

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1. Model Traffic Code adopted.

Pursuant to Part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 Model Traffic Code for Colorado, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Ave., 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 is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. One (1) copy of the Model Traffic Code shall be maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of the code may also be purchased through the Clerk's office at a reasonable price. (Prior code 10.04.010; Ord. 26-1995 §1; Ord 10-2003 §1)

Sec. 8-2. Additions or modifications to Model Traffic Code.

The Model Traffic Code adopted pursuant to this Article is subject to the following additions and/or modifications:

(1) Article I, Subsection 225, "Mufflers — prevention of noise," is deleted (see Section 7-166, B.V.M.C., Motor vehicle noise prohibited).

(2) Article I, Subsection 1101(2)(c), is amended so as to read in its entirety as follows:

"(c) Twenty-five (25) miles per hour in any residence district, as defined in Section 42-1-102(80), C.R.S."

(3) A new Section 1416, "Driving on sidewalk; animals prohibited on sidewalk," is added to Article I of the code to read as follows:

"Section 1416. Driving on Sidewalk; animals prohibited on sidewalk.

"(1) No person shall drive any vehicle upon a sidewalk or sidewalk area within this municipality, except upon a permanent or duly authorized temporary driveway.

"(2) No person shall ride, walk or lead a horse, mule, burro or llama upon any sidewalk or sidewalk area within this municipality; nor shall any person permit any horse, mule, burro or llama under his control to stand upon any sidewalk or sidewalk area within this municipality."

(4) Article I, Section 1701, "Municipalities — traffic offenses classified — schedule of fines," is amended to read as follows:

"Section 1701. Traffic violations classified.

"(1) The term 'traffic violation' shall refer to either 'traffic infractions' as defined in paragraph (2), or to 'traffic offenses' as defined in paragraph (3) below.

"(2) It is a 'traffic infraction' for any person to violate any of the provisions of this code, except those violations specifically listed in paragraph (3). Traffic infractions are civil matters to be tried

before the court without right to jury trial, and no person found liable for a traffic infraction shall be punished by imprisonment.

"(3) Violation of the following provisions of this code shall be deemed a misdemeanor 'traffic offense,' and the defendant shall have the right to demand a jury trial and may be punished by imprisonment:

"(a) 107, obedience to police officers;

"(b) 228(7) and (8), altering or destroying tire markings and selling vehicle for highway use with noncomplying tires;

"(c) 233, alteration of suspension systems;

"(d) 235, minimum standards for commercial vehicles;

"(e) 507, wheel and axle loads;

"(f) 508, gross weight of vehicles and loads;

"(g) 509, vehicles weighed—excess removed;

"(h) 510, permit for excess size and weight and manufactured homes;

"(i) 607, interference with official devices;

"(j) 611, paraplegic persons or persons with disabilities—distress flag;

"(k) 712, driving in highway work area;

"(l) 806, driving through safety zone prohibited;

"(m) 808, drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities;

"(n) 1010, driving on divided or controlled-access highways;

"(o) 1101, driving twenty-five or more miles per hour in excess of a speed limit;

"(p) 1105, speed contests;

"(q) 1401, reckless driving;

"(r) 1402, careless driving;

"(s) 1403, following fire apparatus prohibited;

"(t) 1404, crossing fire hose;

"(u) 1406(1)(b), foreign matter on highway prohibited (burning material);

"(v) 1408, operation of motor vehicles on property under control of or owned by parks and recreation districts;

"(w) 1409, compulsory insurance;

"(x) 1413, eluding or attempting to elude a police officer;

"(y) 1704, offenses by persons controlling vehicles;

"(z) 1903, school buses—stops—signs—passing;

"(aa) 1904, regulations for school buses—regulations on discharge of passenger—penalty—exception."

(4) Article I, Section 1702, "Counties—traffic offenses classified—schedule of fines," is deleted.

(5) Article I, Section 1704, "Offenses by persons controlling vehicles," is amended to read as follows:

"Section 1704. Violations by persons controlling vehicles.

"No owner or any other person employing or otherwise directing the driver of any vehicle shall require or knowingly permit the operation of such vehicle upon a highway or street in any manner contrary to law or this code."

(6) Article I, Section 1705, "Person arrested to be taken before the proper court," is amended to read as follows:

"Section 1705. Person arrested to be taken before the proper court.

"(1) Whenever a person is arrested for any traffic violation under this code and not promptly released pursuant to subsection (2) below, the arrested person shall be taken without unnecessary delay before the municipal court judge.

"(2) A person arrested for a traffic offense may be released by the arresting authority if such authority is satisfied that adequate grounds do not exist to sustain an alleged traffic offense, or the arresting authority is satisfied that the arrestee will obey a summons commanding his or her appearance in the municipal court at a later date. If a person is released under the latter circumstances, he shall be given a summons and complaint to appear at a specified date and time in the municipal court, and shall sign a written acknowledgement of receipt of same and a promise to appear at the place, date and time specified.

"(3) The municipal court judge shall provide a bail bond schedule for utilization in the release of persons arrested for traffic offenses."

(7) Article I, Section 1707, "Summons and complaint or penalty assessment notice for traffic offenses—release—registration," is amended in its following parts to read as follows:

"Section 1707. Summons and complaint and/or penalty assessment notice for traffic violations.

"(1) Summonses and complaints issued under this code shall comply with the standards and format as prescribed by the Colorado Municipal Court Rules of Procedure, and shall additionally include the following information: the license number of the vehicle involved, if any; the number of the defendant's driver's license, in any; the date the summons and complaint are served on the defendant; shall be signed by the officer issuing the summons and complaint; and shall contain a place for the defendant to sign for receipt of the summons and complaint and defendant's promise to appear in the municipal court on a date and time specified.

"(3)(a) Whenever a penalty assessment notice for a traffic violation is issued, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for such offense, the amount of any surcharge, the number of points, if any, prescribed for such offense pursuant to Section 42-2-127, C. R. S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in the municipal court at a specified time and place in the event such penalty and surcharge, if any, thereon is not paid; shall be signed by the peace officer; and shall contain a place for such defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty and surcharge, if any, prescribed thereon within twenty days, as well as such other information as may be required by ordinance and the C.M.R.C. to constitute such penalty assessment notice to be a summons and complaint should the prescribed penalty and surcharge, if any, thereon not be paid within the time allowed by ordinance or court order.

"(5) Whenever a defendant refuses to accept service of a summons and complaint and/or penalty assessment notice, tender of such summons and complaint and/or penalty assessment notice by a peace officer to the defendant shall constitute service thereon upon the defendant.

"(7) A penalty assessment notice shall not be issued and shall not apply to traffic violations when it appears that:

"(a) The defendant exceeded the reasonable and prudent speed by more than twenty-four miles per hour; or

"(b) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another, or in injury or death to any person; or

"(c) The defendant has, in the course of the same transaction, violated more than one provision of this code, one or more of which are not specified in the penalty and surcharge schedules established in Chapter 10.04 of the Municipal Code."

(8) Article I, Section 1709, "Penalty assessment notice for traffic offenses — violations of provisions by officer — driver's license," is deleted in its entirety.

(9) Article I, Section 1710, "Failure to pay penalty for traffic offenses — procedures," is amended to read as follows:

"Section 1710. Failure to pay penalty for traffic infractions — procedures.

"(1) Unless a person who has been cited for a traffic infraction timely pays the penalty assessment and surcharge, if any, thereon such person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

"(2) If the violator answers that he is guilty or liable, or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

"(3) If the violator denies the allegations in the complaint, a trial on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in Section 18-1-405, C.R.S. If the violator is found guilty or liable at such final hearing, or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

"(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge, if any, thereon."

(10) Article I, Section 1716, "Notice to appear or pay fine—failure to appear—penalty," is amended to read as follows:

"Section 1716. Notice to appear or pay fine—failure to appear—penalty.

"(1) For the purposes of this part 17, 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 to pay the required fine and surcharge thereon.

"(2) Any person who fails to appear when directed on a summons or penalty assessment notice for a traffic offense may be subject to a bench warrant and punished for contempt of court.

"(3) Any person who violates this section commits a traffic offense."

(11) Article I, Section 1717, "Conviction — attendance at driver improvement school," is amended to read as follows:

"Section 1717. Conviction—attendance at a driver improvement school.

"Whenever a person has been convicted or found liable for violating any provision of this code or other law regulating the operation of vehicles on highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation, may require the defendant, at his own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Unless otherwise provided by law, such school shall be approved by the court."

(12) A new Section 1718, "Notice on illegally parked vehicles," is added to Article I of the code to read as follows:

"Section 1718. Notice on illegally parked vehicles.

"Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the peace officer finding such vehicle

shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice."

(13) A new Section 1719, "Failure to comply with notice on parked vehicle," is added to Article I of the code to read as follows:

"Section 1719. Failure to comply with notice on parked vehicle.

"If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle as provided in Section 1718 by appearance and payment at the municipal court, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of the municipal court shall send a notice by mail to the registered owner of the vehicle to which the original notice was affixed, setting forth the violation and the time, date and place where it occurred and directing the payment of the penalty assessment and surcharge thereon, if any, within twenty days from the issuance of the notice. In the event such notice is disregarded, the Town may exercise any other available legal remedy, including the issuance of a summons and complaint commanding the violator to appear in court."

(14) A new Section 1720, "Presumption in reference to illegal parking," is added to Article I of the code to read as follows:

"Section 1720. Presumption in reference to illegal parking.

"In any prosecution charging a violation of any provision governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint or penalty assessment was parked in violation of any such regulation, together with proof that the defendant named in the complaint or penalty assessment was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred."

(15) Article II, Section 102, "Definitions," of the code is amended to add the following definitions:

"(55.5) "Private property" means any property under the control, management or operation of any person other than a governmental agency.

"(56.5) "Public property" means any property under the control, management or operation of any governmental agency. Public property includes, but is not limited to, streets, alleys, public rights-of-way, public easements, public parks and publicly owned or operated parking areas."

(Prior code 10.04.020; Ord. 10-1991 §1; Ord. 20-1992 §§1, 2; Ord. 26-1992 §1; Ord. 26-1995 §1; Ord. 10-2003 §1; Ord. 13-2003 §2)

Sec. 8-3. Application.

This Article, and the code adopted by reference herein, shall apply to every street, alley, sidewalk area, driveway, park and to every other public way, public place 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 1211, 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively concerning limitations on backing, reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout the Town. (Prior code 10.04.040; Ord. 20-1992 §3; Ord. 26-1995 §1; Ord. 10-2003 §1)

Sec. 8-4. Penalties; double penalties; driver's license.

(a) It is unlawful for any person to violate any of the provisions of the Model Traffic Code (MTC), as amended by Section 8-2 above, or the traffic and vehicle ordinances contained in this Chapter. The penalties set forth below shall apply to such violations. Fines and surcharges shall be paid to the Clerk of the Municipal Court.

(b) Minimum mandatory fine. Any person convicted of or found liable for any violation under the MTC or the traffic and vehicle ordinances in this Chapter shall be punished by a fine of not less than the amount of the penalty assessment as set forth in Section 8-5(c) for each violation for which the person is convicted. If no penalty assessment is set forth in Section 8-5(c) for a violation, then the minimum fine and surcharge for such violation shall be one hundred dollars (\$100.00) and twelve dollars (\$12.00) respectively. Minimum fines and surcharges are mandatory and shall not be suspended or reduced by any court, unless the court finds that extenuating circumstances and justice manifestly so require. The court may also stay the execution of any minimum mandatory fine and surcharge for no longer than ninety (90) days, or pending an appeal or a rehearing.

(c) Maximum penalty.

(1) In criminal traffic offense actions, the maximum penalty for each conviction shall be a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed one (1) year, or both such fine and imprisonment.

(2) In civil traffic infraction actions, the maximum penalty for each violation shall be a monetary fine not to exceed one thousand dollars (\$1,000.00).

(d) Discretion within minimum and maximum penalties. For each violation of the MTC or a traffic or vehicle ordinance for which a defendant is found liable or convicted, the court may set a fine, or for criminal violations, a fine and imprisonment, so long as the fine is not less than the minimum set in Subsection (b) of this Section. The court may suspend any part of a term of imprisonment, as well as that part of a fine which exceeds the minimum set in Subsection (b) of this Section. Whenever a conviction or finding of liability after a trial is for a violation for which a penalty assessment is available under the schedule in Section 8-5(c), it is the policy of the Board of Trustees that the penalty imposed by the court for that violation be no less severe than the twenty-day penalty assessment figure for that violation, unless extenuating circumstances and justice manifestly so require. The reason for this policy is to save judicial and administrative expenses by encouraging defendants to elect to pay penalty assessments.

(e) Double penalties and surcharge. Penalties and surcharges imposed for speeding violations shall be doubled if the violation occurs within a maintenance, repair or construction area designated in accordance with the provisions of the Model Traffic Code. Additionally, penalties and surcharges shall be doubled for any moving violation occurring within a school zone.

(f) Driver's license. The Municipal Court shall notify the Colorado Department of Revenue whenever a judgment entered against a person for a traffic offense of traffic infraction, excluding violations related to parking, or a bench warrant issued against any person for a failure to appear to

answer for an alleged traffic offense, remains outstanding in order that such person shall not be allowed or permitted to obtain or renew a driver's license as provided for in Section 42-4-1709(7)(a), C.R.S. (Ord. 26-1995 §2; Ord. 12-1998 §3; Ord. 10-2003 §1)

Sec. 8-5. Penalty assessment.

(a) Notice. Except as otherwise specifically provided, a peace officer shall issue a penalty assessment for all traffic infractions under the MTC, as amended by Section 8-2. Whenever a peace officer issues a summons and complaint for an alleged criminal traffic offense under the MTC which is listed in the schedule set forth in Subsection (c) of this Section, the peace officer may instead offer a penalty assessment notice. Notwithstanding the foregoing, no penalty assessment notice shall be issued or offered when:

- (1) The defendant exceeds the reasonable and prudent speed by more than twenty-four (24) miles per hour; or
- (2) The violation caused, or contributed to the cause, of an accident resulting in appreciable damage to property of another, i.e., in an amount not less than two hundred dollars (\$200.00), or in injury or death to any person; or
- (3) More than one (1) violation is alleged, one (1) or more of which are not specified in the penalty schedule set forth in this Section; or
- (4) When the officer issuing the notice knows, or reasonably believes, that the alleged violator or vehicle has been involved in a criminal violation of any law of the Town for which there has been a conviction in a court of competent jurisdiction, and for which the sentence or judgment (be it fine or imprisonment) remains as yet unsatisfied.

No person shall be entitled to elect to pay a penalty assessment notice under Subsection (b) of this Section unless an offer of a penalty assessment notice has been made under this Subsection.

(b) Election. Any person offered a penalty assessment notice under Subsection (a) above may elect to pay the penalty assessment and appropriate surcharge instead of proceeding to trial on the alleged violation. The amount of the penalty assessment and surcharge shall be as provided in the schedule set forth in Subsection (c) of this Section. Payment of a penalty assessment and corresponding surcharge constitutes complete satisfaction of the alleged violation if the prescribed payment is postmarked or received at Town Hall within twenty (20) days following service of a penalty assessment on the person for the alleged violation. Payment of a penalty assessment and surcharge constitutes an acknowledgement of liability for the violation described in the summons or citation. If the person offered a penalty assessment notice elects not to make full and timely payment thereunder, an action on the alleged violation shall proceed as otherwise provided by law.

(c) Schedule. The following schedule sets forth the mandatory minimum penalty assessments and surcharges which may be offered for violations of this Chapter and of the MTC. In the event a penalty assessment and surcharge are not paid within twenty (20) days following service thereof for a violation, the penalty assessment shall double unless the Municipal Court finds that extenuating circumstances and justice require a lesser penalty.

| Violation | If paid within 20 days | Minimum if paid after 20 days | Surcharges* |
|------------------|-------------------------------|--------------------------------------|--------------------|
| General | | | |
| MTC 109 | \$15.00 | \$30.00 | \$7.00 |

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|-------------------------------------|---------|----------|---------|
| MTC 109.5 | 15.00 | 30.00 | 7.00 |
| Equipment | | | |
| MTC 201 | \$35.00 | \$70.00 | \$9.00 |
| MTC 202 | 35.00 | 70.00 | 9.00 |
| MTC 204 | 15.00 | 30.00 | 7.00 |
| MTC 205 | 15.00 | 30.00 | 7.00 |
| MTC 205.5 | 15.00 | 30.00 | 7.00 |
| MTC 206 | 15.00 | 30.00 | 7.00 |
| MTC 207 | 15.00 | 30.00 | 7.00 |
| MTC 208 | 15.00 | 30.00 | 7.00 |
| MTC 209 | 15.00 | 30.00 | 7.00 |
| MTC 210 | 15.00 | 30.00 | 7.00 |
| MTC 211 | 15.00 | 30.00 | 7.00 |
| MTC 212 | 15.00 | 30.00 | 7.00 |
| MTC 213 | 15.00 | 30.00 | 7.00 |
| MTC 214 | 15.00 | 30.00 | 7.00 |
| MTC 215 | 15.00 | 30.00 | 7.00 |
| MTC 215.5 | 15.00 | 30.00 | 7.00 |
| MTC 216 | 15.00 | 30.00 | 7.00 |
| MTC 217 | 15.00 | 30.00 | 7.00 |
| MTC 218 | 15.00 | 30.00 | 7.00 |
| MTC 219 | 15.00 | 30.00 | 7.00 |
| MTC 220 | 15.00 | 30.00 | 7.00 |
| MTC 221 | 15.00 | 30.00 | 7.00 |
| MTC 222 | 15.00 | 30.00 | 7.00 |
| MTC 223 | 15.00 | 30.00 | 7.00 |
| MTC 224 | 15.00 | 30.00 | 7.00 |
| MTC 226 | 15.00 | 30.00 | 7.00 |
| MTC 227(1) | 50.00 | 100.00 | 11.00 |
| MTC 227(2) | 15.00 | 30.00 | 7.00 |
| MTC 228(1), (2), (3), (5) or (6) | 15.00 | 30.00 | 7.00 |
| MTC 229 | 15.00 | 30.00 | 7.00 |
| MTC 230 | 15.00 | 30.00 | 7.00 |
| MTC 231 | 15.00 | 30.00 | 7.00 |
| MTC 232 | 15.00 | 30.00 | 7.00 |
| MTC 233 | 75.00 | 150.00 | 14.00 |
| MTC 234 | 15.00 | 30.00 | 7.00 |
| MTC 235 | 50.00 | 100.00 | 11.00 |
| MTC 236 | 50.00 | 100.00 | 11.00 |
| MTC 237 | 15.00 | 30.00 | 7.00 |
| Size, Weight and Load | | | |
| MTC 502 | \$75.00 | \$150.00 | \$14.00 |
| MTC 503 | 15.00 | 30.00 | 7.00 |
| MTC 504 | 75.00 | 150.00 | 14.00 |
| MTC 505 | 75.00 | 150.00 | 14.00 |
| MTC 506 | 15.00 | 30.00 | 7.00 |
| MTC 507 | 150.00 | 300.00 | 23.00 |
| MTC 508 | 150.00 | 300.00 | 23.00 |
| MTC 509 | 50.00 | 100.00 | 11.00 |
| MTC 510(9)(a) | 35.00 | 70.00 | 9.00 |
| MTC 512(1) | 75.00 | 150.00 | 14.00 |
| Signals, Signs and Markings | | | |
| MTC 603 | \$35.00 | \$70.00 | \$9.00 |
| MTC 604 | 35.00 | 70.00 | 9.00 |
| MTC 605 | 35.00 | 70.00 | 9.00 |
| MTC 606 | 15.00 | 30.00 | 7.00 |
| MTC 607 | 50.00 | 100.00 | 11.00 |
| MTC 608 | 15.00 | 30.00 | 7.00 |

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| MTC 609 | 15.00 | 30.00 | 7.00 |
| MTC 610 | 15.00 | 30.00 | 7.00 |
| MTC 611 | 100.00 | 200.00 | 17.00 |
| MTC 612 | 35.00 | 70.00 | 9.00 |
| Rights-Of-Way | | | |
| MTC 701 | \$35.00 | \$70.00 | \$9.00 |
| MTC 702 | 35.00 | 70.00 | 9.00 |
| MTC 703 | 35.00 | 70.00 | 9.00 |
| MTC 704 | 35.00 | 70.00 | 9.00 |
| MTC 705 | 50.00 | 100.00 | 11.00 |
| MTC 706 | 35.00 | 70.00 | 9.00 |
| MTC 707 | 35.00 | 70.00 | 9.00 |
| MTC 708 | 35.00 | 70.00 | 9.00 |
| MTC 709 | 35.00 | 70.00 | 9.00 |
| MTC 710 | 35.00 | 70.00 | 9.00 |
| MTC 711 | 35.00 | 70.00 | 9.00 |
| MTC 712 | 35.00 | 70.00 | 9.00 |
| Pedestrian | | | |
| MTC 801 | \$15.00 | \$30.00 | \$7.00 |
| MTC 802 | 15.00 | 30.00 | 7.00 |
| MTC 803 | 15.00 | 30.00 | 7.00 |
| MTC 805 | 15.00 | 30.00 | 7.00 |
| MTC 806 | 35.00 | 70.00 | 9.00 |
| MTC 807 | 35.00 | 70.00 | 9.00 |
| MTC 808 | 35.00 | 70.00 | 9.00 |
| Turning and Stopping | | | |
| MTC 901 | \$35.00 | \$70.00 | \$9.00 |
| MTC 902 | 35.00 | 70.00 | 9.00 |
| MTC 903 | 35.00 | 70.00 | 9.00 |
| Driving, Overtaking and Passing | | | |
| MTC 1001 | \$35.00 | \$70.00 | \$9.00 |
| MTC 1002 | 35.00 | 70.00 | 9.00 |
| MTC 1003 | 35.00 | 70.00 | 9.00 |
| MTC 1004 | 35.00 | 70.00 | 9.00 |
| MTC 1005 | 35.00 | 70.00 | 9.00 |
| MTC 1006 | 35.00 | 70.00 | 9.00 |
| MTC 1007 | 35.00 | 70.00 | 9.00 |
| MTC 1008 | 35.00 | 70.00 | 9.00 |
| MTC 1009 | 35.00 | 70.00 | 9.00 |
| MTC 1010 | 35.00 | 70.00 | 9.00 |
| MTC 1011 | 100.00 | 200.00 | 17.00 |
| MTC 1012 | 50.00 | 100.00 | 11.00 |
| MTC 1903(1)(a) | 100.00 | 200.00 | 17.00 |
| Speeding | | | |
| MTC 1101 (1-4 mph over limit) | \$15.00 | \$30.00 | \$7.00 |
| MTC 1101 (5-9 mph over limit) | 35.00 | 70.00 | 9.00 |
| MTC 1101 (10-19 mph over limit) | 50.00 | 100.00 | 11.00 |
| MTC 1101 (20-24 mph over limit) | 100.00 | 200.00 | 17.00 |
| MTC 1101(3) | 35.00 | 70.00 | 9.00 |
| MTC 1103 | 15.00 | 30.00 | 7.00 |
| MTC 1104 | 15.00 | 30.00 | 7.00 |
| Parking | | | |

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| MTC 1201 | \$15.00 | \$30.00 | \$7.00 |
| MTC 1202 | 15.00 | 30.00 | 7.00 |
| MTC 1204 | 15.00 | 30.00 | 7.00 |
| MTC 1205 | 15.00 | 30.00 | 7.00 |
| MTC 1206 | 15.00 | 30.00 | 7.00 |
| MTC 1207 | 15.00 | 30.00 | 7.00 |
| MTC1208(5), (6), (7) or (9) | 100.00 | 200.00 | 17.00 |
| MTC 1211 | 15.00 | 30.00 | 7.00 |
| Other MTC Offenses | | | |
| MTC 1402 | \$50.00 | \$100.00 | \$11.00 |
| MTC 1403 | 15.00 | 30.00 | 7.00 |
| MTC 1405 | 15.00 | 30.00 | 7.00 |
| MTC 1406(1)(a), (2), (3) or (4) | 35.00 | 70.00 | 9.00 |
| MTC 1407 | 35.00 | 70.00 | 9.00 |
| MTC 1407.5 | 35.00 | 70.00 | 9.00 |
| MTC 1408 | 15.00 | 30.00 | 7.00 |
| MTC 1411 | 15.00 | 30.00 | 7.00 |
| MTC 1412 | 15.00 | 30.00 | 7.00 |
| MTC 1414 | 15.00 | 30.00 | 7.00 |
| MTC 1415 | 500.00 | 1000.00 | 79.00 |
| MTC 1416 | 15.00 | 30.00 | 7.00 |
| MTC 1704 | 15.00 | 30.00 | 7.00 |
| MTC 1901 | 35.00 | 70.00 | 9.00 |
| MTC 1903(2) or (5) | 15.00 | 30.00 | 7.00 |
| MTC 1904(1) | 100.00 | 200.00 | 17.00 |
| Motorcycles | | | |
| MTC 1502 | \$15.00 | \$30.00 | \$7.00 |
| MTC 1503 | 15.00 | 30.00 | 7.00 |
| MTC 1504 | 15.00 | 30.00 | 7.00 |
| Buena Vista Ordinances B.V.M.C. | | | |
| 7-164(1) | \$15.00 | \$30.00 | \$7.00 |
| 7-164(3) | 15.00 | 30.00 | 7.00 |
| 7-166(a) | 15.00 | 30.00 | 7.00 |
| 7-166(b) | 35.00 | 70.00 | 9.00 |
| 7-166(b) | 500.00 | 600.00 | 23.00 |
| (No compression brake muffler) | | | |
| 8- | 50.00 | 100.00 | 11.00 |

21

*\$5.00 for Victims/Witness Fund, balance to Education Fund per Section 1-78, B.V.M.C.

(Ord. 10-2003 §1; Ord 13-2003 §1)

Sec. 8-6. Surcharges for traffic violations.

Pursuant to Section 24-4.2-109, C.R.S., and Section 1-78 of this Code, surcharges shall be levied and collected on all traffic violations resulting in a plea or admission of guilt or liability, or a conviction or finding of guilt or liability after trial, inclusive of pleas or admissions entered pursuant to a deferred sentence. The amount of all surcharges shall be set forth within the schedule found at Section 8-5 of this Article. Monies collected under this provision shall be deposited in the special funds established under Sections 4-34 and 4-36 of the Municipal Code. (Ord. 10-2003 §1)

Sec. 8-7. Parental notification.

Whenever a minor driver receives a summons for a traffic violation as provided for in this Article, the

minor's parent or legal guardian or, if the minor is without parents or guardian, the person who signed the minor driver's application for a license shall immediately be notified by the court. (Ord. 10-2003 §1)

Sec. 8-8. Points assessment reduction.

(a) If a person receives a penalty assessment notice for a violation of the Model Traffic Code as adopted hereinabove, and such person pays the fine and surcharge for the violation on or before the date payment is due, the points assessed for such violation under the point system adopted at Section 42-2-127, C.R.S., shall be reduced as follows:

(1) For a violation having an assessment of three (3) or more points, the points shall be reduced by two (2) points.

(2) For a violation having an assessment of two (2) points, the points shall be reduced by one (1) point.

(b) The point reductions as provided for in this Section shall only be valid in accordance with the authority provided to municipalities under Section 42-2-127(5.6), C.R.S., and in the event such statute is amended and/or repealed, this Section shall, correspondingly, be amended and/or repealed. (Ord. 10-2003 §1)

Secs. 8-9—8-20. Reserved.

ARTICLE II

Vehicle Weight Limits

Sec. 8-21. Maximum allowable weight.

Except as allowed by Section 8-22, or except as otherwise posted, the maximum total vehicular weight for any vehicle operated upon any street, highway or alleyway within the Town shall be twenty thousand (20,000) pounds. (Prior code 10.16.010)

Sec. 8-22. Exceptions.

Vehicles engaged in making local deliveries or vehicles involved in local construction projects of a temporary nature, and only such vehicles, may exceed the weight limitation provided in Section 8-21; provided, however, that the maximum vehicular weight of any vehicle engaged in local deliveries or in a local construction project shall not exceed eighteen thousand (18,000) pounds per axle of any such vehicle, nor exceed a total of eighty-five thousand (85,000) pounds for any one (1) vehicle. (Prior code 10.16.020)

Sec. 8-23. Signs.

There shall be placed in conspicuous areas throughout the Town appropriate signs informing the public of the weight limitations established in this Article in compliance with Sections 42-4-106(3) and 42-4-111(2), C.R.S. (Prior code 10.16.030; Ord. 12-1998 §6)

Secs. 8-24—8-40. Reserved.

ARTICLE III

Towing and Impoundment of Vehicles

Sec. 8-41. Definitions.

As used in this Article, unless the context otherwise requires:

- (1) *Abandoned vehicle* means:
 - a. Any motor vehicle left unattended on private property for a period of seventy-two (72) hours without the consent of the owner or lessee of such property or his or her legally authorized agent;
 - b. Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the corporate limits of the Town, for a period of seventy-two (72) hours; or
 - c. Any motor vehicle stored in an impound lot at the request of its owner, the owner's agent or a law enforcement agency and not removed within seventy-two (72) hours from the time the law enforcement agency notifies the owner that the vehicle is available for release upon payment of the applicable charges or fees.
- (2) *Antique vehicle* means a motor vehicle valued principally because of its early date of manufacture or historical character or design, and which if not operable is substantially intact. A *junked* vehicle shall not qualify as an *antique vehicle*.
- (3) *Junked vehicle* means a motor vehicle that is in a state of disrepair or disassembly, and/or is inoperable or exhibits signs of physical deterioration, including rust or the loss of exterior paint and parts, or is damaged to the extent that it has value only for parts, salvage or junk, and includes *wrecked vehicles*.
- (4) *Private property* means any real property which is not public property.
- (5) *Property* means any real property within the Town which is not a street or highway.
- (6) *Public property* means any real property having its title, ownership, use or possession held by the federal government, the State, County, Town or any other governmental entity of the State.
- (7) *Street* or *highway* 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.
- (8) *Vehicle* means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, airplane, truck, trailer, motorcycle, motor scooter, tractor, buggy and wagon. The term *vehicle* shall not include antique vehicles as defined in this Section.
- (9) *Wrecked vehicle* means the same as *junked vehicle*. (Prior code 9.48.080; 10.20.010; Ord. 5-2000 §2)

Sec. 8-42. Applicability.

The provisions of this Article shall apply to the towing, impoundment and sale of abandoned motor vehicles within the Town. Except as expressly modified hereby, the provisions of Part 16 of Article 4 of Title 42, C.R.S. (Section 42-4-1601, *et seq.*), shall also apply to the towing, impoundment and sale of abandoned motor vehicles within the Town. (Prior code 10.20.020)

Sec. 8-43. Authority to tow and impound vehicles.

The Police Department of the Town shall have the authority to tow and impound motor vehicles under the following circumstances:

(1) Interference with traffic or street maintenance. Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street, alley or highway right-of-way within the Town in such a manner or under such conditions as to interfere with free movement of traffic or proper street, alley or highway maintenance, such officer shall require such vehicle to be removed and placed in storage in the Town's designated storage facility. In the case of a vehicle interfering with proper street, alley or highway maintenance, such vehicle shall not be impounded until the officer or other Town employee has made a reasonable attempt to locate the owner or lawful custodian of said vehicle and require such person to remove the vehicle. Neither the Town, the police officer nor anyone acting under his or her direction shall be liable for any damage to any such vehicle occasioned by such removal.

(2) Abandoned vehicles on public property. Whenever any police officer finds a motor vehicle which he or she has reasonable grounds to believe has been abandoned standing upon any public property within the Town, such officer shall make a reasonable effort to locate the owner or lawful custodian of such vehicle and require such person to remove the vehicle. If the owner or lawful custodian fails to remove such vehicle within one (1) hour after receiving directions to do so, or if the owner or lawful custodian cannot reasonably be located, the officer shall require such vehicle to be removed and placed in storage in the Town's designated storage facility.

(3) Abandoned vehicles on private property. In the event of the abandonment of a vehicle on private property, the owner of such property shall notify the Police Department. The Police Department shall then determine, in its discretion, whether it will request the towing of the abandoned vehicle or whether it shall be up to the property owner, lessee or his or her agent authorized in writing to request the towing of such vehicle.

(4) Emergencies. In the event of an emergency requiring the immediate removal of a vehicle parked in a street, alley or highway, the Police Department shall have the authority to require such vehicle to be removed and placed in storage in the Town's designated storage facility or other appropriate location without prior notice to the vehicle's owner or lawful custodian. However, if time permits prior to removing such vehicle, the Police Department shall make a reasonable effort to locate the owner or lawful custodian of such vehicle and require such person to remove the vehicle. Neither the Town, the police officer nor anyone acting under his or her direction shall be liable for any damage to any such vehicle occasioned by such removal.

(5) Compliance with law. In the event a motor vehicle is towed at the request of the Police Department, the Police Department shall thereafter comply with the provisions of Part 16 of Article 4 of Title 42, C.R.S., pertaining to public tows. (Prior code 10.20.030)

Sec. 8-44. Post-impoundment hearing for impounded vehicles.

As to any vehicle impounded pursuant to this Article by or at the request of the Town, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-impoundment hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand for such hearing with the Town Clerk within ten (10) days after such person has learned that the vehicle has been impounded, or within ten (10) days after such person has been notified pursuant to law of the impoundment of such vehicle, whichever occurs first. Failure to request a hearing within such time shall operate as a waiver of the right to such hearing. (Prior code 10.20.040)

Sec. 8-45. Conduct of hearing.

(a) A hearing shall be conducted before the Municipal Judge within forty-eight (48) hours of receipt by the Town Clerk of the written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays and Town holidays are to be excluded from the calculation of the forty-eight (48) hour period. The sole issue at the hearing shall be whether there was a probable cause to impound the vehicle in question.

(b) *Probable cause to impound* means such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

(c) The person demanding the hearing shall have the burden of establishing that such person has the right to possession of the vehicle. The Town shall then have the burden of establishing that there was probable cause to impound the vehicle in question. The judge's decision shall in no way affect any criminal or municipal proceeding in connection with the impound question.

(d) The failure of the person requesting the hearing to attend such hearing shall be deemed a waiver of the right to such hearing. (Prior code 10.20.050)

Sec. 8-46. Decision of Municipal Judge.

At the conclusion of the hearing, the Municipal Judge shall only determine that, as to the vehicle in question either: (a) there was probable cause to impound the vehicle; or (b) there was no such probable cause. In the event of a determination that there was no probable cause, the Town shall forthwith release the vehicle to the person entitled to possession thereof and no towing, storage or processing fees shall be required to be paid by such person. (Prior code 10.20.060)

Sec. 8-47. Towing, storage and processing fees.

(a) In the case of a vehicle lawfully impounded pursuant to this Article, prior to such vehicle being released or in connection with the sale of such vehicle, there shall be paid in full to the Town the following:

- (1) Towing fee and mileage. The fee actually charged to the Town by the person performing the towing service.
- (2) Storage fee. A fee of four dollars (\$4.00) per day for each day of storage.
- (3) Processing fee. A fee of fifteen dollars (\$15.00) for the cost of processing the vehicle.

(b) The towing, storage and processing fees are independent of any fine imposed by the Municipal Court for a violation of this Code, and such fees shall not be collected by the Municipal Court, nor shall such Court have the power to waive, suspend or modify the requirements of this Section.

(c) In the event of the towing and impoundment of a vehicle in an emergency situation pursuant to Section 8-43(4), the owner of such vehicle shall not be charged the towing, storage and processing fees provided for in this Section. Such fees shall be paid by the party responsible for causing the emergency, or in default thereof, by the Town. (Prior code 10.20.070)

Sec. 8-48. Sale of abandoned vehicles by Town.

Abandoned vehicles towed at the request of the Town or a law enforcement agency shall be sold at public or private sale held not less than thirty (30) days nor more than sixty (60) days after the notice required by Section 42-4-1604(4), C.R.S., has been mailed. All such sales shall be subject to the provisions of Part 16 of Article 4 of Title 42, C.R.S. (Prior code 10.20.080)

Sec. 8-49. Unlawful to abandon vehicle.

It shall be unlawful for any person to abandon a motor vehicle on either public property or private property other than his or her own. Any person who violates the provisions of this Section shall, upon conviction, be punished as provided in Section 1-72 of this Code. (Prior code 10.20.090)

Secs. 8-50—8-70. Reserved.

ARTICLE IV

Handicapped Parking

Sec. 8-71. Definitions.

As used in this Article:

Handicapped person means a person so severely handicapped that he or she is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the Director of the Division of Rehabilitation or a physician licensed to practice medicine in the State that such impairment limits substantially his or her ability to move from place to place.

Identifying placard or license plate means a special placard or license plate issued by the State Motor Vehicle Division pursuant to Section 42-3-122, C. R. S., identifying the person operating such vehicle as being a handicapped person. (Prior code 10.24.010; Ord 10-2003 §2)

Sec. 8-72. Parking privileges for handicapped persons.

A handicapped person may park in a parking space identified as being reserved for use by the handicapped, whether on public property or private property available for public use. An identifying placard or license plate issued to a handicapped person shall be displayed on the vehicle while parked in such place. (Prior code 10.24.020; Ord. 10-2003 §2)

Sec. 8-73. Application.

The provisions of this Article shall apply to every street, alley, park and every other public way or public place within the Town. It shall also apply to all private property available for public use, including property made available for public parking of motor vehicles. (Prior code 10.24.050; Ord. 10-2003 §2)

Secs. 8-74—8-90. Reserved.

ARTICLE V

Airport Regulations

Sec. 8-91. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted by reference thereto the "Rules and Regulations at Buena Vista Municipal Airport," 1993 edition ("adopted code"), promulgated and published by the Town of Buena Vista, P.O. Box 2002, Buena Vista, Colorado 81211. The purpose of the adopted code is to regulate the use and operation of the Buena Vista Municipal Airport, and to thereby protect the public health, safety and welfare. (Ord. 1-1993 §1)

Sec. 8-92. Amendments and deletions.

The adopted code is adopted in its entirety, together with all appendices and tables, without any amendments or deletions. (Ord. 1-1993 §1)

Sec. 8-93. Copy on file.

At least one (1) copy of the adopted code, certified to be a true copy, has been and is now on file in the office of the Town Clerk, and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The adopted code shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 1-1993 §1)

Secs. 8-94—8-110. Reserved.

ARTICLE VI

Railroad Regulations

Sec. 8-111. Crossing signal authorization.

(a) The Denver and Rio Grande Western Railroad Company, its successors and assigns, is granted the right to install and maintain two (2) automatic crossing signals on the centerline of Main Street in the Town, in the vicinity of the intersection of the tracks of said railroad company with Main Street. Said signals shall be placed in concrete bases approximately five (5) feet wide by six (6) feet long by two (2) feet high, the center of one (1) of these bases to be approximately fifteen (15) feet southwesterly from the centerline of the passing track of the railroad company, and the center of the other base to be approximately fifteen (15) feet northeasterly from the centerline of the main track of said railroad company, both to be equipped with visible flashing light indication and with marker lights near the bases, and one (1) of said signals to be equipped also with a bell for audible warning. Said railroad company shall assume all responsibility for any change that may be required in case the State Highway Department should designate said street as a part of the state highway system.

(b) The railroad company, on completion of the installation of such automatic crossing signal, shall use due diligence to maintain the same in working order so as to give due warning to traffic of the approach of locomotives and for trains.

(c) After the installation of said automatic crossing signal in working order and condition, said railroad company, its successors and assigns, shall not be required to maintain a watchman at said crossing, all orders and resolutions of the Town notwithstanding. (Prior code 10.12.010)

Sec. 8-112. Speed limit for trains.

It is unlawful for railroad trains, including locomotives, railroad cars and/or cabooses to pass over the public streets and alleys of the Town at a speed in excess of forty (40) miles per hour. (Prior code 10.12.020)

Sec. 8-113. Enforcement.

It shall be the duty of the Chief of Police and all other police officers of the Town to serve a summons to any and all engineers or other persons in charge of railroad cars, trains or locomotives who violate Section 8-112 and to make arrangements for such person or persons to appear before the Municipal Court of the Town for trial. (Prior code 10.12.030)

Secs. 8-114—8-119. Reserved.

ARTICLE VII

Horse-drawn Carriages

Sec. 8-120. Operation of horse-drawn carriages on public streets; permits required.

No person may drive or operate for commercial purposes a horse-drawn carriage or other animal-drawn vehicle on any street or public place within the Town except pursuant to an authorized permit issued by the Town Administrator in accordance with the terms of this Article. (Ord. 8-2002 §1)

Sec. 8-121. Horse-drawn carriage permit procedure; application fee.

(a) Applications for a horse-drawn carriage permit, or for a permit to commercially operate any animal-drawn vehicle, shall be made in writing to the Town Clerk on a form provided therefor. Each application shall be accompanied by the appropriate fee and contain, at a minimum, the following information:

- (1) The name, telephone number and business address of the applicant.
- (2) An identification of the type and number of animals and carriages or other animal-drawn vehicles sought to be permitted.
- (3) A specification of the type and number of lights, reflectors and other safety devices or equipment to be used in the operation of each carriage or other vehicle.
- (4) The name, telephone number, address and valid motor vehicle driver's license number for each person who will drive or operate a horse-drawn carriage or other animal-drawn vehicle, and a written

statement illustrating each driver's experience, skill and training in the control of horses and/or large animals and the operation of animal-drawn vehicles.

(5) An identification of all proposed carriage travel routes, days and hours of operation, frequency of trips, and loading/unloading locations. A map clearly depicting the proposed routes and loading/unloading locations for the carriage operation shall accompany the application.

(6) Written proof of the availability of broad coverage liability insurance covering claims for injury to persons or property arising from the operation of the horse-drawn carriage or other animal-drawn vehicle or service.

(7) A written sanitation plan for the disposal of animal waste, including the utilization of harness bags to capture manure.

(b) Upon the submission of a complete application and the payment of the appropriate application fee, the Town Clerk shall forward same to the Town Administrator for review and approval. The Town Administrator may require additional information from the applicant as necessary to fully evaluate the application. The Town Administrator shall approve or deny the application in a prompt fashion, and in any event within thirty (30) days from the date upon which all application materials were deemed complete. The Town Administrator may approve a permit subject to such terms and conditions as he or she deems necessary and reasonable for the protection of the public health and safety, including the specification of permitted travel routes and hours of operation. An applicant dissatisfied with a decision by the Town Administrator may appeal same to the Board of Trustees by submitting a written notice of appeal to the Town Clerk within five (5) business days from the date of the decision appealed from. The notice of appeal shall set forth in plain language the reasons for the appeal and describe the relief sought. The Board of Trustees shall conduct a hearing on the appeal at a regular or special meeting. Written (mailed) or personal (telephone) notice of the hearing shall be provided to the appellant by the Town Clerk not less than ten (10) days in advance of the hearing. An unexcused failure by the appellant to attend the hearing in person or by an authorized representative will be deemed to be an abandonment of the appeal and the appeal shall be automatically denied. The decision by the Board of Trustees on appeal shall be made by written resolution and shall be final. (Ord. 8-2002 §1)

Sec. 8-122. Permits; insurance; exemptions; fee.

(a) All permits to operate a horse-drawn carriage or other animal-drawn vehicle shall be issued in writing on forms prepared by the Town for such purpose and shall be signed by the Town Administrator and the permittee. Unless otherwise authorized on the face of the permit, a permit shall automatically expire one hundred and eighty (180) days from its date of issuance.

(b) No permit shall be issued except upon written proof supplied by the permittee of a current policy of general liability insurance insuring the permittee against claims for injury to persons and property arising from the operation of the carriage or other animal-drawn vehicle, including death, in amounts not less than those limits then currently set forth in the Colorado Governmental Immunity Act. At the time of the adoption of this Article, such limits are one hundred fifty thousand dollars (\$150,000.00) per person in any single occurrence, and six hundred thousand dollars (\$600,000.00) total per occurrence. Such insurance coverage shall constitute the minimum mandatory coverage and shall in no way be deemed or intended to limit or lessen the liability of a permittee for acts or omissions committed by the permittee or the permittee's employees while performing under the permit. Such insurance policy shall also specifically name and include the Town as an additional or co-insured thereunder, and contain an endorsement requiring that the Town receive thirty (30) days advance written notice of any material change to, or the expiration or cancellation of, said policy. A failure by a permittee to obtain or maintain insurance coverage as required in

this Section shall result in the automatic revocation and cancellation of the permit. Insurance policies secured in compliance with this Section shall act as primary insurance with respect to any claim.

(c) The holder of a permit issued under the terms of this Article, and every person acting under the authority of said permit, shall indemnify, defend and hold harmless the Town, its officers and employees, from and against any and all claims, actions, demands, judgments, damages and costs of any kind whatsoever, inclusive of attorney fees, directly or indirectly caused by or arising from the permittee's acts or omissions taken in performing activities under the permit.

(d) No permit shall be issued absent the full and timely payment to the Town of the permit fee established by the Board of Trustees from time to time.

(e) A permit may be extended or renewed upon the submission to the Town Clerk of an application in the same manner as if applying for a new permit.

(f) Horse-drawn carriages and other animal-drawn vehicles participating without compensation in a parade or other civic event shall be exempt from having to obtain a permit as otherwise required under this Article. (Ord. 8-2002 §1)

Sec. 8-123. Permitting and operational standards.

(a) All operators or drivers of any commercially operated horse-drawn carriage or other animal-drawn vehicle must possess a valid Colorado motor vehicle operator's license.

(b) All commercially operated animal-drawn vehicles shall be equipped with running lights, reflectors and all other safety devices required by the Model Traffic Code and state vehicle equipment regulations, including, but not limited to, unobstructed rear-mounted reflective triangular slow-moving emblems and at least one (1) white light visible from a distance of not less than five hundred (500) feet from the front, and not less than two (2) lamps displaying red lights visible from a distance of not less than five hundred (500) feet from the rear, or one (1) red lamp and two (2) red reflectors visible for distances of one hundred (100) to six hundred (600) feet to the rear when illuminated by the upper beams of the head lamps of a trailing vehicle.

(c) All drawing animals shall be equipped with a manure capture device so as to eliminate manure deposits on public streets, and all operators or drivers shall promptly clean up and properly dispose of any manure that should fall onto any street or public right-of-way or property.

(d) All animal-drawn vehicles shall be operated in conformity with all traffic regulations contained in the Model Traffic Code as adopted by the Town pursuant to Article I of this chapter, except those which by their very nature have no application to animal-drawn vehicles.

(e) All animal-drawn vehicles shall be operated in conformity with the days, hours, routes and other terms and conditions as may be set forth in the permit authorizing their operation.

(f) At no time shall an animal-drawn vehicle be left unattended while in or on any public street or public place, and the driver or operator shall maintain control of the animal and carriage or other animal-drawn vehicle at all times.

(g) A certified copy of the horse-drawn carriage permit shall be maintained on the carriage or other permitted animal-drawn vehicle at all times when such vehicle is in use or operation, and the driver or operator shall display same to any law enforcement officer or carriage customer upon request.

(h) No advertising or other signage shall be displayed on a carriage or other animal-drawn vehicle except in accordance with the Town's sign regulations.

(i) No animal drawing a carriage or other vehicle shall be overworked or physically abused, and sufficient amounts of water and rest shall be provided to each animal. (Ord. 8-2002 §1)

Sec. 8-124. Delegation of authority to adopt additional rules and regulations.

The Town Administrator may devise and adopt administrative rules, regulations and standards as he or she deems reasonably necessary to implement the provisions of this Article. All administrative regulations and standards shall be consistent with the provisions contained in this Article and shall be reviewed and approved by the Board of Trustees by written resolution prior to implementation. (Ord. 8-2002 §1)