or person. If such payments are not requested and made within one hundred twenty (120) days of the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer who shall credit the same to the highway users fund. (Ord. AV-1-88 Sec. 6, 1988)

Sec. 8-16. Exemptions.

(a) Nothing in this article shall be construed to include or apply to the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved and main-traveled portion of a roadway, subject, when applicable to the emergency lighting requirements set forth in Section 42-4-227, C.R.S.

(b) Nothing in this article shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in, coming from or going to an emergency.

(c) Nothing in this article shall be construed to include or apply to abandoned vehicles kept as evidence for either criminal or civil cases by the department. (Ord. AV-1-88 Sec. 7, 1988)

Secs. 8-17—8-29. Reserved.

Article 3

VEHICLE WEIGHT LIMITS

Sec. 8-30. Definitions.

For the purposes of this article, the following words shall have the following definitions:

(1) *Bus* means every motor vehicle designed for carrying more than seven (7) passengers and used for the transportation of persons for compensation.

(2) *Commercial Business District* means that portion of the Town bounded on the west by I-76, on the north by Eighth Avenue, on the east by Hudson Drive and on the South by Fifth Avenue.

(3) *Commercial vehicle* means every vehicle designed, used or maintained primarily for the transportation of property.

(4) *School bus* means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from any school, or privately owned and while being operated primarily for the transportation of children to or from any school.

(5) *Semitrailer* means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(6) *Truck* means any motor vehicle which is used for the transportation or delivery of goods with a body built for that purpose. (Ord. 115 Sec. 1, 1978; Ord. 93-1 Sec. 1, 1993)

Sec. 8-31. Weight limit.

No person shall operate or drive a commercial vehicle, truck, bus or semitrailer within the corporate limits of the town that has more than a twenty-thousand-pound gross weight. (Ord. 115 Sec. 2, 1978; Ord. 07-04 Sec. 1, 2007)

Sec. 8-32. Exceptions.

(a) The terms and provisions of this article shall not apply to any vehicle defined herein that is traveling within the town in order to make a local delivery or to patronize a town business; shall not apply to a school bus as defined herein; shall not apply to emergency vehicles; and shall not apply to any vehicle defined herein traveling through town exclusively via State Highway 52 and Interstate 76.

(b) Notwithstanding the exceptions contained in subsection (a) above, no vehicle with over a fifteen-thousand-pound gross weight shall be permitted to park overnight within town limits unless such overnight parking is included as part of an approved site plan. (Ord. 115 Sec. 5, 1978; Ord. 90-16 Sec. 1, 1990; Ord. 93-1 Sec. 2, 1993; Ord. 07-04 Sec. 2, 2007)

Secs. 8-33—8-39. Reserved.

Article 4

**RAILROADS AND
RAILWAY CROSSINGS**

Sec. 8-40. Blocking or obstructing streets.

It shall be unlawful for any person or persons, railroad company or corporation, or any persons in their employ, to block or obstruct the free passage of any street or public highway within the town, by means of any railroad car or cars or signal devices, or locomotive engine, or permit the same to remain in or upon any street or public highway, across or along which any railroad may be constructed or operated, exceeding five (5) minutes at any one (1) time. (Ord. 92-4 Sec. 1, 1992)

Secs. 8-41—8-49. Reserved.

