

Ordinance 1476, Series 2024 was passed on Final Reading at the City Council Regular Meeting on Thursday July 18, 2024

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1476
(Series of 2024)

AN ORDINANCE OF THE CITY COUNCIL OF WOODLAND PARK, COLORADO, ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL TRAFFIC CODE; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND MAKING CONFORMING AMENDMENTS TO THE WOODLAND PARK MUNICIPAL CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND ADDING CHAPTER 10.14 TRAFFIC REGULATIONS TO THE WOODLAND PARK MUNICIPAL CODE

WHEREAS, the City of Woodland Park, Colorado (the "City") has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council ("Council"), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 42-4-110(1)(b), local governments may, consistent with the procedural requirements of C.R.S. §§ 31-16-201, *et seq.*, adopt by reference all or any part of a model municipal traffic code that embodies the rules of the road and vehicle requirements as set out in the State of Colorado's traffic laws, and

WHEREAS, the Colorado Department of Transportation has prepared and adopted a 2024 revised edition of the Model Traffic Code for Colorado (the "2024 Model Traffic Code"), and

WHEREAS, The City previously adopted the 2010 edition of the Model Traffic Code for Colorado, and

WHEREAS, a public hearing on this Ordinance at second reading, and proper notice thereof, was provided in accordance with Colorado Revised Statutes section 31-16-203, and

WHEREAS, penalties for violating the Model Traffic Code adopted hereby are set forth in full in this Ordinance and shall be published in full after final adoption in accordance with C.R.S. § 31-16-204, and

WHEREAS, certified copies of the Code adopted hereby were filed with the City Clerk at least fifteen (15) days prior to public hearing on this Ordinance and such codes remain open to public inspection and purchase, and

WHEREAS, this Ordinance is intended to repeal and restate Chapter 10.04 of the Woodland Park Municipal Code, and

WHEREAS, this Ordinance is intended to adopt by reference the 2024 Edition of the Model Traffic Code for Colorado, subject to the identified additions, modifications, and deletions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1 Chapter 10.04, "Traffic Code" is hereby repealed in its entirety.

Section 2 The new Chapter 10.04, "Traffic Code" is hereby added to the Code of the City of Woodland Park, as follows:

CHAPTER 10.04
MODEL TRAFFIC CODE

Sec. 10.04.001 - Short Title.

This chapter may be known and cited as the "Municipal Traffic Code."

Sec. 10.04.002 - Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2024 edition of the Model Traffic Code for Colorado, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. 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. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Manager and may be inspected during regular business hours.

Sec. 10.04.003 - Deletions.

The 2024 edition of the Model Traffic Code is adopted as if set out at length, save and except the following articles and/or section which are declared to be inapplicable to this municipality and are expressly deleted: Section 1702.

Sec. 10.04.004 - Additions or modifications.

The Model Traffic Code as adopted herein is subject to the following amendments, additions or modifications:

(a) Section 103(2) and 103(2)(b), Scope and effect of Model Traffic Code, is amended to read as follows:

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

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

(b) Section 103 (3) and (4), Scope and effect of Code - Exceptions to provisions, are added to read as follows:

"(3) All references in this code to "official sign(s)," "official sign al(s)," "official traffic control devices," "official devices(s)," or "official marking(s)," shall be construed to refer to any and all signs, sign als, devices or markings that have been placed on or about roadways, highways and other public property within the city by authority of the city, or other proper governmental official or agency, whether or not the city or such other proper governmental official or agency exercised such authority by resolution or ordinance. It is the intent of this section that the "official" nature of any sign, sign al, device or marking not be construed to be an element of any traffic offense or other provision or violation of this code. Any and all references in this code to acts of a municipality "by resolution," "by ordinance," or "by local ordinance," are repealed and to be construed only to guide administrative action and not as an element of any traffic offense or violation of this code.

(4) All provisions in this code establishing fines and other sentencing conditions are repealed in their entirety, it being the intent that any violation of this code be subject to the penalty provision as set forth in Section 10.04.005 of the Woodland Park Municipal Code. To the extent any notice or other procedures set forth in this code's Appendices conflict with the requirements or procedures set forth in the City's Home Rule Charter or the Woodland Park Municipal Code, the Charter and Municipal Code shall prevail."

(c) Section 236, Child restraint systems required- definitions - exemptions, are amended by the addition of the following:

"(11) To the extent any provision herein is inconsistent with C.R.S. 42-2-236, the provisions of C.R.S. 42-2-236 shall apply and they are hereby adopted."

(d) Section 1203, Parking or leaving vehicle unattended; leaving the scene of an accident, is amended to read as follows:

"(1) It is unlawful for any person to:

(a) Park or leave any vehicle unattended upon any bridge, viaduct, tunnel, or where such vehicle constitutes an obstruction of traffic.

(b) Park or leave any vehicle unattended upon a street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or leave on any public street with engine running, or with a key in the ignition, or both, or park in any area designated by the city engineer as a "tow-away" area; or leave any vehicle unattended or parked so as to block ingress or egress from driveways so as to obstruct sidewalk pedestrian traffic.

(c) Leave any vehicle parked in the same place upon a street or street right-of-way continuously for a period of 72 hours, or leave any vehicle parked upon a street fronting on a business zone or continuously for a period of 24 hours or more.

(d) Park construction or heavy equipment on a street or street right-of-way continuously for a period of 72 hours.

(e) Park a vehicle upon the roadway or in a community parking lot in violation of the prohibitions or restrictions posted on official signs.

(f) Park a vehicle upon a roadway or in a community parking lot for the purpose of:

(i) Displaying the vehicle for sale, although displaying a "For Sale" sign in a vehicle that is using the community parking lot for the purposes normally associated with a parking lot shall not be a violation;

(ii) Washing, greasing, painting, or repairing a vehicle except repairs as necessitated by an emergency; or

(iii) A display or advertisement that requires a permit from the City.

(2) Where a vehicle is reasonably believed to have been involved in an accident, it is unlawful for the driver of any such vehicle, or the vehicle which he or she is driving, to have left the scene of an accident without reporting the accident to the proper authorities."

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

"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 location where, and for the time during which, such violation occurred."

(f) Appendices Definitions of the Model Traffic Code, are amended to add the following new definitions:

A. "Anywhere within this municipality" includes any property, public or private, located within the incorporated city limits of Woodland Park, Colorado.

B. "Code" as used herein, is synonymous and interchangeable with the Municipal Traffic Code and Model Traffic Code as adopted and set forth in Chapter 10.04 of the Woodland Park Municipal Code.

C. "Street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; or the entire width of every way declared to be a public street or highway by any law of this state; provided, however, that this definition shall include any publicly used way open to the public for purposes of vehicular travel on any public school ground whether or not such way is publicly maintained.

D. "Community parking lot" means an area not within a building that is controlled, maintained and/or owned by the City where motor vehicles may be left for the purposes of temporary off-street parking use when such use is not accessory to any other use. A parking fee may or may not be charged."

Section 10.04.005 - Penalties.

Section 1701 of the Model Traffic Code is repealed and reenacted to provide for the following penalties, herewith set forth in full, which shall apply to all violations of the Model Traffic Code adopted herein:

"1701. Traffic offenses classified - Schedule of fines.

(A) It is a traffic infraction for any person to violate any of the provisions of Parts 1 to 3 and 5 to 19 of the Model Traffic Code as adopted and set forth in this Chapter 10.04 unless such violation is, by the Model Traffic Code, the City Charter, the Woodland Park Municipal Code, any city ordinance or by any law of this state, declared to be a felony, misdemeanor, petty offense, or misdemeanor traffic offense. Such traffic infraction shall constitute a civil matter.

(B) It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of the Municipal Traffic Code, or to commit any

act or omission declared to be a misdemeanor, except that unless conduct is specifically designated criminal herein, any offense which is not punishable by imprisonment in jail is not criminal and is deemed decriminalized and unless a specific lesser penalty is specifically provided for the violation of any specific portion of this Municipal Traffic Code, the City Charter or any other ordinance of the city, the violation of any provision of this Municipal Traffic Code shall be punishable as follows:

Except as hereinafter provided, every person convicted of a violation of any provision of the Municipal Traffic Code of Woodland Park, Colorado, and/or Model Traffic Code for Colorado as adopted and set forth in Chapter 10.04 of the Woodland Park Municipal Code, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars except any person convicted of a traffic misdemeanor. The following violations shall be deemed traffic misdemeanors: Violating Section 1101 (12)(6) driving twenty-five miles per hour or more in excess of the reasonable and prudent speed; Violating Section 1105, speed contest; Violating Section 1203(2), leaving the scene of an accident; Violating Section 1401, reckless driving; Violating Section 1402, careless driving; Violating Section 1409, compulsory insurance; and Violating Section 1413, eluding a police officer, all being violations of the Model Traffic Code for Colorado as adopted. A person convicted of a traffic misdemeanor shall be punished by a fine not exceeding two thousand six hundred and fifty dollars or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

(C) In addition to the above penalties and fines, the city may obtain enforcement of its ordinances by seeking injunctive or other appropriate relief in a court of proper jurisdiction.

(D) Each day or portion thereof, during which any violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as a separate offense.

(E) Any person who commits a moving traffic violation in violation of any of the provisions of Parts 7, 9, 11, 14 or 19 in a designated school zone is subject to increased penalties.

(F) Any person who commits a traffic violation of any of the provisions of Parts 7, 9, 11, 14 or 19 in a designated maintenance, repair or construction zone is subject to increased penalties."

Section 10.04.006 - Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 236, 1211, 1401, 1402, 1409(3) and 1413 of the code, respectively concerning child restraint systems, safety belt systems, reckless driving, careless driving, compulsory insurance and eluding a police officer, shall apply not only to public places and ways but also throughout this municipality. In addition, any provisions of the Model Traffic Code specifically made applicable to public property or private property shall apply throughout this municipality.

Section 10.04.007 - Notice to appear in court.

Except when authorized or directed to take a person before a magistrate or other court, as provided in the Municipal Traffic Code, any police officer upon making an arrest for any violation of the Municipal Traffic Code, shall take the name, address and operator's license number of said

person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall prepare and issue a notice or summons to said person in writing on the authorized form of notice or summons to respond and answer to the charge against said person at a place and at a time to be specified in the notice or summons, and if the arrested person does not possess a valid Colorado driver's license, such arrested person, in order to secure release, must give his or her written promise to appear in court by signing the penalty assessment notice or summons. If the arrested person does possess a valid Colorado driver's license the person shall not be required to give his or her written acknowledgment or promise to appear, on the penalty assessment notice or summons.

Section 10.04.008 - Failure to obey summons or notice.

For the purposes of the Municipal Traffic Code, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or notice or to pay the required fine. It is a violation of this section for any person to fail to appear to answer any offense charged under this code.

Section 3. The new Chapter 10.14, "Traffic Regulations" is hereby added to the Code of the City of Woodland Park, as follows:

CHAPTER 10.14
TRAFFIC REGULATIONS

Section 10.14.001 - Snowmobiles.

A. Operation of Snowmobiles Within the city.

1. A snowmobile may be operated on the streets anywhere in this municipality, provided that:
2. Snowmobiles are operated over a route as far to the right of the roadway as possible;
3. When driven on the right-of-way, snowmobiles are operated so the units are moving in the same direction as the nearest lane of traffic at all times;
4. All operators under the age of sixteen years riding on the roadway shall be preceded at a distance of no more than fifty feet by a snowmobile operator in possession of a valid Colorado driver's license.
5. Snowmobile operators shall comply with all traffic regulations required of other motorized vehicles within the city;
6. Snowmobile operators shall allow sufficient space between units to allow other motorized traffic to pass the units singularly;
7. Snowmobiles shall comply with all regulations provided for snowmobiles in Title 33, Article 14.5, C.R.S. 2013 and subsequent amendments thereto, which are not in conflict with those regulations set forth in this chapter;
8. Snowmobile operators shall exercise due safety precautions at all times and shall proceed through all intersections at a reduced rate of speed;
9. No snowmobile shall be operated on private property not owned or under the control of the operator, unless permission has been obtained from the owner or the owner's agent, which evidence of permission must be supplied in writing upon request of peace officers investigating such operation of snowmobiles.

10. Headlights shall be illuminated at all times while being operated anywhere in this municipality.

B. Required Equipment. All snowmobiles operated anywhere in this municipality shall be equipped as required by laws of the state.

C. Excessive Noise Prohibited. Excessive noise shall not be permitted and all snowmobiles operated anywhere in this municipality shall be equipped with an adequate muffler in constant operation.

Section 10.14.002 - Licenses for drivers required - penalty- definition.

A. Except as otherwise provided for commercial drivers, no person shall drive any motor vehicle upon a highway anywhere in this municipality unless such person has been issued a currently valid driver's license or an instruction permit by the department under this chapter.

B. No person shall drive any motor vehicle upon a highway in this municipality if such person's driver's or minor driver's license has been for one year or less and such person has not been issued another such license by the department or by another state or country subsequent to such expiration.

C. No person shall drive any motor vehicle upon a highway in this municipality unless such person has in his or her immediate possession a current driver's or minor driver's license or an instruction permit issued by the department.

D. A charge of a violation on subsection (B) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license.

E. The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

1. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this section.

F. Any person who violates any provision of this section commits a class A traffic infraction.

Section 10.14.003 - Unregistered vehicles on public property.

No person shall operate, leave, or deposit upon the public property in the City any vehicle which is not registered and/or licensed by the State or which does not display vehicle license plates belonging to such vehicle. The owner of such vehicle shall be presumed to be the person who deposited or left the same upon the public way contrary to the preceding sentence, and State motor vehicle records identifying the owner of such vehicle shall create a presumption that the person name in those records the true owner.

Section 4. The City Clerk shall cause at least one certified copy of the Code adopted by reference by this Ordinance to be on file in his or her office at least fifteen (15) days prior to the public hearing on this Ordinance and, after adoptions, shall maintain a reasonable supply of copies of such Codes available for purchase by the public at a moderate price.

Section 5. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity, or enforceability of the remaining portion of this Ordinance.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

THE FOREGOING ORDINANCE IS HEREBY ADOPTED BY THE CITY COUNCIL OF WOODLAND PARK, COLORADO ON THIS ~~11~~¹⁴ DAY OF ~~NOVEMBER~~^{APRIL}, 2024.

City of Woodland Park



ATTEST:



City Clerk, Suzanne Leclercq