

Ridgway Municipal Code

CHAPTER 15

SECTION 1

Traffic Regulations

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(Section amended by Ord 2-2016)

15-1-1 ADOPTION OF TRAFFIC CODE.

There is hereby adopted by reference, the 2010 edition of the "Model Traffic Code for Colorado" including the "Definitions" included in the Appendices thereto, (But excluding Parts A thru F of the Appendix) promulgated and published as such by the Colorado Department of Transportation, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of said Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Section 15-1 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 Nation.

15-1-2 MODIFICATIONS AND DELETIONS.

(A) The following provisions of the Model Traffic Code adopted herein are modified as follows:

(1) Delete the words "by ordinance" in the first line of Subsection 1205(3) and the words "by ordinance or resolution" in Subsections 106(1) and (3).

(2) References to "local authority", "local authorities", "jurisdiction", "this local government", "municipality" and the like shall mean the Town of Ridgway and its authorized officers and employees, unless the context clearly requires otherwise.

(3) Cross references to Section 1701 provisions concerning penalties shall be construed to refer to Subsection 15-1-13 of this Section 15-1.

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(B) The following provisions of the Model Traffic Code are hereby deleted:

Subsections 1101(8) and 1409(9), and Part 17.

15-1-3 APPLICABILITY.

This Section 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 1401, 1402, and 1413 of the adopted Model Traffic Code shall apply not only to public places and ways but also throughout the Town.

15-1-4 INTERPRETATION.

(A) This Section shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Subsection headings of this Section 15-1 and Section headings of the Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Subsection or section thereof.

(B) In the event of any conflict between the Model Traffic Code and this Section 15-1 or other ordinances of the Town, the provisions of this Section 15-1 and other Town Ordinances shall control.

15-1-5 COPIES.

(A) One copy of the Model Traffic Code and any secondary code pertaining thereto certified to be true copies by the Mayor and Clerk shall be kept filed in the Office of the Clerk for public inspection.

(B) The Clerk shall maintain a reasonable supply of copies of the Model Traffic Code adopted herein for purchase by the public at a moderate price.

15-1-6 POINT REDUCTIONS.

(A) If a person receives a penalty assessment notice for a violation of this Section 15-1 or the Traffic Code adopted herein, and pays the fine on or before the date the payment is due, the points assessed for the violation are reduced as set out in Subsection (B).

(B) (1) For a violation having an assessment of three or more points under State Statute, the points are reduced by two points.

(2) For a violation having an assessment of two points under State Statute, the points are reduced by one point.

15-1-7 AUTHORITY TO IMPOUND VEHICLES.

(A) The Town shall have authority to remove and impound vehicles

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(1) which are tended or unattended, and standing upon any portion of a street or highway right-of-way within the Town in such a manner as to interfere with the free movement of vehicular traffic or street maintenance;

(2) which have been disabled as a result of an accident;

(3) concerning which when there are reasonable grounds to believe have been abandoned on either public or private property;

(4) which are left unattended on public property, including any portion of a street or highway right-of-way for a period of longer than 24 hours, if in violation of any parking regulations or other provisions of this Chapter, the Model Traffic Code or Municipal Code;

(5) under circumstances as allowed and provided pursuant to Part 18 of the Model Traffic Code or C.R.S. 42-4-1801, et seq.;

(6) for safekeeping incident to an arrest;

(7) which are causing a nuisance; or

(8) as otherwise allowed by law.

(B) The Town may enter into contracts for the towing, impoundment and disposal of vehicles pursuant to this Section, Part 18 of the Model Traffic Code and C.R.S. 42-4-1801, et seq.

(C) Vehicles removed and impounded as provided in this Section shall be disposed of, and towing, storage and other fees collected in accordance with the provisions of Part 18 of the Model Traffic Code or C.R.S. 42-4-1801, et seq.

15-1-8 GOLF CARTS.

(A) Self propelled, electrically powered, motor vehicles that meet the equipment standards of Part 2 of Article 4 of Title 42, CRS, and do not have a speed attainable in one mile in excess of twenty (20) miles per hour, may be operated on streets and highways under the Town's jurisdiction except for Highway 550 and Highway 62.

(B) Such vehicles must display a slow moving vehicle emblem in the rear.

15-1-9 PARKING TICKETS.

(A) Notice on illegally parked vehicle: Whenever any vehicle is found parked or stopped in violation of any of the restrictions imposed by Ordinances of this Town, the 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 may conspicuously affix to such vehicle a traffic infraction notice of the parking violation or provide the same to the owner or driver. Such notice of parking violation shall contain such information as convenient for the administration and enforcement of these provisions and the Municipal Traffic Code, but shall at a minimum advise the driver or owner of the car, generally, of the nature of the violation, the amount of the fines which can be imposed, the procedure for either paying the fine or entering a plea to contest the violation, and the time in which the fine must be paid or other action taken.

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(B) **Presumption in Reference to Illegal Parking:** In any prosecution charging a violation of any provision of this Section 15-1 or the Model Traffic Code 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 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 violations occurred. The registered owner shall be liable for payment of the fine, unless the registered owner furnishes the name and valid address of the person having control of the vehicle at the time of the violation.

15-1-10 PARKING RESTRICTIONS.

(A) **Marked Spaces:** When parking spaces are marked on any roadway, street or alley right of way, or Town owned parking areas by official markings, any vehicle shall be parked within the marked boundary of a single marked space.

(B) **Parking in Alleys:**

(1) No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight or within parking spaces marked by official markings.

(2) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(C) **Parking for Certain Purposes Prohibited:** No person shall park a vehicle within any street or alley right of way, or in Town owned parking lots for a purpose of:

(1) Displaying such vehicle for sale;

(2) Washing, greasing, painting, or repairing a vehicle except repairs necessitated by an emergency; or washing or minor repairs to a vehicle in front of the owner's premises if lawfully parked, safely out of the roadway, and no fluids other than wash water is discharged, and no nuisance is created; or

(3) Displaying advertising. It shall be prima facie evidence that a vehicle is parked for the purpose of "displaying advertising" if the vehicle has a sign or advertising device temporarily attached to the vehicle.

(D) **Clearance Between Vehicle:** No person shall stand or park a vehicle in such a manner as to leave available less than two (2) feet clearance between vehicles when parked.

(E) It shall be unlawful to park next to curbs painted yellow under authority of the Town.

15-1-11 UNATTENDED MOTOR VEHICLES.

(A) It shall be unlawful to park or leave any vehicle standing for a period longer than 72 hours upon a street right of way in the HB Zoning District, regardless of whether the vehicle is in front of the owner's residence or place of business.

(B) Vehicles parked or left standing in violation of this Subsection are hereby declared to be

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a nuisance which may be abated in accordance with law. In addition, such vehicles shall be considered abandoned and may be impounded and disposed of in accordance with provisions of the Town's Model Traffic Code and State law.

15-1-12 TRAFFIC INFRACTIONS

(A) All violations of the Model Traffic Code denominated as a Traffic Infraction, Class A or Class B Traffic Infraction and other violations of this Section 15-1 not otherwise categorized by this Section or the Model Traffic Code shall be Traffic infractions subject to the provisions of this Subsection 15-1-12.

(B) Traffic Infractions are civil matters and not criminal violations.

(C) A defendant charge with a traffic infraction shall have no right to a jury trial. The matter shall be decided by the Municipal Court. No defendant found liable for a traffic infraction shall be sentenced to any jail time.

(D) If a Defendant is charged with an offense or with one or more of the offenses which is not a traffic infraction, all charges shall be subject to the Colorado Municipal Court Rules of Procedure in lieu of this Subsection 15-1-12.

(E) A traffic infraction action is commenced by the filing and tender or service of a charging document on the defendant or conspicuously attaching a parking traffic infraction document on a vehicle, and filing the document with the municipal court.

(F) (1) The clerk of court shall accept payment of a penalty assessment notice by a defendant without an appearance before the court, if payment is made before the time scheduled for the first appearance.

(2) At the time of payment, the defendant shall sign a waiver of rights and acknowledgment of guilt or liability and agree to complete any additional court ordered sanction. This procedure shall constitute an entry and satisfaction of judgment.

(3) (a) If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he shall appear before the court at the time scheduled for first hearing.

(b) The defendant may appear in person or by counsel, who shall enter appearance in the case, providing, however, if an admission of guilt or liability is entered, the court may require the presence of the defendant for the assessment of the penalty.

(c) If the defendant appears in person, the court shall advise him in open court of the following:

(i) The nature of the infractions alleged in the charging document;

(ii) The penalty that may be assessed and the penalty points that may be assessed against the driving privilege;

(iii) The consequences of the failure to appear at any subsequent hearing including entry of judgment against the defendant and reporting the judgment to the state motor vehicle division, which may assess points against the driving

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privilege and may deny an application for a driver's license;

- (iv) The right to be represented by an attorney at the defendant's expense;
- (v) The right to deny the allegations and to have a hearing before the court;
- (vi) The right to remain silent, because any statement made by the defendant may be used against him;
- (vii) Guilt or liability must be proven beyond a reasonable doubt;
- (viii) The right to testify, subpoena witnesses, present evidence, and cross-examine any witnesses for the people;
- (ix) Any answer must be voluntary and not the result of undue influence or coercion on the part of anyone; and
- (x) An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

(4) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.

(5) If the defendant admits guilt or liability, the court shall enter judgment and assess the appropriate penalty, after determining that the defendant understood the matters set above and has made a voluntary, knowing, and intelligent waiver of rights.

(6) If the defendant denies the allegations, the matter shall be set for final hearing, and the defendant and officer shall be notified.

(G) Discovery shall not be available prior to final hearing.

(H) At the time of final hearing, the defendant is entitled to inspect all documents prepared by the officer which the officer intends to use in the presentation of evidence.

(I) A subpoena shall be issued only for the attendance of a witness or for the production of documentary evidence at final hearing.

(J) (1) A subpoena shall be issued to any county within the state either by the clerk of court at the request of the officer or the defendant, or by counsel who has entered an appearance in the case.

(2) A subpoena shall be issued to any county within the state either by the clerk of court at the request of the officer or the defendant, or by counsel who has entered an appearance in the case.

(3) The service of a subpoena shall be by first class mail. No fees or mileage need be tendered with service by mail.

(4) If the person to whom a subpoena is directed does not waive personal service, the issuance and service of a subpoena shall be as provided in the MCRP.

(K) Unless a continuance is granted by the court, the charges shall be dismissed with

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prejudice if the officer fails to appear at the final hearing.

(L) The charges shall be dismissed if the final hearing is not held within 90 days from the defendant's answer.

(M) The hearing of all cases shall be informal, the object being to dispense justice promptly and economically. The court shall ensure that evidence shall be offered and questioning shall be conducted in an orderly and expeditious manner and according to basic notions of fairness. The court may call and question any witness consistent with the court's obligation to be an impartial fact finder favoring neither the Town nor the defense.

(N) The order of proceedings at the hearing shall be as follows:

(1) Before commencement of the hearing, the court shall briefly describe and explain the purposes and procedures of the hearing.

(2) The officer shall offer sworn testimony and evidence to the facts concerning the alleged infraction. After such testimony, the court and the defendant or counsel may examine the officer.

(3) Thereafter, the defendant may offer sworn testimony and evidence and shall answer questions, if such testimony is offered, as may be asked by the court.

(4) If the testimony of additional witnesses is offered, the order of testimony and the extent of questioning shall be within the discretion of the court.

(5) Upon the conclusion of such testimony and examination, the court may further examine or allow examination and rebuttal testimony and evidence as deemed appropriate.

(6) At the conclusion of all testimony and examination, the defendant or counsel shall be permitted to make a closing statement.

(7) The Colorado Rules of Evidence do not apply to hearings under these rules.

(O) If all elements of a traffic infraction are proven beyond a reasonable doubt, the Court shall find the defendant guilty or liable and enter appropriate judgment.

(P) If any element of a traffic infraction is not proven beyond a reasonable doubt, the Court shall dismiss the charge and enter appropriate judgment, provided, however, that the Court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter appropriate judgment.

(Q) If the defendant is found guilty or liable, the Court shall assess the appropriate penalty.

(R) The judgment shall be satisfied upon payment to the clerk of the total amount assessed as set forth above and performance of additional sanctions.

(S) If the defendant fails to satisfy the judgment in the time allowed, such failure shall be treated as a default under section 42-4-1710 (3) or (4), C.R.S. The provisions of Subsections (Z) and (AA) shall apply to a default under this rule.

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(T) There shall be no post hearing motions except for a motion to set aside a default judgment,

(U) Appeal procedure shall be according to Rule 237(a) MCRP. The appeal shall be held pursuant to traffic infraction procedures in the County Court.

(V) Continuances may be granted on a showing of good cause by the officer, his supervisor, or the defendant.

(W) If the defendant fails to appear for any hearing, the court shall enter judgment against the defendant.

(X) The amount of the judgment shall be the appropriate penalty assessed after a finding of guilt or liability pursuant to the schedule of penalty assessments established by the court and court costs.

(Y) The court may set aside a judgment entered under this subsection on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the court not more than seven calendar days after entry of judgment.

(Z) The defendant may satisfy a judgment entered under this rule by paying the clerk and providing proof of compliance with any additional court orders.

(AA) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment.

15-1-13 PENALTIES

(A) It shall be unlawful to violate any of the provisions of this Section 15-1 or of the Model Traffic Code adopted by reference herein. Any person convicted of a violation of any provision not classified as a Traffic Infraction, may be punished by a fine in an amount not to exceed \$300.

(Ord 1-2017)

(B) Traffic Infractions shall be subject to a fine established by a penalty assessment schedule adopted by the Municipal Judge as recommended by the Town. For traffic infractions not otherwise specified in such a schedule, the fine shall be \$100.

(C) The penalty assessment schedule adopted by the Municipal Judge may also provide fines for offenses not classified as a Traffic Infraction.

(D) The specific penalties set out in some sections of the Model Traffic Code are not adopted, but may be used by the court as guidance for establishing or imposing penalties.