

CITY OF EDGEWATER

**ORDINANCE NO. 2025-06
SERIES OF 2025**

AN ORDINANCE ADOPTING BY REFERENCE THE 2024 MODEL TRAFFIC CODE FOR COLORADO, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, STATING THE PENALTIES FOR VIOLATIONS OF THE SAME AND MAKING CONFORMING AMENDMENTS TO CHAPTER 8 OF THE EDGEWATER MUNICIPAL CODE

WHEREAS, pursuant to Edgewater Home Rule Charter ("Charter") Section 6.8 and Part 2, Article 16, Title 31 of the Colorado Revised Statutes, the Edgewater City Council ("Council") has the authority to adopt uniform codes by reference; and

WHEREAS, pursuant to this authority, the Council previously adopted the 2010 edition of the Model Traffic Code for Colorado (MTC), as promulgated and published by the Colorado Department of Transportation (CDOT); and

WHEREAS, CDOT has prepared and published a 2024 edition of the MTC; and

WHEREAS, the Council recognizes the value of the MTC as providing a system of traffic regulation within the City that is consistent with state law and with traffic regulations throughout the state and nation; and

WHEREAS, a public hearing on this Ordinance was conducted and proper notice thereof given in accordance with C.R.S. § 31-16-203; and

WHEREAS, certified copies of the 2024 edition of the MTC were filed with the City Clerk at least fifteen (15) days prior to public hearing on this Ordinance and such code remains open to public inspection and purchase in accordance with C.R.S. § 31-16-206; and

WHEREAS, the City wishes to adopt by reference the 2024 edition of the MTC, provide penalties for violations and make conforming amendments to the Edgewater Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Section 8-1-10 of the Edgewater Municipal Code ("Code"), concerning the adoption by reference of the Model Traffic Code for Colorado, is hereby amended as follows:

Sec. 8-1-10. - Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is hereby adopted by reference the 2024 ~~2010~~ edition of the Model Traffic Code for

Colorado including ~~Appendix I, the Definitions Appendix~~, promulgated and published as such by the Colorado Department of Transportation, ~~Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204 Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222~~. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article 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.

Section 2. Code Section 18-1-30, concerning amendments to the Model Traffic Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 8-1-30. Amendments.

The following additions, amendments, or deletions are made to the Model Traffic Code:

(1) Section 107 is amended to read as follows:

107. Obedience to police and fire department officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or member of the fire department who is invested by law with authority to direct, control, or regulate traffic.

(2) Section 115 is amended to read as follows:

115. Traffic emergency regulations.

(1) The City Manager or Traffic Engineer may designate or change emergency routes within the City, based upon the judgment of the Traffic Engineer as to which streets or highways should be free of parked, stopped, or stalled vehicles when a snowstorm condition or severe snowstorm condition has been declared in accordance with this Section, in order to expedite motor vehicle traffic or to facilitate snow removal.

(2) Along each street or highway designated as a snow emergency route pursuant to this Section, the Traffic Engineer shall cause to be posted at reasonable intervals traffic signs indicating by the appropriate wording that the street or highway has been designated as a snow emergency route and that parking prohibitions shall apply during a snowstorm condition or severe snowstorm condition. The lack of visibility of any such sign when a parking restriction is in effect pursuant to this Section shall not excuse the owner or operator of any vehicle from complying with this Section.

(3) Upon learning of a forecast of or the existence of accumulations of snow or drifting snow, or learning of a forecast of or the existence of sleet or freezing rain, the City Manager or their designee may declare a snowstorm alert to be in effect. When a snowstorm alert has been declared, the City Manager or their designee shall provide an announcement in the manner provided in this Section.

(4) The City Manager or their designee may further declare a severe snowstorm alert to be in effect. This declaration may be made when the City Manager or their designee shall provide an announcement in the manner provided in this Section, requesting that persons not engage in vehicular travel except for the purposes of meeting essential needs or providing necessary public services and that vehicles used for such purposes be limited to four-wheel drive vehicles equipped with adequate snow tires or chains.

(5) With respect to emergencies, snowstorm alerts, and severe snowstorm alerts, the following restrictions shall apply, and it is unlawful to violate the same:

(a) When a snowstorm alert or severe snowstorm alert has been declared, it is unlawful for any person to stand or park any vehicle on any portion of a snow route or leave, abandon, or permit to remain stalled any vehicle which is stalled on any portion of a snow route. Such person shall take immediate actions to cause the vehicle to be moved to a lawful parking place on a street that is not a snow emergency route or to some other place where the vehicle may be parked lawfully. This Section shall not be applicable to an official emergency vehicle, including an ambulance, fire, or police vehicle, during the course of immediate and ongoing services.

(b) When a snowstorm alert or severe snowstorm alert has been declared, no vehicle shall be operated on a snow emergency route without having first been equipped with effective skid chains or snow tires, except that this restriction shall not be applicable to an official emergency vehicle or vehicles with dual wheels.

(c) Whenever an official traffic control device has been placed on any street or highway to declare or make known any temporary regulations, as authorized for emergencies or special conditions, no driver shall disobey the instructions thereof.

(d) It shall be an affirmative defense in any prosecution for a violation of subsection (a) of this Section that the owner or operator of a stalled vehicle was at the time of the issuance of

the citation attempting to secure assistance to move the stalled vehicle. The availability of such an affirmative defense shall not affect the validity of any action taken pursuant to this Section or the imposition of responsibility for any costs incurred pursuant to this Section.

(e) Nothing in this Section shall be construed to permit parking, stopping, or standing in violation of any other regulation concerning the parking, stopping, or standing of vehicles.

(6) Any law enforcement officer of the City may issue a penalty assessment notice for a violation of Subsection (5). If the owner or operator of the vehicle is present when the violation is discovered, no notice shall be issued until the owner or operator has been ordered to cause the vehicle to be removed immediately from the snow emergency route and such owner or operator has failed or refused to comply with such order. Any law enforcement officer of the City may order the removal of any vehicle which is in violation of Subsection (5). The vehicle shall be removed to the nearest place where, in the judgment of the law enforcement officer, the vehicle will not obstruct a snow emergency route. The owner or operator of a vehicle removed from a snow route pursuant to this Section shall be responsible for all costs incurred as a result of such removal.

(7) Whenever, in the judgment of the City Manager or their designee, the restrictions in effect pursuant to this Section are no longer required to be in effect in all or part of the City, the City Manager or their designee may declare the restrictions completely or partially terminated. The City Manager or their designee shall provide information relating to the termination of the restrictions and relating to the location to which vehicles have been removed pursuant to and in the manner provided by this Section.

(8) The announcements provided for in this Section shall be distributed in City communication channels and provided to area radio and television stations that have expressed a desire to cooperate with the City. The failure of any announcement to be disseminated by such radio and television stations or by the internet, or the failure to receive actual notice pursuant to such dissemination or otherwise, shall not excuse the owner or operator of any vehicle from complying with the provisions of this Section.

(9) The City or any officer, employee, or agent of the City shall not be liable for any damages resulting from any act or omission in any way connected with the removal of a vehicle or any encumbrance pursuant to this Section.

(3) Section 116 is amended to read as follows:

116. Office of traffic engineer, duties and powers.

(1)The office of traffic engineer is hereby established. The traffic engineer shall be the Chief of Police or their designee and shall exercise the power and duties provided in this Code. The Chief of Police shall be directly responsible to the City Manager for the performance of the duties and responsibilities of the traffic engineer.

(2)In the absence of such appointment or at such times as the traffic engineer may be absent from the municipality or unable to perform their duties, the said duties shall be vested in a member of the Police Department or other municipal employee as may be designated by the City Manager.

(3)It shall be the general duty of the traffic engineer or other official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this Code.

(4)By way of example, but not by way of limitation, the traffic engineer or other official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this Code, to perform the following acts:

- a. Install, maintain, and remove traffic control devices;
- b. Designate and mark medians and traffic islands;
- c. Conduct speed zoning studies and post speed limits as permitted by law, this Code and any ordinance;
- d. Designate maximum speed limits throughout the City and post such limits as provided in this Code;
- e. Designate minimum speed as provided by law and this Code;
- f. Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;

- g. Designate one-way streets and roadways;
- h. Designate through streets or roadways and control entrances thereto;
- i. Designate stop or yield intersections and erect stop or yield signs at those locations;
- j. Designate special parking zones for taxicabs, press, television, radio cars, and the like;
- k. Establish tow-away zones;
- l. Designate upon what streets, if any, angle parking shall be permitted;
- m. Designate and sign intersections at which drivers shall not make a right or left turn, a U turn, or any turn at all times or during certain times;
- n. Designate and sign intersections where multiple turns shall be allowed;
- o. Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic;
- p. Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;
- q. Establish safety zones at such places where necessary for pedestrian protection;
- r. Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted;
- s. Establish play streets;
- t. Establish truck routes and truck loading zones; establish bus stops and taxicab stands;
- u. Designate and sign those streets and roadways where pedestrians, bicyclists or other nonmotorized traffic, or persons operating a motor-driven cycle shall be excluded as provided by law;
- v. Designate and post those streets upon which vehicles or loads of a certain weight shall be prohibited;

w. Provide for temporary street or alley closures by the erection of barricades;

x. Issue special permits for curb loading operations, for the movement of vehicles having excess size or weight, for parades and processions, etc.;

y. Perform such other duties as may be assigned to the traffic engineer by the City Manager consistent with the provisions of this Code; and

z. Designate parking spaces being reserved for use by a person with a disability.

(4) Section 227, Windows unobstructed, certain materials prohibited, windshield wiper requirements, Subsection (3)(b) is amended to read as follows:

(b) No person shall install, cover, or treat a windshield or window so that the windshield or window does not meet the requirements of paragraph (a) of subsection (1) of this Section.

(5) Section 616 is amended to read as follows:

616. Barricades.

Whenever barricades are erected to close off part or all of a street or highway, as authorized in section 116, no person shall drive around, through, or between such barricades or into a barricaded area, except as directed or permitted by official signs or in compliance with the directions of a police officer, fire department member or other authorized person.

(6) Section 702 is amended to read as follows:

702. Vehicle turning left.

Unless there is an official traffic control arrow signal regulating a left turn, the driver of a vehicle intending to turn left into any intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction or to any pedestrian which is so close thereto as to constitute an immediate hazard.

(7) Section 703, Entering through highway stop or yield intersection, Subsections (3) and (4) are amended to read as follows:

(3) Except when directed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if

none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After having stopped, the driver shall yield the right-of-way to any vehicle approaching on another roadway, or to any pedestrian so close as to constitute an immediate hazard. If the driver is involved in a collision with a vehicle or a pedestrian after driving past a stop sign, such collision shall be deemed prima facie evidence of their failure to yield the right-of-way.

(4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After slowing or stopping, the driver shall yield the right-of-way to any vehicle approaching on another roadway or to any pedestrian so close as to constitute an immediate hazard. If a driver is involved in a collision with a vehicle or a pedestrian after driving past a yield sign, such collision shall be deemed prima facie evidence of their failure to yield the right-of-way.

(8) Section 704 is amended to read as follows:

Section 704, Vehicle entering roadway

The driver of a vehicle about to enter or cross a roadway from any place other than a roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed or to any pedestrian so close as to constitute an immediate hazard.

(9) Sections 706, 707 and 708 are deleted.

(10) Section 903, Turning movements and required signals, Subsection (2) is amended to read as follows:

(2) A signal of intention to turn right or left when required shall be given continuously during at least the last one hundred (100) feet traveled by the vehicle before turning, except that such signal shall be given continuously for at least two hundred (200) feet on all highways where the speed limit is more than forty (40) miles per hour. Such signal shall be given regardless of existing weather conditions.

(11) Section 1001, Drive on right side - exceptions, Subsection (1)(b) is amended to read as follows:

(b) When an obstruction exists making it necessary to drive to the left of the center of the street or highway; but any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway and to all pedestrians within such distance as to constitute an immediate hazard.

(12) Section 1008, Following too closely, Subsection (4) is amended to read as follows:

(4) If the driver of any vehicle following another collides in any way with the vehicle in front, such evidence shall be deemed prima facie evidence that the driver of the second vehicle has committed a violation of this Section.

(13) Section 1101, Speed limits, Subsections (4), (7) and (8)(f) are deleted, and Subsections (1), (2), (3) and (5) are amended to read as follows:

(1) No person shall drive a vehicle on a traveled roadway, street or highway within this municipality at a speed greater than the posted limit and in no event greater than fifty-five (55) miles per hour.

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

a. Twenty-five (25) miles per hour in any business district, as defined in Section 42-1-102, C.R.S.;

b. Twenty-five (25) miles per hour in any residence district, as defined in Section 42-1-102(80), C.R.S.;

c. Fifteen (15) miles per hour in alleys;

d. Any speed not in excess of a posted speed limit as established pursuant to the provisions of section 1102.

(3) No driver of a vehicle shall fail to decrease the speed of the vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance, or object on or entering the street in compliance with legal requirements and the duty of all persons to use due care; except, however, that if the driver is involved in a collision with a vehicle, pedestrian or other object, or loses control to where the vehicle completely leaves the driver's lane of traffic, such evidence shall

be deemed prima facie evidence of the driver's driving in violation of this Section.

(5) In every charge of violation relating to speed limits, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the district or at the location within this municipality. If the evidence at trial fails to establish guilt as to the speed alleged, but the evidence does establish a lesser speed or a minimum speed at which the driver was going, which is lesser than the alleged speed limit and which exceeds the lawful speed limit, the defendant shall be found guilty of the lesser speed or the minimum speed.

(14) Section 1102, Altering of speed limits when, Subsection (5) is amended to read as follows:

(5) Whenever the Traffic Engineer determines upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school area or other place during certain hours or periods of the day when special or temporary hazards exist, local authorities may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except no such speed limit shall be less than twenty (20) miles per hour on a state highway or other arterial street as defined in subsection (2) of this Section nor less than fifteen (15) miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Any person who commits a speeding violation in a school zone or other zone designated under this Section is subject to increased penalties and surcharges. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the department of transportation before becoming effective.

(15) Section 1201 is amended to read as follows:

1201. Moving parked vehicle.

No person shall move a vehicle which is stopped, standing, or parked anywhere in the City unless and until such movement can be made without interfering with any moving vehicle which is close enough to constitute an immediate hazard.

(16) Section 1204 is amended to read as follows

1204. Stopping, standing, or parking prohibited in specified places.

(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, firefighter or an official traffic control device, in any of the following places:

- (a) On a sidewalk;
- (b) Within an intersection;
- (c) On a crosswalk;
- (d) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (h) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight;
- (i) In any posted fire lane or in any manner to otherwise obstruct any fire apparatus access road;
- (j) Upon any property owned or controlled by the City without City authorization except for the rights-of-way streets and designated parking spaces. This prohibition does not apply to city vehicles;
- (k) Within two (2) feet of another vehicle when parked;
- (l) Within an alley in such a position as to block the driveway entrance to any abutting property;
- (m) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight;
- (n) At any other place where official signs prohibit stopping.

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) Within 5 feet of a public or private driveway;
- (b) Within 15 feet of a fire hydrant;
- (c) Within 20 feet of a crosswalk at an intersection;
- (d) Within 30 feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- (e) Within 20 feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within 75 feet of said entrance when properly signposted;
- (f) At any other place where official signs prohibit standing.

(3) In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

- (a) At any other place where official signs prohibit parking.

(4) No unlawful vehicle shall be kept, stored or parked on any roadway or public right-of-way within the City.

- (a) For purposes of this subsection, an unlawful vehicle shall mean a vehicle which is legally inoperable on the streets due to the vehicle's condition that endangers the public or property, which includes but is not limited to, a lack of equipment as required by the Colorado Model Traffic Code, improperly inflated tires, inoperable lights, inoperable brakes, broken windows or windshield, having expired or no license plates if plates are required by law, is wrecked, dismantled, partially dismantled, discarded, or severely dilapidated, or is otherwise apparently inoperable.

(17) Subsection 1208(1), concerning Reserve parking for persons with disabilities – applicability – rules, the definitions section, is hereby amended by the addition of new paragraphs to read as follows:

(h) "License plate" or "placard" means a license plate or placard issued pursuant to state law.

(i) "Person with a disability" has the meaning provided for such term pursuant to state law.

(18) Section 1212 is amended to read as follows:

1212. Parking, storage, or use of trucks and recreational equipment.

(1) No driver, owner, or operator of any truck, truck-trailer, tractor, or tractor-trailer combination with a manufacturer's rated capacity in excess of two thousand (2,000) pounds or exceeding twenty (20) feet in length shall park or cause to be parked any such vehicle for longer than two (2) consecutive hours on a street within a district zoned residential; except that an operator may park such vehicle for a longer period while actually and continuously engaged in loading or unloading, or for a period no greater than three (3) days listed on a temporary permit which may be obtained from the Chief of Police upon a showing of exceptional need for such parking.

(2) Except for a travel trailer or tent trailer that is parked pursuant to a permit issued under subsection (7) below, no recreational equipment shall be parked or stored on any street, highway or roadway within the City for a period in excess of thirty-six (36) hours within any five-day period unless such vehicle has been issued a temporary permit for no more than three (3) additional days by the Chief of Police or their designee, based on a showing of exceptional need.

(3) Except for travel trailers, tent trailers and motor homes (as that term is defined in subsection (5) of this Section) that are parked pursuant to a permit issued under subsection (7) below, no recreational equipment or any other vehicle shall be used for living, sleeping or housekeeping while parked on the streets, public ways, or public property of this City.

(4) No detached nonmotorized equipment shall be parked on any street, public way, or public property of this City for longer than two (2) hours.

(5) For purposes of this Section, recreational equipment shall be defined to mean boats, boat trailers, travel trailers, tent trailers, recreational trailers, snowmobiles, and snowmobile trailers, but not including 'motor homes,' as defined by Section 42-1-102(57), C.R.S., as amended. Detached nonmotorized equipment shall mean any equipment other than that defined as recreational which is not attached to and a part of a motor vehicle as the latter is defined in Article II of this Code.

(6) In addition to all other parking restrictions of the City, no person shall:

- a. park or permit to be parked any motor home, recreational equipment (as those terms are defined by subsection (5) of this Section) or vehicle measuring greater than eight feet (8') in height on any street, highway or roadway within the City within fifty (50) feet of the nearest point of any intersection of roadways; or
- b. continuously park or permit to be continuously parked, for a period of more than 10 days, any motor home (as that term is defined by subsection (5) of this Section) on any street, highway or roadway within the City. For purposes of this section, 'continuously parked for a period of more than 10 days' means parked, for any period of time between 10:00 p.m. of one day and 6:00 a.m. of the next subsequent day, and at any place or aggregate of places on any street, highway or roadway within the City, for a period of eleven (11) consecutive days.

(7) The owner or legal occupant of any residentially zoned property within the City may obtain a permit to park, and reside therein, for a period not to exceed seven consecutive days, a travel trailer, tent trailer or motor home (as that term is defined in subsection (5) of this Section) on a street, highway or roadway within the City provided that:

- a. the permit is issued by the Chief of Police or their designee;
- b. the permit states with particularity the location at which the travel trailer, tent trailer or motor home may be parked, which location shall be: (1) along the front lot line of the property owned by the owner, or occupied by the legal occupant, making the application for permit; and (2) between the side lot lines of such property extended as if those lines went across the subject right-of-way; and (3) not within thirty (30) feet of the nearest point of any intersection of roadways; and
- c. not more than three such permits have been previously issued to the owner or legal occupant of, or in connection with, any single residentially zoned property within the calendar year in which the application for permit is made.

(19) Section 1416 is amended to read as follows:

1416. Funeral processions.

(1) A funeral procession shall be identified by the illumination of headlamps on each vehicle or by such other method as may be required by the traffic or police authority of the City.

(2) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(3) No driver of a vehicle shall drive between the vehicles comprising a funeral procession while said vehicles are in motion and when said vehicles are conspicuously designated as required in this Code. This provision shall not apply at intersections where traffic is controlled by signals or police officers.

(20) Section 1701, Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal, is deleted.

(21) Section 1702, Counties - traffic offenses classified - schedule of fines, is deleted.

(22) Section 1705, is amended to read as follows:

1705. Person arrested to be taken before proper court.

(1) Whenever a person is arrested for any violation of this Code, the arrested person, unless admitted to bail, shall be taken without unnecessary delay before the Municipal Judge in any of the following cases:

- a. When the person is arrested and demands appearance without unnecessary delay before a judge;
- b. When the person is arrested and charged with an offense under this Code causing or contributing to an accident resulting in injury or death to any person;
- c. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries or property damage.

(2) Whenever any person is arrested by a police officer for any violation of this Code and is not required to be taken before the Municipal Judge as provided in subsection (1) of this Section, the arrested person shall, in the discretion of the officer, either be given written notice or summons to appear in court as provided in section 1707 and admitted to bail or released upon personal recognizance, or be taken without unnecessary delay before the Municipal Judge when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court as directed by a summons. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(23) Section 1708, Subsection (1) is amended to read as follows:

(1) For violations of this Code which are criminal offenses, the burden of proof shall be upon the people, and the court shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt.

(24) Section 1709, Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license, Subsection (4) is deleted, and Subsection (1) is amended to read as follows:

(1) Whenever a penalty assessment notice for a traffic offense is issued for a violation of this Code, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain: the name and address of the defendant; the license number of the vehicle involved, if any; the number of the defendant's driver's license, if any; a citation of the statute alleged to have been violated; a brief description of the traffic offense; the date and approximate location thereof; the amount of the penalty prescribed for such traffic infraction; the amount of the surcharge thereon; the number of points, if any, prescribed for such traffic infraction pursuant to section 42-2-127, C.R.S.; and the date the penalty assessment notice is served on the defendant. The penalty assessment notice also shall direct the defendant to appear in the Municipal Court at a specified time and place in the event such penalty and surcharge thereon is not paid, shall be signed by the peace officer and shall contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed set by ordinance or court order.

(25) Section 1710, Failure to pay penalty for traffic offenses - procedures, Subsections (2), (3) and (4) are deleted.

(26) Section 1717, Conviction - attendance at driver improvement school is amended to read as follows:

1717. Conviction - attendance at driver improvement school.

Whenever a person has been convicted of violating any provision of this Article regulating the operation of vehicles on highways, the Municipal Court, in addition to the penalty provided for the violation or as a condition of either probation, a deferred sentence, or the suspension of all or any portion of any fine or sentence of imprisonment for a violation, may require the defendant, at the defendant's own

expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Unless otherwise provided by law, such school shall be approved by the court.

(27) Part 18, Vehicles Abandoned on Public Property, is deleted in its entirety.

(28) Section 1903, School buses - stops - signs - passing, Subsection (6)(b) is deleted.

(29) The Appendix concerning Definitions is amended by the addition of a new Subsection (114) reading as follows:

(114) *Traffic offense* includes any violation of any provision of this Code, including traffic infractions and criminal offenses as specified in Section 8-1-50.

(30) A new Section 513 is added to read in its entirety as follows:

513. Weight limits on certain streets or parts thereof.

When official signs are erected giving notice thereof, it shall be unlawful for any person to operate any vehicle with a weight in excess of the amount specified on such signs at any time upon any of the streets or parts thereof within the City; provided, however, that it shall not be unlawful to operate any vehicle with a weight in excess of the amount specified on such signs if the operation is for the purpose of the immediate pick-up or delivery of goods or people within the City and there is no alternative route available that does not contain a weight limitation or for which the weight limitation would not be violated by the vehicle in question.

(31) A new Section 1305.5 is added to read in its entirety as follows:

1305.5. Open marijuana container — motor vehicle — prohibited.

(1) Definitions. As used in this section, unless the context otherwise requires:

(a) 'Marijuana' has the same meaning set forth in Section 10-1-10 of the Edgewater Municipal Code.

(b) 'Open marijuana container' means a receptacle or marijuana accessory that contains any amount of marijuana and:

(l) That is open or has a broken seal;

- (II) The contents of which are partially removed; or
- (III) There is evidence that marijuana has been consumed within the motor vehicle.

(c) 'Passenger area' means the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating position, including but not limited to the glove compartment.

(2) (a) Except as otherwise permitted in paragraph (b) of this subsection (2), a person while in the passenger area of a motor vehicle that is on a road or highway may not knowingly possess an open marijuana container.

(b) The provisions of this subsection (2) shall not apply to:

(I) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;

(II) The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a house coach, house trailer, motor home, as defined by Appendix I to this Code, or trailer coach, as defined by Appendix I to this Code;

(III) The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or

(IV) The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

(32) A new Section 1417 is added to read in its entirety as follows:

1417. Driving under restraint for outstanding judgement.

Any person who drives a motor vehicle or off-highway vehicle upon any highway within the City with knowledge that the person's license or privilege to drive, either as a resident or a non-resident of Colorado, is under restraint for an outstanding judgment is guilty of a traffic infraction.

Section 3. The penalty provisions applicable to violations of the Model Traffic Code adopted by reference by this Ordinance are as set forth in Code Section 8-1-50 and read as follows:

Sec. 8-1-50. - Violations.

(a) It is unlawful for any person to violate any of the provisions of this Article for which no specific penalty has been provided or for which the sole penalty provided is a fine, which violations are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available, and for which a penalty assessment notice shall be issued. Every person who is convicted of a traffic infraction, or against whom a judgment is entered for a traffic infraction, is subject to a penalty of at least ten dollars (\$10.00), but not more than one hundred fifty dollars (\$150.00) for a first offense within any twenty-four-month period, exclusive of any court costs and surcharges.

(b) For any violation of any provision of this Article which is a traffic infraction, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear or to pay, no privilege against self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters.

(c) For any violation of any provision of this Article which is a traffic infraction, the Municipal Court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalty, together with such court costs and surcharges, as are established by law. The Municipal Court may establish, by written order, rules and regulations for the administration of any violation of this Article which is a traffic infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance, and schedules establishing discounts from those amounts for early payment of penalties. Such early payment discounts shall apply only to penalties paid within twenty (20) days of issuance of the penalty assessment notice for the infraction.

(d) The City Attorney may establish a City Attorney's plea bargain procedure, which shall be printed on the penalty assessment form and which, in conjunction with any early payment discount, shall provide for the automatic reduction of points.

(e) It is unlawful for any person to violate any of the following provisions of this Chapter, which violations are hereby deemed criminal offenses. Every person convicted of a violation of the following provisions of this Chapter shall be punished by a fine not exceeding nine hundred ninety-nine dollars

(\$999.00), exclusive of any court costs and surcharges, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment:

- (1) Section 1101 of the Model Traffic Code, where the speed as driven is twenty (20) miles per hour or more over the lawful speed.
- (2) Section 1105 of the Model Traffic Code, speed contest.
- (3) Section 1401 of the Model Traffic Code, reckless driving.
- (4) Section 1402 of the Model Traffic Code, careless driving.
- (5) Section 1409 of this Chapter, no insurance.
- (6) Section 1413 of the Model Traffic Code, eluding or attempting to elude a police officer.
- (7) Section 1903 of the Model Traffic Code, stopping for school buses.

Section 4. The City Clerk shall cause at least one certified copy of the Code adopted by reference by this Ordinance to be on file in her office at least fifteen (15) days prior to the public hearing on this Ordinance and, after adoption, shall maintain a reasonable supply of copies of such Codes available for purchase by the public at a moderate price.

Section 5. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. Repeal. 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 or conflict.

Section 7. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 8. Effective Date. This ordinance shall become effective on May 1, 2025.

INTRODUCED, READ, PASSED ON FIRST READING, PUBLIC HEARING
SCHEDULED, AND ORDERED PUBLISHED this 1st day of April, 2025.

/s/ Steve Conklin

Steve Conklin, Mayor

ATTEST:

/s/ L Pedroza

Lenore Pedroza, MMC, City Clerk

PASSED AND ADOPTED ON SECOND READING AFTER PUBLIC HEARING
AND ORDERED PUBLISHED this 15th day of April, 2025.

/s/ Steve Conklin

Steve Conklin, Mayor

ATTEST:

/s/ L Pedroza

Lenore Pedroza, MMC, City Clerk

APPROVED AS TO FORM:

/s/ Carmen Beery

Carmen Beery, City Attorney