TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2015-2

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL ADOPTING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, AND AMENDING TITLE 10 OF THE NEW CASTLE MUNICIPAL CODE.

WHEREAS, the Town of New Castle ("Town") has a adopted by reference the Model Traffic Code for Colorado, 2003 Edition; and

WHEREAS, Colorado Department of Transportation ("CDOT") has revised the Model Traffic Code and promulgated the Model Traffic Code for Colorado, 2010 Edition ("2010 MTC"); and

WHEREAS, the Town Council is authorized to adopt by reference the 2010 MTC, as provided in Section 4.6 of the New Castle Charter and Part 2 of Article 16 of Title 31, C.R.S.,; and

WHEREAS, the Town Council finds and determines that the adoption of the 2010 MTC is in the best interest of the public health, safety, and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.

2. Adoption by Reference. Except as provided in the following section, the Town Council hereby adopts by reference the 2010 MTC, and appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, Denver, Colorado 80222. In lieu of full publication of the foregoing, a true and correct copy of the 2010 MTC shall be available for inspection at the office of the Town Clerk as provided in Section 4.6 of the New Castle Charter.

3. Citation Corrections. The Town Council finds that there are numerous citation errors throughout the official 2010 MTC adopted by this Ordinance. As such, the Town Council approves and incorporates by reference herein the citation corrections listed in Exhibit A attached hereto.

4. Amendment. Title 10 of the New Castle Municipal Code shall be amended as follows with added language underlined and removed language ~~stricken~~. Only those provisions of Title 10 specifically identified herein are amended by this Ordinance; all other portions and provision of Title 10 remain in full force and effect:

10.04.030 - Adoption.

Pursuant to Section 4.6 of the New Castle Charter and Part 2 of Article 16 of Title 31, C.R.S., there is adopted by reference ~~Articles I and II, inclusive, of the 2003 edition~~ the 2010 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, EP 700., Denver, CO 80222 ("Model Traffic Code"), and the amendments thereto set forth ~~in Attachment A, attached to the ordinance codified in this chapter and incorporated~~ herein ~~by reference~~. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic regulations for the town. The purpose of this chapter and the Model Traffic 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 copies of the Model Traffic Code ~~and Attachment A~~ adopted herein are now filed in the office of the town clerk and may be inspected during regular business hours.

10.04.040 - Deletions.

The ~~2003~~ 2010 edition of the Model Traffic Code ~~with the amendments set forth in Attachment A, attached to the ordinance codified in this chapter,~~ is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

(A) Part 1, "TRAFFIC REGULATION-GENERALLY," Sections 101, Short title and 102, Legislative declaration;

(B) Part 7, "RIGHTS OF WAY", Section 711, Driving on mountain highways;

(C) Part 12, "PARKING", subsection (9) of Section 1208, Parking privileges for persons with disabilities;

(D) Part 12, "PARKING", Section 1210, Designated areas on private property for authorized vehicles;

(E) Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;

(F) Part 18, "VEHICLES ABANDONED ON PUBLIC PROPERTY", in its entirety;

(G) Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses;

(H) Any penalty provisions in the Model Traffic Code that conflict with the provisions set forth in Municipal Code Sections 10.04.050 or 10.04.060 are deleted and said Municipal Code provisions control.

10.04.050 - Additions or modifications.

The ~~adopted~~ Model Traffic Code is subject to the following additions or modifications:

B. (3) SCHOOL ZONES

In accordance with Sections 1101 and 1102 of the ~~2003~~ 2010 Model Traffic Code, when official signs are erected giving notice thereof, the maximum permitted speed in designated school zones shall be 20 miles per hour at any time when children are present.

~~D. There is added Section 116 to read as follows:~~

~~116. Restrictions for minor drivers—definitions.~~

~~(1)(a) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least six months.~~
~~(b) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one year.~~
~~(c) Paragraphs (a) and (b) of this subsection (1) shall not apply if:~~
~~(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108, Colorado Revised Statutes;~~
~~(II) The motor vehicle contains an adult twenty one years of age or older who currently holds a valid driver's license and has held such license for at least one year;~~
~~(III) The passenger who is under twenty one years of age is in the vehicle on account of a medical emergency;~~
~~(IV) All passengers who are under twenty one years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.~~
~~(2)(a) Except as provided in paragraph (b) of this subsection (2), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one year.~~
~~(b) This subsection (2) shall not apply if:~~
~~(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108, Colorado Revised Statutes;~~
~~(II) The motor vehicle contains an adult twenty one years of age or older who currently holds a valid driver's license and has held such license for at least one year;~~
~~(III) The minor is driving to school or a school authorized activity when the school does not provide adequate transportation, so long as the driver possesses a signed statement from the school official containing the date the activity will occur;~~
~~(IV) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;~~
~~(V) The minor is driving on account of a medical emergency; or~~
~~(VI) The minor is an emancipated minor.~~

~~(3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:~~
~~(a) By the imposition of not less than eight hours nor more than twenty-four hours of community service for a first offense and not less than sixteen hours nor more than forty hours of community service for a subsequent offense;~~
~~(b) By the levying of a fine of not more than sixty-five dollars for a first offense, a fine of not more than one hundred and thirty dollars for a second offense, and a fine of one hundred ninety dollars for a subsequent offense;~~
~~(c) By an assessment of two license suspension points pursuant to section 42-2-127(5)(hh), Colorado Revised Statutes.~~
~~(4) For the purposes of this section:~~
~~(a) "Emancipated minor" means an individual under eighteen years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.~~
~~(b) "Minor driver" means a person who is operating a motor vehicle and who is under eighteen years of age.~~
~~(5) No driver in a motor vehicle shall be cited for a violation of this section unless such driver was stopped by a law enforcement officer for an alleged violation of articles 1 to 4 of this title other than a violation of this section.~~

~~E.~~ D. Section 1204 is amended to include the following:

1204. Stopping, Standing, or Parking Prohibited in Specified Places.

~~(6)~~ (9) No person shall park a vehicle in any private commercial parking lot within this municipality where signs are posted sufficient to inform the public of the parking restrictions thereon and the penalties for violation thereof, and where such signs and their locations have first been approved in writing by the town's chief of police or his/her designee. The owner of the vehicle in violation of this provision is liable for the payment of the respective fine(s) unless he/she can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the vehicle must provide, within three days after receiving notification of the violation, the town attorney with the name and address of the person who had care, custody or control of the vehicle at the time of the violation.

~~F.~~ E. Section 1406 is repealed and reenacted in its entirety as follows:

~~G.~~ F. Section 1407 is repealed and reenacted in its entirety as follows:

G. Subsection (3) of Section 114 of the Model Traffic Code is amended as followed:

114. Removal of Traffic Hazards.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the

necessary work incident thereto, and said property owner shall reimburse the local authority for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the local authority. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town and in the court having jurisdiction thereof. If the local authority must resort to court action for collection of amounts due, the local authority shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the local authority prevails. In the event such costs are not paid by the property owner when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

H. Subsection 3 of Section 1205 of the Model Traffic Code is amended to read as follows:

1205. Parking at Curb or Edge of Roadway.

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

I. The following definitions are added to the "Definitions" appendix of the Model Traffic Code:

(28.5) "**Electrical Assisted Bicycle**" means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) "**Electric Personal Assistive Mobility Device**" or "**EPAMD**" means a self balancing, non tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.

(49.5) "**Low-Power Scooter**" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(b) A wattage not exceeding 4,476 if powered by electricity.

The term "low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights of way.

J. The citations corrections identified in Exhibit A to Ordinance No. 2015-2 adopting the Model Traffic Code are incorporated herein by reference.

5. Repeal. Any ordinance of the Town or part thereof whose provisions are in conflict with this Ordinance is hereby repealed. Provided, however, this Ordinance shall not affect the prosecution of any violation of the 2003 Edition of the Model Traffic Code that commenced prior to the effective date of this Ordinance.

6. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

INTRODUCED on July 21, 2015, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on August 4, 2015, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Bob Gordon, Mayor

ATTEST:

_____
Melody Harrison, Town Clerk

TOWN OF NEW CASTLE
GARFIELD
SEAL
COUNTY
COLORADO

EXHIBIT A
Citation Corrections

The following citations in the 2010 Model Traffic Code are corrected as follows:

1. In Section 223, all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."

2. In Section 225, subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."; and the reference in subsection (3) to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."

3. In Section 228, subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

4. In subsection (4) of Section 229 of, the reference to "section 219" is modified to read "section 42-3-219, C.R.S."

5. In Section 236, subsection (1)(a), the reference to "Code 6" is modified to read "Article 6."

6. In Section 237, subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

7. In Section 509, subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."

8. In Section 613, the reference to "Code 4" is modified to read "Article 4."

9. In Section 805, subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."

10. In Section 1012, subsection (2.5)(c), the reference to September 1, 2003, is deleted.

11. In Section 1012, subsection (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."

12. In Section 1208, all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204, C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."

13. In Section 1401, the reference to “section 127” is modified to “section 42-2-127, C.R.S.”

14. Section 1402 of reference to “section 127” is modified to “section 42-2-127, C.R.S.”

15. 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."

16. In Section 1805, 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."