

## **ORDINANCE NO. 740-22**

### **AN ORDINANCE ADOPTING BY REFERENCE THE 2020 EDITION OF THE “MODEL TRAFFIC CODE” FOR THE REGULATION OF TRAFFIC IN THE TOWN OF BENNETT**

**WHEREAS**, pursuant to section 42-4-110(1)(b), C.R.S., municipalities may, in the manner prescribed by article 16 of title 31, C.R.S., adopt by reference all or any part of a model municipal traffic code that embodies the rules of the road and vehicle requirements as set out in the state traffic laws; and

**WHEREAS**, the Colorado Department of Transportation has prepared and adopted a 2020 revised edition of the Model Traffic Code for Colorado; and

**WHEREAS**, the Town desires to adopt the 2020 revised edition of the Model Traffic Code for Colorado, with amendments, and has provided notice of the adoption of such Code by reference in the manner required by state law.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO:**

**Section 1.** Chapter 8, Article I of the Bennett Municipal Code is hereby repealed and reenacted to read as follows:

#### **Sec. 8-1-10. Model Traffic Code Adoption.**

(a) Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Parts 1 through 19 and Appendix 1, Definitions, of the 2020 edition of the Model Traffic Code for Colorado promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code for Colorado, 2020 edition, includes comprehensive traffic control regulations for the Town. 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. No less than one (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Town Clerk of Bennett, Colorado, and may be inspected during regular business hours.

(b) The Model Traffic Code for Colorado, 2020 edition (the “adopted code”) is adopted as if set out at length, save and except the additions and modifications set forth in Section 8-1-20.

## **Sec. 8-1-20. Amendments.**

The following additions, amendments or deletions are made to the adopted code:

- (a) Section 101 of the adopted code is amended to read as follows:

### **101. Short title; Interpretation; References to C.R.S.**

(1) The adopted code shall be known and may be cited as the “Town of Bennett Traffic Code”

(2) The general purpose of this article is to establish local traffic regulations for the Town of Bennett that conform with the state’s uniform system for the regulation of vehicles and traffic. This article shall be interpreted and construed as to effectuate such purpose.

(3) The published Model Traffic Code for Colorado, 2020 edition, is written to apply both municipalities and counties, and in some instances, to the state of Colorado as well. In adopting the Model Traffic Code, Colorado, 2020 edition, the Town Board is aware that certain provisions of the adopted code cannot, by their very nature, or do not by their wording, apply to the Town. Any provision of the code that cannot or does not apply to the Town of Bennett shall be ignored and no attempt shall be made to enforce such provision within the Town.

(4) Any reference in this Code to any particular title, article, and section of the Colorado Revised Statutes shall be deemed to include any reference to any amendment to such statute, or any successor statute concerning the same subject matter. Further, any reference to a particular section of the state motor vehicle laws may mean the counterpart traffic regulations of the Town as set forth in this Code.

(5) All references to “police” or “peace officer” shall mean the Adams County Sheriff, Arapahoe County Sheriff, Undersheriff, and all related Deputy Sheriffs.

(6) All references to “municipal” or municipality” shall mean the Town of Bennett, Colorado.

- (b) Section 102 of the adopted code is amended to read as follows:

### **102. Meaning of Generic References**

Unless the context clearly requires otherwise, all references in this Code to “this local government,” “this jurisdiction,” “local government authorities,” the “local authority,” “proper authority,” and similar generic references, shall mean and shall refer to the Town of Bennett, Colorado, or to the elected or appointed officers of the Town, as appropriate. References

in this Code to matter which apply “within this state” shall mean “within the Town”.

- (c) The adopted code is amended by the addition of a new Section 109.7 to read as follows:

**109.7 Golf Cars Prohibited.** A golf car shall not be operated on a roadway unless used for, or included in, a special event, including but not limited to, parades, festivals, etc.

- (d) Section 110(2) of the adopted code is amended to read as follows:

(2) The Town’s Municipal Court shall have jurisdiction over violations of traffic regulations enacted or adopted by the Town Board of the Town of Bennett, including, without limitation, violations or alleged violations of this code.

- (e) Section 509, Vehicles weighed — excess removed, is amended to replace the reference to “section 102(32)” with “C.R.S. § 42-1-102(32), C.R.S.”

- (f) Section 614, Designation of highway maintenance, repair or construction zones-signs-increase in penalties for speeding violations, is amended by the deletion of “speeding” from the title of said section, and subsection (1) is amended to read as follows:

(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 traffic violations in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties and surcharges.

(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 traffic violations in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties and surcharges.

- (g) Section 615 of the adopted code is amended to read as follows:

**Section 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 a doubled fine and surcharge. The municipal judge shall amend his or her penalty assessment schedule to reflect such doubled fine and surcharge.

(2) For 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.

(3) Town authorities shall designate the placement of traffic signs that designate the area that will be deemed to be a school zone for purposes of this section. In making such designation, the Town authorities shall consider when increased penalties are necessary to protect the safety of school children.

(4) This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 of this Code because such violation also occurred within a highway maintenance, repair, or construction zone.

(h) Section 1101, Speed limits, subsection (4) and subsection (7) are deleted, and subsection (2) is amended to read as follows:

(2) Where speed limits are posted by an official traffic control device, it shall be unlawful for any person to drive any vehicle in excess of the posted speed limits. Where speed limits are not posted, and where no special hazard exists, the following speeds shall be lawful:

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

(b) Thirty-five (35) miles per hour in any business district, as defined in Section 42-1-102(11), C.R.S.; and

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

(i) Section 1204, Stopping, standing, or parking prohibited in specific places, is amended by the addition of a new subsection (1)(l) to read as follows:

(1) (l) Adjacent to any municipal park unless the occupants of the parked vehicle are using the park or park facilities.

(j) The adopted code is amended by the addition of a new Section 1214, Parking not to obstruct traffic or maintenance, to read as follows:

**Section 1214. Parking not to obstruct traffic or maintenance.** No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

(k) Section 1412, Operation of bicycles and other human powered vehicles, is amended to replace the reference to “Code 10” with “Article 10.”

(l) Section 1709, Penalty assessment notice for traffic offenses - violations of provisions by officer - driver’s license, is amended to read as follows:

**Section 1709. Penalty assessment notice for traffic offenses - refusal.**

Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

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

**Section 1717. Conviction - attendance at driver improvement school.**

(1) Whenever a person has been convicted of violating any provision of this Article, which regulates the operation of vehicles on highways, the municipal court, in addition to the penalty provided for the violation or as a condition of 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. Such school shall be approved by the court.

(2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Article, which regulates the operation of vehicles on highways, the municipal court may require the minor 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. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of probation, a deferred sentence, or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor’s parent or parents who appear in court with the minor in accordance with section 1716(4) of this Code, shall pay the cost of attending the designated driver improvement school. Such school shall be approved by the court.

(n) Section 1805, Appraisal of abandoned motor vehicles - sale, is amended to replace the reference to “Part 1 of Code 6 of this Title” with “Part 1 of Article 6 of Title 42, C.R.S.”

- (o) All provisions containing enumerated penalties for violations are deleted.
- (p) There shall be no division into classes of traffic infractions, traffic offenses or misdemeanor traffic offenses. Any reference to a “class A” or “class B” traffic infraction is deleted and replaced by “traffic infraction.” Any reference to a “class 1” or “class 2” traffic offense or misdemeanor traffic offense is deleted and replaced by “traffic offense.”
- (q) The following sections of the Model Traffic Code for Colorado, 2020 edition, are specifically not adopted as part of the adoption of said Code: Section 227(3)(b); Section 229(1); Section 601; Section 1409(9); Section 1701; Section 1702; Section 1901.

#### **Sec. 8-1-30. Model Traffic Code -Applicability.**

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 Town, the use of which the Town 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 Town.

#### **Sec. 8-1-40. Interpretation of provisions.**

This Article and the Model Traffic Code adopted herein shall be so interpreted and construed as to effectuate its general purpose to conform to the State’s uniform system for the regulation of vehicles and traffic. Article and section headings of this Article or the Model Traffic Code adopted herein 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 2.** Any person who violates any provision of this ordinance or the Model Traffic Code adopted herein shall be subject to punishment as set forth in Sections 8-2-10 through 8-2-140 of the Bennett Municipal Code. Each day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by any such person shall be a separate offense.

**Section 3.** If any article, 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 Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4.** The repeal or modification of any portion of the Municipal Code of the Town of Bennett by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 5.** 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 6.** The provisions of this ordinance shall take effect 30 days after publication, by title only.

**INTRODUCED ON FIRST READING THIS 10<sup>th</sup> DAY OF MAY 2022.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 14<sup>th</sup> DAY OF JUNE 2022, AT 7:00 P.M. AT BENNETT TOWN HALL, 207 MUEGGE WAY, BENNETT, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE THIS 14<sup>th</sup> DAY OF JUNE 2022.**

TOWN OF BENNETT, COLORADO

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Whitney Oakley, Trustee

ATTEST:

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Christina Hart, Town Clerk