

Title 10VEHICLES AND TRAFFICChapters:

- 10.04 Model Traffic Code Adoption
- 10.08 Golf Carts
- 10.09 Traffic Infractions

Chapter 10.04MODEL TRAFFIC CODE ADOPTION\*Sections:

- 10.04.010 Adoption.
- 10.04.020 Additions, modifications, deletions.
- 10.04.030 Violation--Penalty.
- 10.04.040 Application.

10.04.010 Adoption. Pursuant to 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is adopted by reference Section 613 of the 1995 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the town. The purpose of the ordinance codified in this section and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three copies of Section 613 of the Model Traffic Code adopted herein are now filed in the office of the clerk of the town of Columbine Valley, Colorado, and may be inspected during regular business hours. (Ord. 10-1999 §1, 1999: Ord. 11-1995 §1, 1995)

10.04.020 Additions, modifications, deletions. The 1995 Edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or

---

\* Prior ordinance history: Ords. 3-1987, 7-1989, 4-1992 and 3-1993.

sections of which are declared to be inapplicable to this municipality and are therefore expressly deleted, added to or modified as follows:

within the subdivision of the town, known as Burning Tree, shall be twenty m.p.h. The speed limit applicable to the streets immediately adjacent to the Columbine Country Club Clubhouse shall be fifteen m.p.h. as posted at that location, and speed in excess of such limit should be prima facie evidence that such speed is unlawful and a violation of this chapter.

Unless specifically provided to the contrary, all references to "town limit" in Section 4-1 shall mean the existing town limit. It is the intention of the board of trustees that the provisions of Section 4-1 shall apply to the entire area of the town, including recently annexed territory and territory which may be annexed in the future upon the effective date of any annexation.

B. Sections 14-1 through 14-5, inclusive, Sections 17-2 through 17-9, inclusive, and Section 22-1 are declared to be inapplicable to this municipality and are expressly deleted in their entirety. (Ord. 7-1989 §1, 1989; Ord. 3-1987 §2, 1987)

10.04.025 Section 12-2 amended--Parking. A. Section 12-2 of the 1977 Edition of the Model Traffic Code for Colorado Municipalities duly adopted by reference by the Town of Columbine Valley, Colorado, pursuant to Ordinance 3-1987 is repealed and reenacted to read:

Section 12-6(a)- Offstreet Parking - When Prohibited. No operator or owner of a vehicle shall stop or park a vehicle or permit a vehicle to be stopped or parked on a public street or on town property, other than at officially designated parking spaces, between the hours of 3:00 a.m. and 6:00 a.m., on any day.

Section 12-6(b) - Limitation on Parking - Allowable Vehicles Excluded. No operator or owner of any vehicle, boat, motorhome, camper, or trailer, shall stop or park the vehicle, boat, motorhome, camper or trailer, other than an allowable vehicle, or permit a vehicle, boat, motorhome, camper or trailer, other than an allowable vehicle, to be stopped or parked on a public street, public or private driveway or on a public or private property within the town limits except:

1. When stopped or parked in compliance with the direction of a police officer or official signs; or
2. For the purpose of visiting for a period of time not to exceed forty-eight (48) hours; or

3. For temporary loading or unloading for a period of time not to exceed eighteen (18) hours; or
4. On private property zoned R-A; or
5. When stopped or parked in a closed, covered structure; or
6. When a permit for stopping or parking has been obtained and affixed as provided for hereinafter.

Section 12-6(c) - Permits. The Town Marshall may issue a permit to allow the stopping and parking of any vehicle on a public street, public or private driveway, or on public or private property for a specified period of time but not to exceed seven (7) days in any calendar year. Permits may be granted for an additional period of time by the Board of Trustees, or between Board of Trustees meetings, by the Police Commissioner or the Mayor. This permit shall be issued for a vehicle and shall be affixed to the vehicles. The permit shall describe the effective dates thereof and the location in which the vehicle shall be permitted to be parked.

Section 12-6(d) - Stored Vehicles. No owner or operator of an allowable vehicle shall park any allowable vehicle, nor shall any person permit an allowable vehicle to be parked on public or private property within the Town of Columbine Valley other than within a closed structure when such vehicle is unlicensed or has been placed in such a condition as to be inoperable.

Section 12-6(e) - Definitions.

1. "Vehicle" means any device which is capable of moving itself or of being moved from place to place upon wheels or endless tracks, or through the air, or over the water, but such terms shall not mean or include any device moved by muscular power.

2. "Allowable vehicle" means any vehicle, motorcycle, golfcart, or van or pickup truck.

3. "Van or pickup truck" means a vehicle no portion of which extends more than six (6) inches above the height of the cab or above the driver's compartment of the vehicle, which vehicle has no more than (4) wheels and which vehicle weighs no more than 5,000 pounds.

wheels and which vehicle weighs no more than 5,000 pounds.

iv. "Officially designated parking space" as those words are used herein shall include:

(a) Those parking spaces in Villas Subdivision located on Par Circle, Birdie Lane and Eagle Drive, platted and marked for parking, and

(b) The parking area adjacent to the Columbine Country Club maintenance building.

C. Penalties. The following penalties, herewith set forth in full, shall apply to this section:

1. It is unlawful for any person to violate any of the provisions stated or adopted in this section.

2. Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished by a fine not exceeding three hundred dollars. (Ord. 11-1995 §2, 1995)

10.04.030 Violation--Penalty. Except as to Section 10.04.020, which contains its own penalty provisions, the following penalties, herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions adopted in this chapter.

B. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine or imprisonment. (Ord. 3-1998 §2, 1998; Ord. 11-1995 §3, 1995)

10.04.040 Application. This chapter 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, 1413 and part of 1416 of the adopted Model Traffic Code, respectively concerning reckless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality. (Ord. 11-1995 §4, 1995)

Chapter 10.08GOLF CARTSSections:

- 10.08.010 Definitions.
- 10.08.020 Applicability of state and local laws.
- 10.08.030 Golf cart operation on roadway.

10.08.010 Definitions. As used in this chapter, unless the context otherwise requires:

"Golf cart" means a self-propelled vehicle primarily designed for travel on golf courses.

"Operate" means to ride in or on and control the operation of a golf cart.

"Owner" means a person, other than a lien holder, having title to a golf cart and entitled to the use or possession thereof.

"Person" means any individual, association, partnership or public or private corporation, any municipal corporation, county, city, city and county, or other public political subdivision of the state, or any other public or private organization of any character.

"Possession" means any physical custody of a golf cart by any owner of a golf cart or by any owner of a motor vehicle or trailer on or in which a golf cart is placed for the purpose of transport. (Ord. 11-1994 §1(part), 1994)

10.08.020 Applicability of state and local laws. State law with respect to the regulation of motor vehicles and traffic, as well as the Model Traffic Code, as adopted by the board of trustees of the town from time to time, shall be applicable to the regulation of golf carts within the town. (Ord. 11-1994 §1(part), 1994)

10.08.030 Golf cart operation on roadway. A. No person may operate a golf cart on the roadway of a street in the town, except as provided in this chapter.

B. No person under the age of sixteen years may operate a golf cart, except upon lands owned or leased by his parent or guardian, unless he is accompanied by or under the immediate supervision of a person sixteen years of age or over.

C. While being operated between the hours of sunset and sunrise, such golf cart shall be equipped with at least two front headlights emitting a white light visible from a distance of at least five hundred feet to the front as well as two tail lights visible from a distance of five hundred feet from the rear.

D. Any person who violates any of the provisions of this chapter shall be subject to the penalties set forth in Section 10.04.040 of the Municipal Code. (Ord. 11-1994 §1(part), 1994)

## Chapter 10.09

### TRAFFIC INFRACTIONS

#### Sections:

- 10.09.010 Legislative intent.
- 10.09.020 Definitions.
- 10.09.030 Application.
- 10.09.040 Commencement of action.
- 10.09.050 Payment before appearance date.
- 10.09.060 First hearing.
- 10.09.070 Subpoenas.
- 10.09.080 Dismissal before final hearing.
- 10.09.090 Final hearing.
- 10.09.100 Judgment after final hearing.
- 10.09.110 Posthearing motions.
- 10.09.120 Default.
- 10.09.130 Town attorney.
- 10.09.140 Appeals.
- 10.09.150 Collection of judgments.
- 10.09.160 Violation--Penalty.

10.09.010 Legislative intent. The purpose of this chapter is to decriminalize certain traffic offenses by establishment of a system to treat all violations of the Model Traffic Code, as modified and adopted by the town of Columbine Valley, except violations of Sections 1413, 1409 and 1401, as civil matters in municipal court, wherein no jury trials are permitted. (Ord. 11-1998 §1, 1998: Ord. 3-1998 §1(part), 1998)

10.09.020 Definitions. As used in this chapter, the following definitions shall apply:

"Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, or other document charging the person with the commission of a traffic infraction or infractions.

"Defendant" means any person charged with the commission of a traffic infraction.

"Judgment" means an admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this chapter against any person for the commission of a traffic offense.

"Noncriminal traffic infraction," also referred to herein as "traffic infraction," means any violation of the Model Traffic Code, as modified and adopted by the town of Columbine Valley, except violations of Sections 5-1 and 21-13, wherein no jury trials are permitted.

"Penalty" means a fine imposed by the municipal court for violation of a traffic infraction. (Ord. 3-1998 §1, (part), 1998)

10.09.030 Application. A. This chapter shall apply to actions in which traffic infractions are charged.

B. In any action in which the commission of a traffic infraction and a criminal offense are alleged in one complaint, all charges shall be treated as a criminal offense, wherein jury trials are permitted. (Ord. 3-1998 §1(part), 1998)

10.09.040 Commencement of action. An action under this chapter charging a traffic infraction is commenced by the tender of or service of a charging document upon a defendant, or in the case of a parking violation, by placing a charging document on the subject vehicle in a conspicuous place, and by filing of the charging document with the municipal court. (Ord. 3-1998 §1(part), 1998)

10.09.050 Payment before appearance date. A. The clerk of the municipal court shall accept payment of a penalty for a traffic infraction by a defendant pursuant to orders entered by the town of Columbine Valley municipal court, from time to time.

B. Payment in full of the fine, costs, and other court fees in accordance with such orders, shall constitute a waiver of rights and acknowledgement of guilt or liability.

C. This procedure shall constitute an entry and satisfaction of judgment. (Ord. 3-1998 §1(part), 1998)

10.09.060 First hearing. A. If the defendant has not previously acknowledged guilt or liability and satisfied the judgement, he shall appear before the court at the time scheduled for first hearing which is noted on the charging document.

B. The defendant may appear in person or by counsel, who shall enter an appearance in the case; provided, however, if an admission of guilt or liability is entered, the court may require the presence of the defendant for assessment of the penalty, costs, and other court fees.

C. If the defendant appears in person, the court shall advise him in court of the following:

1. The nature of the infractions alleged in the charging document;



2. The penalty, costs, and other court fees that may be assessed and the penalty points that may be assessed against his driving privilege;

3. The consequences of a failure to appear at any subsequent hearing including entry of judgment against the defendant, and the reporting of the judgment to the State Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privilege and which may result in the denial of an application for a driver's license;

4. The right to be represented by an attorney at the defendant's expense;

5. The right to deny the allegations and to have a hearing before the court;

6. The right to remain silent, because any statement made by the defendant may be used against him;

7. Guilt or liability must be proven beyond a reasonable doubt;

8. The right to testify, subpoena witnesses, present evidence and cross-examine any witnesses for the town;

9. Any admission of guilt or liability by a defendant must be voluntary and not the result of undue influence or coercion on the part of anyone; and

10. An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

D. 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.

E. If the defendant admits guilt or liability, the court shall enter judgment and assess the appropriate penalty, costs, and other court fees, after determining that the defendant understood the matters set forth in subsection (C) of this section and has made a voluntary, knowing and intelligent waiver of rights. The clerk of the municipal court shall report the judgment and points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

F. If the defendant denies the allegations, the matter shall be set for a final hearing. (Ord. 3-1998 §1(part), 1998)

10.09.070 Subpoenas. The defendant and the town shall have the right to the issuance of subpoenas by the court clerk as in all other municipal prosecutions to secure the attendance of witnesses at the final hearing. (Ord. 3-1998 §1(part), 1998)

10.09.080 Dismissal before final hearing. The charges shall be dismissed if the final hearing is not held within the time requirements set out in Rule 248(b) of the Colorado Municipal Court Rules of Procedure. (Ord. 3-1998 §1(part), 1998)

10.09.090 Final hearing. The hearing of all traffic infractions shall be conducted pursuant to the Colorado Municipal Court Rules of Procedure. (Ord. 3-1998 §1(part), 1998)

10.09.100 Judgment after final hearing. A. If all the elements of a traffic infraction are proven beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter judgment. The clerk of the municipal court shall report the judgment and the points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

B. If any element of a traffic infraction is not proven beyond a reasonable doubt the court shall dismiss the charge and enter 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 judgment.

C. If the defendant is found guilty or liable, the court shall assess the penalty, costs, and other court fees imposed in criminal municipal offenses.

D. The judgment shall be satisfied upon payment to the clerk of the municipal court of the total amount assessed by the court.

E. If the defendant fails to satisfy the judgment by payment to the clerk of the municipal court of the total amount assessed after the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then such nonpayment shall be treated as a default. (Ord. 3-1998 §1(part), 1998)

10.09.110 Posthearing motions. There shall be no posthearing motions except to set aside a default judgment as provided by Section 10.09.120 of this chapter. (Ord. 3-1998 §1(part), 1998)

10.09.120 Default. A. If the defendant fails to appear at the first hearing, the court shall charge the defendant with failure to appear and notice of such charge and of the next hearing date at which time the defendant must appear shall be mailed by the clerk of the municipal court, to the defendant at the last known address of the defendant. If defendant fails to appear at any subsequent hearing, the court shall enter judgment against the defendant and, if appropriate, the clerk of the municipal court shall report the judgment and points to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

B. The amount of the judgment shall be the appropriate penalty which would be assessed after a finding of

appropriate jurisdiction, which filing shall include a certified copy of the judgment, praying for judgment based on the total amount assessed by the municipal court, and upon entry of such judgment, the town attorney shall be authorized to proceed with all judgment, execution and collection procedures authorized by law for the amount of the judgment, costs and fees incurred in such proceedings. (Ord. 3-1998 §1(part), 1998)

10.09.160 Violation--Penalty. The following penalties herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions adopted in this chapter.

B. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding one thousand dollars.

C. No imprisonment shall be imposed. (Ord. 3-1998 §1(part), 1998)

Title 11  
(RESERVED)