

ORDINANCE NO. 2553

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1 OF THE COMMERCE CITY REVISED MUNICIPAL CODE AND ADOPTING THE 2020 COLORADO MODEL TRAFFIC CODE AS REVISED

WHEREAS, the City Council for the City of Commerce City (“Council”) has previously adopted the 2010 edition of the Model Traffic Code of Colorado, published by the Colorado Department of Transportation (“CDOT”);

WHEREAS, CDOT revised and issued a Revised 2020 edition (dated July 7, 2021) of the Model Traffic Code for Colorado;

WHEREAS, Council wishes to adopt the revised 2020 edition with certain exceptions, additions, and modifications; and

WHEREAS, Council also wishes to update the provisions of Article I of Chapter 11 of the Commerce City Revised Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Repeal. Articles I of Chapter 11 of the Commerce City Revised Municipal Code is hereby repealed. 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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect.

SECTION 3. Reenactment. Article I of Chapter 11 of the Commerce City Revised Municipal Code is hereby reenacted as reflected in **Exhibit A**.

SECTION 4. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective Date. This ordinance shall be effective immediately upon passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 13TH DAY OF NOVEMBER 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED

THIS 4TH DAY OF DECEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

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ARTICLE I. COMMERCE CITY TRAFFIC CODE

Model Traffic Code – External Link to PDF

Click [Here](https://www.codot.gov/safety/traffic-safety/assets/documents/2020-model-traffic-code-for-colorado.pdf) to view a PDF version of the 2020 Revised Model Traffic Code (<https://www.codot.gov/safety/traffic-safety/assets/documents/2020-model-traffic-code-for-colorado.pdf>)

DIVISION 1. - GENERAL PROVISIONS

Sec. 11-1100. - Adoption of the 2020 Revised Model Traffic Code (July 7, 2021).

The City of Commerce City hereby adopts the 2020 Revised Model Traffic Code (dated July 7, 2021), promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, save and except for such amendments and deletions as are set forth in this article (Commerce City Traffic Code). A copy of the Commerce City Traffic Code is on file with the city clerk and may be inspected during regular business hours.

Sec. 11-1101. - Applicability.

The Commerce City Traffic Code shall apply to every street, alley, sidewalk area, driveway, park, and any other public way, public place, or public parking area, whether within or outside the corporate limits of the city, over which the city has jurisdiction and authority to regulate. In addition, sections 238 (Blue and red lights – illegal use or possession), 606 (Display of unauthorized signs or devices), 1204 (Stopping, standing, or parking prohibited in specified places), 1211 (limitations on backing), 1401 (Reckless driving), 1402 (Careless driving), 1413 (Eluding or attempting to elude a police officer), 1415 (Radar jamming devices prohibited), and 1417 (Unlawful crossing of private property) apply throughout the jurisdiction of the city.

Sec. 11-1102. - Classification of Violations.

The violation of any of the following sections of the Commerce City Traffic Code shall constitute a misdemeanor: 238 (Blue and red lights – illegal use or possession); 606 (Display of unauthorized signs or devices); 607(2)(a) (Interference with official devices), but only if the use proximately causes bodily injury to another person; 611(2) (Paralegic persons or persons with disabilities - distress flag); 705(2), (2.5), and (2.6) (Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle); 1008.5 (Crowding or threatening bicyclist); 1105(1), (2), (3), and (8) (offenses related to speed contests and exhibitions), 1208(11) (fraudulently obtaining, using or making disability placards); 1401 (Reckless driving); 1402 (Careless driving), but only if the violation proximately causes the death or bodily injury of another); 1409 (Compulsory Insurance); 1413 (Eluding or attempting to elude a police officer); and 1415 (Radar jamming devices prohibited). The violation of any other provision of the Commerce City Traffic Code shall constitute a traffic infraction. The general penalties for misdemeanors and traffic infractions are set forth in chapter 1, article III of the city's municipal code.

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DIVISION 2. - AMENDMENTS TO THE MODEL TRAFFIC CODE

Sec. 11-1201. - Deletions.

The 2020 edition of the Model Traffic Code is amended by the deletion of the following parts and sections which are inapplicable to the city: 101(short title), 102(legislative declaration), 103 (scope and effect), 109.6 (class B low-speed electric vehicles), 711(driving on mountain highways), 1011(use of runaway vehicle ramps), 1203 (ski areas), 1210 (designated areas on public property for authorized vehicles), Part 17 (penalties and procedure), Part 18(vehicles abandoned on public property), and Part 19 (School Bus Requirements). The 2020 edition of the Model Traffic Code is further amended by the deletion of any language that attempts to categorize violations into classes of traffic infractions, traffic offenses, misdemeanors or which set forth a specific penalty for a violation, whether monetary or otherwise.

Sec. 11-1202. - Amendments.

(a) Section 109.5 of the Model Traffic Code is amended to read as follows:

109.5. Golf carts and low-speed electric vehicles.

- (1) No person shall operate a golf cart on any roadway unless the following equipment has been properly installed:
 - a. A windshield
 - b. Head lamps that comply with C.R.S. § 42-4-205;
 - c. Tail lamps and reflectors that comply with C.R.S. § 42-4-206;
 - d. Stop lamps and turn signals that comply with C.R.S. § 42-4-208;
 - e. A horn or warning device that complies with C.R.S. § 42-4-224; and
 - f. Mirrors that comply with C.R.S. § 42-4-226.
- (2) No person shall operate a golf cart or low-speed electric vehicle on a roadway that has a speed limit in excess of thirty-five miles per hour; except that such vehicles may be operated to directly cross a roadway that has a speed limit in excess of thirty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour.
- (3) No person shall operate a golf cart or low-speed electric vehicle on a limited-access highway.
- (4) No person shall operate a golf cart or low-speed vehicle on any roadway in excess of twenty-five (25) mph.
- (5) No person shall operate a golf cart or low-speed vehicle on any roadway unless such person holds a valid driver's license.

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- (6) No person shall operate a golf cart or low-speed vehicle on any roadway if the golf cart or low-speed vehicle is carrying a greater number of passengers or greater load than that specified by the manufacturer.
- (7) No person shall operate a golf cart or low-speed vehicle upon any sidewalk or trail unless such sidewalk or trail is specifically posted for such use.
- (8) Golf carts and low-speed vehicles shall be driven in the right-hand lane. When being overtaken by another vehicle, golf carts, and low-speed vehicles shall be driven as close to the right-hand as practicable. Where a bicycle lane or paved shoulder suitable for bicycle riding is present, persons operating golf carts or low-speed vehicles shall drive in the bicycle lane or paved shoulder. These provisions apply except under any of the following situations:
 - a. When overtaking and passing a bicycle or vehicle proceeding in the same direction;
 - b. When preparing for a left turn at an intersection or into a private road or driveway;
 - c. When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, or surface hazards.

- (b) Section 110.5 of the Model Traffic Code is amended to incorporate C.R.S. § 42-4-110 in its entirety, as amended and to read as follows:

110.5 Automated Vehicle Identification Systems (AVIS)

- (1) The City is authorized to utilize automated vehicle identification system technology pursuant to C.R.S. § 42-4-110.5 as amended.
- (2) AVIS zones that are not residential neighborhoods, school zones, or within construction, repair, or maintenance zones will be designated as required by statute and by City Council through resolution.

- (c) Section 514 of the Model Traffic Code is added to read as follows:

514 Weight limits on certain streets or parts thereof.

- (1) When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the weight specified on the sign(s) at any time upon any of the streets or parts thereof, excluding bridges, viaducts, and culverts.
- (2) When official signs are erected giving notice thereof, no person shall operate any vehicle in excess of the weight specified on the sign(s) at any time upon any bridge, viaduct, or culvert.

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(3) Notwithstanding the provisions of subsections (1) and (2) above, no vehicle with a gross weight over 8,000 pounds shall be allowed within any residential district unless the vehicle has obtained a transportation permit from the Department of Public Works or is performing a service for a destination within the neighborhood where such vehicle is operating.

(d) Section 611 of the Model Traffic Code is amended to read as follows:

611. Paraplegic persons or persons with disabilities - distress flag.

(1) Any paraplegic person or person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half inches in width and thirteen inches in length, with the letter "D" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the department of transportation before the same is used.

(2) A person who is not a paraplegic person or a person with a disability shall not use such flag as a signal or for any other purpose.

(e) Section 613 of the Model Traffic Code is amended to read as follows:

613. Failure to pay toll established by regional transportation authority.

No person shall fail to pay a required fee, toll, rate, or charge established by a regional transportation authority created pursuant to part 6 of Code 4 of title 43, C.R.S., for the privilege of traveling on or using any property included in a regional transportation system pursuant to part 6 of Code 4 of title 43, C.R.S.

(f) Section 614 of the Model Traffic Code is amended to read as follows:

614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for moving violations.

(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a moving violation in a maintenance, repair, or construction zone that is designated pursuant to this section shall be subject to twice the fine that would otherwise be imposed.

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities *may* designate such portion of the roadway as a maintenance, repair, or construction zone. Any person who commits a moving violation in a maintenance, repair, or construction zone that is designated pursuant

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to this section shall be subject to twice the fine that would otherwise be imposed.

- (2) Local authorities, within their jurisdiction, shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for traffic violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that the increased penalties for traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.
- (3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to department of transportation requirements. Local authorities may display such signs on any fixed, variable, or movable stand. Local authorities may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

(g) Section 615 of the Model Traffic Code is amended to read as follows:

615. School zones - increase in penalties for moving traffic violations.

- (1) Any person who commits a moving traffic violation in a school zone shall be subject to twice the fine that would otherwise be imposed.
- (2) For the purposes of this section, “school zone” means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The state or local government having jurisdiction over the placement of traffic signs and traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the state or local government shall consider when increased penalties are necessary to protect the safety of school children.
- (3) This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 because such violation also occurred within a highway maintenance, repair, or construction zone.

(h) Section 617 shall be added to the Model Traffic Code to read as follows:

617. High traffic hazard routes.

- (1) The city may designate streets and highways within its jurisdiction as high traffic hazard routes based upon relevant factors, including, but not limited to, history of traffic accidents, history of traffic violations, or conditions on the street or on adjacent property that might contribute to causing hazards, such as limited sight

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distance, side street traffic, pedestrian traffic, construction area, school zone, truck traffic, number of driveways opening onto the street or other hazardous conditions.

- (2) Upon designation of a street or highway or portion thereof as a high traffic hazard route, the city shall erect or place an appropriate sign in a conspicuous place immediately preceding the commencement of a high-traffic hazard route notifying the public that increased penalties for traffic violations are in effect in such zone. A second sign shall be erected after such zone indicating that the increased penalties for traffic violations are no longer in effect.
- (3) Any person who commits a moving traffic violation in a designated high-traffic hazard route shall be subject to twice the fine that would otherwise be imposed. High hazard routes shall be designated pursuant to Resolution of City Council.

(i) Section 705 of the Model Traffic Code (**Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle**) is amended to incorporate C.R.S. § 42-4-705 in its entirety, as amended.

(j) Section 714 of the Model Traffic Code (**714. Yielding right-of-way in roundabouts**) is added to incorporate C.R.S. § 42-4-715 in its entirety, as amended.

(k) Section 1201 of the Model Traffic Code is amended to read as follows:

1201. Starting Parked Vehicle.

No person shall move a vehicle that is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(l) Section 1214 is added to the Model Traffic Code to read as follows:

1214. Parking for certain purposes prohibited.

(1) No person shall park a vehicle upon a public roadway for the principal purpose of:

- (a) Greasing, painting, or repairing the vehicle except for repairs necessitated by an emergency; or
- (b) Displaying advertising.

(2) Semitrailers shall not be parked within the public right-of-way for the purpose of exchanging trailers or parked on the public right-of-way without being connected to a semi-tractor. Except on that portion of Elm Street between 69th and E. 72nd Avenues which remains unpaved, semi-trailers shall not be stored on public rights-of-way.

(m) Section 1215 is added to the Model Traffic Code to read as follows:

1215. Parking in residential districts.

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No person shall park in a residential district on any surface other than a driveway or other approved parking area or on that portion of the street where parking is permitted. No person shall park immediately in front of a home that is not their own residence for more than five (5) hours. Nothing in this section shall be construed to limit the private enforcement of any private covenant within any residential district as between parties to such private covenant.

(n) Section 1410 of the Model Traffic Code is added to read as follows:

1410. Controlled access highways.

No person shall use or engage in any form of non-motorized travel including, but not limited to, pedestrian, bicycle, or animal, on any controlled access highway within the jurisdiction of the city. Controlled access highways, within the meaning of this section, are identified as follows: Interstate 270 and Interstate 76.

(o) Section 1412.5 of the Model Traffic Code is added to incorporate C.R.S. § 42-4-1412.5 - **Statewide regulation of certain persons approaching intersections who are not operating motor vehicles – status of existing local ordinance or resolution**, as amended.

(p) Section 1417 shall be added to the Model Traffic Code to read as follows:

1417. Compression release brakes restricted.

Except in the event of an emergency where necessary to prevent injury to person or damage to property, no person shall use a compression release brake on any vehicle driven upon any public or private street within the city.

(q) Section 1418 shall be added to the Model Traffic Code to read as follows:

1418. Unlawful crossing of private property.

(1) It is unlawful for any person to drive from a public street or public way of this city over, across, or through any private property to avoid traffic control signals or traffic control devices, or as a route or shortcut from one public street or public way to another.

(2) As used in this section, "private property" includes, but is not limited to: any property not dedicated as a public street or public way, alley, right-of-way or easement.

(3) It is an affirmative defense to a charge of violation of this section that the person charged is the owner of the property or the owner of a leasehold, possessory interest or easement in or to the property through or across which the motor vehicle is driven.

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