

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 3
SERIES OF 2019**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO REPEALING AND REENACTING CHAPTER 8, ARTICLE I OF THE RIFLE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2018 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO; REPEALING ALL ORDINANCES OF THE CITY OF RIFLE, COLORADO, IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, C.R.S. § 42-4-110 provides for uniform traffic regulations throughout the state and C.R.S. § 31-16-201 et seq. authorizes local governments to adopt uniform codes by reference, including the Model Traffic Code; and

WHEREAS, by Ordinance No. 11, Series of 2010, the City adopted by reference the Model Traffic Code for Colorado, 2010 Edition, which regulations are now codified at Chapter 8, Article I of the Rifle Municipal Code, as it has been further amended; and

WHEREAS, the Colorado Department of Transportation has recently revised the Model Traffic Code and published the Model Traffic Code, 2018 Edition; and

WHEREAS, City staff has undertaken a review of the Model Traffic Code, 2018 Edition and recommends to the City Council that it be adopted by the City as amended below; and

WHEREAS, the City Council desires to adopt by reference and make local amendments to the Model Traffic Code, 2018 Edition; and

WHEREAS, the City Council finds and determines that the adoption of the 2018 Model Traffic Code is in the best interest of the public health, safety and welfare of the citizens of Rifle.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.
2. Chapter 8, Article I of the Rifle Municipal Code is hereby repealed and reenacted to read as follows:

**CHAPTER 8
Vehicles and Traffic**

**Article I
Model Traffic Code**

8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2018 edition of the *Model Traffic Code for Colorado*, together with the appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W Howard Place, Denver, CO 80204. The purpose of this Ordinance 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.

8-1-20. Copy on file.

Three (3) copies of the Model Traffic Code adopted herein are now on file may be inspected during regular business hours. Copies are available for sale in the office of the City Clerk.

8-1-30. Amendments.

Except as expressly modified in this Article, the Model Traffic Code is adopted as if set forth in full.

8-1-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout the City.

8-1-50. Prohibited activities on sidewalks.

Section 109(9) of the adopted code is amended by the addition of the following sentence at the end of subsection (9):

When properly posted, it shall be unlawful for any person to ride a bicycle, roller skate, roller blade, skateboard or utilize similar devices on sidewalks or parking lots anywhere within the City limits.

8-1-60. Definition and use of off-highway vehicles.

A new Section 109.7 of the adopted code is hereby enacted as follows:

109.7. Off-highway vehicles.

(1) **Definition of Off-Highway Vehicle.** Every motor vehicle designed primarily for travel off of the public highways and which is not required to be registered with the State of Colorado under the provisions of Article 3, Title 42, C.R.S.

(2) **Use of Off-Highway Vehicles.** No off-highway vehicle shall be operated anywhere in the City of Rifle, except on private property by the written permission of the landowner, or in a parade licensed by the Chief of Police in accordance with the provisions of the Rifle Municipal Code. Testimony of the failure of any owner or operator of an off-highway vehicle to present immediate evidence of permission to operate the vehicle, when requested to do so by a peace officer, shall constitute prima facie evidence that such owner or operator of the off-highway vehicle violated this section. No person shall be convicted of a violation of this section if he produces in court an affidavit, signed under oath by the landowner, that he had given the owner or operator permission to use the off-highway vehicle on his property at the time of the alleged violation.

8-1-70. Mufflers.

Section 225(3) of the adopted code is hereby amended to read as follows.

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars (\$500.00).

8-1-80. Obstruction of roadways by pedestrians prohibited.

Section 801 of the adopted code is amended to add a new subsection (5) as follows:

(5)(a) It is unlawful for a pedestrian to engage in any activity within a public street or roadway that obstructs, or reasonably could obstruct, the free flow of vehicular traffic or otherwise constitutes, or reasonably could constitute, a hazard, except as expressly permitted or authorized by this Code.

(b) It is unlawful for a parent, guardian, or other person having care or custody of any child under the age of ten (10) years to intentionally, knowingly, or recklessly allow or permit any such child to violate subsection (a) of this section.

(c) The fact that a child under the age of ten (10) years is engaged in an activity within a public street or roadway contrary to the provisions of subsection (a) of this section shall be prima facie evidence that the parent, guardian, or other person having custody of the child is guilty of violating this section.

8-1-90. Speed limits.

Section 1101(2) of adopted code is amended to read as follows:

(2) Except when a special hazard exists that requires a lower speed, and except as otherwise provided herein, the following speeds shall be lawful:

(a) Twenty-five (25) miles per hour on all City streets, unless otherwise posted.

(b) Twenty (20) miles per hour on narrow, winding mountainous highways and blind curves.

(c) Forty (40) miles per hour on open mountain highways.

(d) Forty-five (45) miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 507(3).

(e) Fifty-five (55) miles per hour on other open highways which are not on the interstate system, as defined in C.R.S. §43-2-101(2).

(f) Seventy-five (75) miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in C.R.S. §43-2-101(2), where authorized by a majority of the members of the transportation commission and such speed has been so designated by official traffic control devices.

(g) Any speed not in excess of a speed limit designated by an official traffic control device.

8-1-100. Traffic regulation in mobile home parks.

Pursuant to Section 1102(6) of the adopted code, all stop sign regulations and speed limits not inconsistent with Section 8-1-90 above shall be enforced upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways.

8-1-110. Parking prohibited in specified places.

Section 1204(1) of the adopted code is amended to add subsections (l), (m) and (n) to read as follows:

(l) Within an alley, except during the necessary expeditious loading and unloading of merchandise or freight, and in no case shall a stop for loading or unloading of materials exceed twenty (20) minutes.

(m) Parked occupying more than one parking space.

(n) Parked in violation of designated parking as defined by pavement markings or signs.

8-1-120. Obedience to stopping, standing or parking restriction and prohibition signs.

Section 1204 of the adopted code is hereby amended by the addition of new subsection 1204(9), to read as follows:

(9) On any street, alley, parking lot, or at any place within this municipality where official signs are posted giving notice of stopping, standing or parking restrictions or prohibitions as authorized in Section 42-4-111(a), C.R.S., no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer. The City Council may adopt by resolution parking restrictions on certain streets, alleys and parking lots.

8-1-130. Interference with parking enforcement officer or procedures.

Section 1204 of the adopted code is hereby amended by the addition of new subsection 1204(10), to read as follows:

(10) No person shall erase, remove, alter or otherwise tamper with markings or other detection materials placed on any vehicle, vehicle tire or pavement for the purpose of enforcement of timed parking.

8-1-140. Parking for certain purposes prohibited.

Section 1205 of the adopted code is hereby amended by the addition of a new subsection 1205(5), to read as follows:

(5) No person shall park a vehicle upon a roadway for the purpose of:

(a) Greasing, painting, washing or repairing such vehicle, except repairs necessitated by an emergency.

8-1-150. Parking permits.

A new Section 1213 of the adopted code is hereby adopted, to read as follows:

1213. Parking permits. The City Council may provide by resolution for parking permits granting exemption from time parking regulations on such terms and conditions and for such fees as the Council may determine appropriate from time to time.

8-1-160. Notice on illegally parked vehicles.

A new Section 1214 of the adopted code is hereby adopted, to read as follows:

1214. Notice on illegally parked vehicles. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of the City of Rifle, 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 shall conspicuously affix to such vehicle a penalty assessment notice issued pursuant to Section 8-1-180 of the Rifle Municipal Code.

8-1-170. Compulsory insurance penalty.

Section 1409(9) of the adopted code is hereby deleted.

8-1-180. Bicycles approaching intersections.

Section 1412 of the adopted code is amended to add a new subsection (16) as follows:

(16)(a) A person riding a bicycle or electrical assisted bicycle and approaching an intersection of a roadway with a stop sign shall slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the person shall slow to a reasonable speed and yield the right-of-way to any traffic or pedestrian in or approaching the intersection. After the person has slowed to a reasonable speed and yielded the right-of-way if required, the person may cautiously make a turn or proceed through the intersection without stopping.

(b) For purposes of this subsection (15), a reasonable speed is fifteen miles per hour or less.

(c) A person riding a bicycle or electrical assisted bicycle and approaching an intersection of a roadway with an illuminated red traffic control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians. Once the person has yielded, the person may cautiously proceed in the same direction through the intersection or make a right-hand turn. When a red traffic control signal is illuminated, a

person shall not proceed through the intersection or turn right if an oncoming vehicle is turning or preparing to turn left in front of the person.

(d) A person riding a bicycle or electrical assisted bicycle approaching an intersection of a roadway with an illuminated red traffic control signal may make a left-hand turn only if turning onto a one-way street and only after stopping and yielding to other traffic and pedestrians. However, a person shall not turn left if a vehicle is traveling in the same direction as the person and the vehicle is turning or preparing to turn left. If the person is not turning left onto a one-way street, the person shall not make a left-hand turn at an intersection while a red traffic control signal is illuminated.

8-1-190. Possession of License.

A new Section 1417 of the adopted code is hereby adopted, to read as follows:

1417. Operator's license required.

No person who has been issued a currently valid driver's or minor's driver's license or an instruction permit shall operate a motor vehicle upon a highway in this city without having such license or permit in such person's immediate possession."

8-1-200. Driving under restraint.

A new Section 1418 of the adopted code is hereby adopted, to read as follows:

1418. Driving under restraint.

- (1) Any person who drives a motor vehicle or off-highway vehicle with knowledge that the person's license or privilege to drive, either as a state resident or a non-resident is under restraint for an outstanding judgment is guilty of a Class A Traffic Infraction.
- (2) Except as provided in subsection (1) of this section, any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of DUI, DUI per se, DWAI, or UDD is guilty of a criminal offense. A court may sentence a person convicted of this criminal offense to imprisonment for a period of not more than six months and may impose a fine of not more than five hundred dollars.
- (3) The Court shall not waive or reduce the three-point penalty imposed under state law.

8-1-210. Penalties for violation.

Section 1701 of the adopted code is amended to read as follows:

1701. Municipalities – traffic offenses classified – schedule of fines.

(1) Except as otherwise provided for in this section, any person who violates any provision of the Model Traffic Code shall be deemed to have committed a noncriminal traffic offense. Every person who is convicted of, who admits liability for, or against whom a judgment is entered for, a noncriminal traffic offense shall be penalized by imposition of a fine in an amount not less than \$5.00 and not greater than \$500.00. The presiding Judge of the Municipal Court shall promulgate a schedule of penalties for all noncriminal traffic offenses contained in the Model Traffic Code. Said schedule shall be prominently posted in the office of the Municipal Court Clerk.

(2) A violation of any of the following provisions of the Model Traffic Code shall be a criminal offense. Every person convicted of violating any of the following provisions of the Model Traffic Code shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

(a) Section 1903 – Stopping for school buses.

(b) Section 1101 – Speeding (the alleged violator is accused of exceeding the prima facie speed limit by more than 19 miles per hour).

(c) Section 1105 – Speed contests.

(d) Section 1401 – Reckless driving.

(e) Section 1402 – Careless driving (the violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or death to any person).

(f) Section 1413 – Eluding or attempting to elude police officer.

(g) Section 1409 – Compulsory insurance.

(h) Any other offense contained in the Model Traffic Code resulting in an accident causing personal injury or substantial property damage.

8-1-220. Procedure for noncriminal traffic offenses.

Part 17 of the adopted code is amended by the addition of a new Section 1702, to read as follows:

1702 Procedure – noncriminal traffic offenses.

(1) Notwithstanding the provisions of Rule 223(a) and (b) of the Colorado Municipal Court Rules of Procedure, or any other provision of law, the right of a jury trial shall not be available at a hearing where the cited person is charged with a noncriminal traffic

offense. In addition, no person charged with a noncriminal traffic offense shall be afforded the right of court-appointed counsel.

(2) The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a noncriminal traffic offense, unless any of the rules are clearly inapplicable. The burden of proof shall be upon the people, and the court shall dismiss charges against an alleged violator beyond a reasonable doubt.

(3) An appeal from final judgment on a noncriminal traffic offense shall be made in accordance with Rule 237 of the Colorado Municipal Court Rules of Procedure.

(4) Except as otherwise provided in this subsection, no person against whom a judgment has been entered for a noncriminal traffic offense shall collaterally attack the validity of that judgment unless such attack is commenced within three months after the date of entry of the judgment. The only exceptions to the time limitations shall be:

(a) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

(b) A case in which the court entering judgment did not have jurisdiction over the person of the violator;

(c) Where the court finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

(d) Where the court finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

(5) At any time that a person is cited for the commission of any noncriminal traffic offense, the citing officer shall give a notice to the person in charge of or operating the motor vehicle involved, which notice shall be in the form of a penalty assessment notice.

(6) The penalty assessment notice tendered by the citing officer shall contain the name and address of such person or, if the vehicle is unattended, the owner of the vehicle shall be presumed to be such person, the license number of the vehicle involved, if any, the number of such person's driver's license, if available, the nature of the offense, the amount of the penalty prescribed for such offense, the date of the notice, the time and place and when and where such person shall appear in court in the event such penalty is not paid, and a place for such person to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed within twenty days, as well as such other information as may be required by law to constitute such notice as a summons and complaint to appear in court, should the prescribed penalty not be paid within the time period.

(7) One copy of the notice shall be given to the violator by the citing officer.

(8) The time specified in the notice to appear shall be at least fourteen days, but not more than forty-five days after such citation, unless the person cited shall demand an earlier hearing.

(9) Whenever the alleged violator refuses to sign or accept the penalty assessment notice, tender of such notice by the citing officer to the alleged violator shall constitute service of a summons and complaint.

(10) In the event a person who has been cited for a noncriminal traffic offense fails to pay the penalty assessment within the time period specified in the penalty assessment notice, he shall make an appearance and answer the complaint against him. If the alleged violator answers that he is liable, judgment shall be entered against him, and he shall be assessed the appropriate penalty and applicable court costs. If the alleged violator denies the allegations in the complaint, a final hearing on the complaint shall be held within the time period prescribed in Rule 248 of the Colorado Municipal Court Rules of Procedure. If the alleged violator fails to appear for a final hearing, judgment shall be entered against him, and he shall be assessed the appropriate penalty and applicable court costs.

(11) In the event a person who has been cited for a noncriminal traffic offense fails to pay the penalty assessment within the time period specified in the penalty assessment notice and fails to appear at the time and place specified in the notice, judgment shall be entered against him, and he shall be assessed the appropriate penalty and court costs.

(12) A police officer coming upon an unattended vehicle which is in apparent violation of any provision of the *Model Traffic Code* may place upon the vehicle a penalty assessment notice indicating the noncriminal traffic offense pursuant to the procedure set forth at Subsection (6) above. If the penalty assessment is not paid within twenty days of the issuance of such notice, the court shall mail a notice to the registered owner of the vehicle, setting forth the noncriminal traffic offense, the time and place where it occurred, directing the payment of the penalty assessment within twenty days from the issuance of the notice, and the time and place and when and where such person shall appear in court in the event such penalty is not paid as provided in the initial penalty assessment notice. In any prosecution of any of the provisions governing unattended vehicles, proof that the particular vehicle described in the penalty assessment notice was left unattended in violation of any such law or regulation, together with proof that the defendant named in the penalty assessment notice was, at the time of violation, the registered owner of such vehicle, shall constitute in evidence a prima facie rebuttable presumption that the registered owner of such vehicle was the person who left the vehicle unattended at the place where, and for the time during which, such violation occurred.

(13) If the alleged violator is cited for a noncriminal traffic offense, he shall be privileged to answer the complaint made against him in the manner provided in the Colorado Municipal Court Rules of Procedure. The maximum penalty which may be imposed shall not exceed the penalty set forth in the penalty assessment notice.

(14) The provisions of this section shall not apply to violations specified in Section 1701(2) of this code, nor shall they apply when it appears that the alleged violator has, in the course of the same transaction, violated one of the provisions referred to in Section 1701(1) of this code, and has also violated one or more of the provisions contained in Section 1701(2) of this code, and the arresting officer charges such alleged violator with two or more violations, any one of which is not referred to in Section 1701(1) of this code.

(15) If a person receives a penalty assessment notice for a violation under this Part 17 and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

(a) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points;

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

8-1-230. Failure to pay

Part 17 of the adopted code is amended by the addition of a new Section 1703, to read as follows:

1703. Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice - procedures.

(1) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this Code and surcharge thereon pursuant to section 24-4.2-104(1), C.R.S., the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

(2) If the violator answers that he or she is guilty 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 final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are

contained in Rule 248, Colorado Municipal Court Rules. 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 thereon, a docket fee, and other applicable costs authorized by ordinance or the court.

8-1-240. Abandoned motor vehicles.

Part 18 of 2018 Model Traffic Code, "Vehicles Abandoned on Public Property," is not adopted by reference and shall not be incorporated in the Rifle Municipal Code. The City's regulations concerning abandoned and inoperable vehicles are set forth at Article II of this Chapter.

Section 3. Any ordinance or parts thereof of the City of Rifle, Colorado, covering the same subject matter, or in conflict or inconsistent herewith, are hereby repealed; provided, however, that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

Section 4. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 5. This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system of the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted 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 article or section thereof.

Section 6. Pursuant to Section 31-16-203, C.R.S., as amended, a public notice shall be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding a public hearing, and once at least eight (8) days preceding the public hearing. The notice shall state the time and place of the hearing, shall state that copies of the primary codes to be considered for adoption are on file with the City Clerk and are open to public inspection, shall contain a description deemed sufficient to give notice to interested persons of the purpose of the primary codes, the subject matters of said codes and the name and address of the agency by which it has been enacted. The public hearing on the adoption of this ordinance is hereby set for April 17, 2019.

Section 7. The effective date of this ordinance shall be June 1, 2019.

Section 8. The City Clerk shall certify to the passage of this ordinance and keep not less than three (3) certified copies of the adopted Model Traffic Code, 2018 Edition, in the clerk's office available for inspection by the public during regular business hours.


INTRODUCED on April 3, 2019 read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, at a public hearing held on April 17, 2019, passed with amendment, approved, and ordered published in full as required by the Charter.

DATED this 17 day of April, 2019.

CITY OF RIFLE, COLORADO

By



Mayor

ATTEST:



City Clerk



A public hearing on the adoption of this Ordinance was held on April 17, 2019. Notice of such hearing was published in the Glenwood Springs Post Independent on March 29, 2019 and April 4, 2019.