

ORDINANCE NO. 1623

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TRAFFIC REGULATIONS IN THE CITY CODE AND ADOPTING BY REFERENCE 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, COLORADO 80222; SUPERSEDING THE 1977 MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES; PROVIDING OTHER PROVISIONS CONSISTENT WITH THE ADOPTION OF THE 1995 CODE; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

SECTION 1:

Section 10-1-1 of the Official City Code of the City of Montrose, Colorado, is amended to read as follows:

10-1-1: ADOPTION OF TRAFFIC CODE.

- (A) There is hereby adopted by reference, Articles I and II inclusive 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 Project Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of said Code relates primarily to comprehensive traffic control regulations for the City. The purpose of 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 Nation.
- (B) 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 available for public inspection. 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.
- (C) The Model Traffic Code for Colorado Municipalities, 1995 Edition is hereinafter sometimes referred to and may be cited as the "Municipal Traffic Code" or "MTC".

- (D) The following provisions of the Municipal Traffic Code adopted herein are modified as follows:

Deleted the words "by ordinance" in the first line of Subsection 1205(3).

- (E) The following provisions of the Municipal Traffic Code are hereby deleted:

Subsections 1101(8), 1401(2), 1402(2), 1406(1) and 1406(2) and Sections 1701, 1705, 1706, 1707, 1708, 1709, 1710, 1713, 1714 and 1715.

SECTION 2:

Section 10-1-2 of the Official City Code of the City of Montrose, Colorado, is amended to read as follows:

10-1-2: ABSOLUTE SPEED LIMITS.

Pursuant to MTC Subsection 1101(7), speed limits designated by official traffic control devices shall be absolute speed limits adopted as the maximum lawful speeds in the City.

SECTION 3:

Section 10-1-4 of the Official City Code of the City of Montrose, Colorado, is amended to read as follows:

10-1-4: PENALTIES FOR VIOLATIONS.

Every person convicted of a violation of any provision of this Chapter X-1 of the Official Code of the City of Montrose, Colorado, or of the Municipal Traffic Code adopted by reference herein, may be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

SECTION 4:

Section 10-1-5 of the Official City Code of the City of Montrose, Colorado, is amended to read as follows:

10-1-5: APPLICATION OF CHAPTER.

This Chapter and the Municipal Traffic Code adopted by reference herein 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 1208, 1211, 1401, 1402, and 1413 of the adopted Model Traffic Code, respectively, concerning disabled parking, improper backing, reckless driving, careless driving, and eluding a police officer shall apply not only to public places and ways but also throughout this municipality.

SECTION 5:

Sections 10-1-6 and 10-1-7 of the Official City Code of the City of Montrose, Colorado, are amended and enacted to read as follows:

10-1-6: 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 Municipality, 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 notice of 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. The fines shall be determined by the Municipal Judge.
- (B) Failure to comply with notice of parking violation: If the driver or owner of a 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 to pay the fine specified on the notice of parking violation affixed to such vehicle or provided to such driver or owner, as provided in Subsection (A), by payment of the penalty to the Municipal Court, or by appearance and entry of plea, in accordance with the procedures set out on such notice of parking violation, or by other disposition of the charges, as provided by law, the City shall cause another notice to be sent, by mail, to the registered owner of the vehicle

concerning which the original ticket was directed, warning him that, in the event such notice is disregarded for a period of ten (10) days from the date of mailing, a complaint will be filed and either a summons or warrant of arrest will be issued. In the event the applicable penalty is not paid, entry of plea made, or other disposition of the charge made, as provided by law, within said ten (10) days, a complaint shall be filed and a summons or warrant of arrest issued.

(C) Presumption in Reference to Illegal Parking.

In any prosecution charging a violation of any provision of this Chapter or the MTC 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.

10-1-7: AUTHORITY TO IMPOUND VEHICLES.

- (A) The City shall have authority to remove and impound vehicles (1) which are tended, or untended, and standing upon any portion of a street or highway right of way within the City 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 there are reasonable grounds to believe have been abandoned on either public or private property, (4) which are left untended 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 and the MTC, (5) under circumstances as allowed and provided pursuant to C.R.S. 42-4-1801, et seq., (6) for safekeeping incident to an arrest, or (7) as otherwise allowed by law.
- (B) The City Manager may enter into contracts for the towing, impoundment and disposal of vehicles pursuant to this section 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 C.R.S. 42-4-1801, et seq.

SECTION 6:

Section 10-1-11 of the Official City Code of the City of Montrose, Colorado, is amended to read as follows:

10-1-11: PARKING RESTRICTIONS.

(A) Marked Spaces:

When parking spaces are marked on any roadway, street or alley right of way, or City owned parking lots by official markings, any vehicle shall be parked entirely 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 upon a roadway within any street or alley right of way, or in City owned parking lots for -

- (1) The principal purpose of displaying such vehicle for sale;
- (2) A purpose of washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency; or
- (3) The principal purpose of displaying advertising.

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

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

SECTION 7:

The Official Code of the City of Montrose, Colorado is amended by the addition of a new Section 10-1-13 to read as follows:

10-1-13: OBSTRUCTING A ROADWAY.

- (A) It is unlawful for any person to stop, stand, sit or loiter upon the area of any street or alley used for travel by, or parking of vehicles, or between the curbs of any street with curbs. Provided however, it shall be an affirmative defense to a violation of this Section that a pedestrian was lawfully crossing or moving along a street or alley in accordance with Part 8 of the Municipal Traffic Code.
- (B) Loiter, as used in this Section, shall mean remaining idle in essentially one location, to be dilatory, to tarry, to dawdle and, shall include but not be limited to, standing around, hanging out, sitting, kneeling, sauntering or prowling.

SECTION 8:

If any provision of this Ordinance or the application of it to any person or circumstance is held invalid by a Court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications. The provisions of this Ordinance are expressly declared to be severable.

SECTION 9:

The repeal and amendment of various provisions by this Ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this Ordinance

SECTION 10:

It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any person convicted of such a violation may be punished by a fine of up to \$1,000, or a jail sentence of up to one (1) year, or by both such fine and imprisonment.

INTRODUCED, READ and PASSED on first reading this 20th day of March 1997.

CITY OF MONTROSE, COLORADO

By Thomas F. Cheney
Thomas F. Cheney, Mayor

ATTEST:

Mary L. Watt
Mary L. Watt, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Thursday, the 17th day of April, 1997, at the hour of 7:30 p.m. at Montrose City Hall in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 17th day of April, 1997.

CITY OF MONTROSE, COLORADO

By Susanna C. Broome
~~Thomas F. Cheney, Mayor~~
Susanna C. Broome,

ATTEST:

Mary L. Watt
Mary L. Watt, City Clerk