

TOWN OF EATON, COLORADO

ORDINANCE NO. 603

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF EATON, COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE; PROVIDING FOR CERTAIN ADDITIONS AND MODIFICATIONS TO SUCH CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, pursuant to § 42-4-110(1)(b), C.R.S., municipalities may, in the manner prescribed by Parts 1 and 2 of Article 16 of Title 31, C.R.S., adopt by reference all or any part of a model traffic code to control and regulate the movement and parking of motor vehicles as provided by 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 Board of the Town of Eaton (“Town”) desires to adopt the 2020 revised edition of the Model Traffic Code for Colorado, with additions and modifications as specified below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF EATON, COLORADO:

Section 1. Section 15-1-1 of the Eaton Municipal Code is hereby repealed and reenacted to read as follows:

Section 15-1-1. Adoption

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, there is hereby adopted by reference the 2020 Edition of the Model Traffic Code for Colorado (“Model Traffic Code”), promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

Section 2. Section 15-1-2 of the Eaton Municipal Code is hereby repealed and reenacted, to provide for the following additions and modifications to the Model Traffic Code adopted by this Ordinance, to read as follows:

Section 15-1-2. Additions or Modifications.

The following additions and modifications are made to the Model Traffic Code:

A. Section 109 is hereby amended to read as follows:

Section 109. Low-power electric vehicle or EPAMD, animals, skis, skates, and toy vehicles on highways.

(1) A person riding a low-power electric vehicle or an Electric Personal Assisted Mobility Device (“EPAMD”) upon a roadway where low-power electric vehicle or EPAMD travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code except those provisions of this Code that, by their very nature, can have no application.

(2) A person riding a low-power vehicle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No low-power electric vehicle or EPAMD shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any low-power electric vehicle or EPAMD, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) A person operating a low-power electric vehicle or EPAMD upon a roadway shall ride as close to the side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding low-power electric vehicle or EPAMD upon a roadway shall not ride more than two abreast.

(6.5) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power electric vehicle unless the person and the passenger are wearing protective helmets in accordance with the provisions of Section 1502(4.5) of this Code.

(7) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

(8) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Subsection (8) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

(9) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.

(10) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the Department of Transportation may, subject to the provisions of Section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, animal rider, animal-drawn conveyance, or other class or kind of non-motorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the Department of Transportation or local authority shall erect appropriate official signs giving notice thereof; except that, with respect to controlled access highways, Section 1010(3) shall apply. When such official signs are erected, no person shall violate any of the instructions contained thereon.

(11) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this Section.

(12)(a) Except as otherwise provided in paragraph (b) of this Subsection (12), any person who violates a provisions of this Section commits a Class B traffic infraction.

(b) Any person who violates subsection (6.5) of this Section commits a traffic offense.

- B. Section 604(1)(c)(I)(A) is hereby amended to read as follows:

(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their respective jurisdictions have prohibited any such right turn by erecting an official sign at each intersection where such right turn is prohibited.

- C. Section 614(1) is hereby 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.

(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.

- D. Section 1203 is hereby amended to read as follows:

Section 1203. Angle-Parking.

(1) On those streets where the Town of Eaton has approved and has signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings, and within lined markings, with the vehicle's appropriate front tire adjacent to the correspondent curb or edge of the roadway, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or other emergency services personnel.

(2) Angle-Parking is approved for all cul-de-sacs within the Town limits, but angle-parking shall only be permitted within the curved portion of such cul-de-sacs.

- E. Section 1213 is hereby added to read as follows:

Section 1213. Prohibited uses.

No person shall use any motor vehicle, bus, trailer, coach, or mobile home, self-propelled motor home, or recreational equipment for living, sleeping, housekeeping, or preparation of food except within a permitted recreational vehicle (RV) park/campground. This section shall not apply to such vehicles used to temporarily house guests of the property on which the vehicle is located, provided the vehicle is located on private residential property and such use does not exceed seven days within any calendar year. This section shall not apply to vehicles used for the temporary preparation and sale of food with a current County Health Department license and located in areas of the Town other than those zoned residential.

- F. Section 1416 is hereby added to read as follows:

Section 1416. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any street or highway within the Town by any person who has not been issued a currently valid driver's or minor driver's license or an instruction permit or shall cause or knowingly permit such person to drive a motor vehicle upon any street or highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person.

- G. Section 1417 is hereby added to read as follows:

Section 1417. Expired license plates/improper use of title or registration.

(1) Pursuant to State law, § 42-3-114, C.R.S., as amended, every vehicle registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, by the payment of the fees required by law not later than the last day of the month following the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operating on any street or highway within the Town.

(2) No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof.

- H. Section 1418 is hereby added to read as follows:

Section 1418. Driving without a current driver's license.

(1) No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by a State Department of Motor Vehicles.

(2) No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has in his or her immediate possession a current driver's or minor driver's license or an instruction permit issued by a State Department of Motor Vehicles.

(3) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a street, road or highway within the Town for which such person has not been issued the correct type or general class of license or permit.

(4) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a street, road or highway within the Town without having such license or permit in such person's immediate possession.

(5) A charge of a violation of subsection (4) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license issued to such person or an officially issued duplicate thereof if the original was lost, stolen or destroyed; provided that such currently valid driver's license or minor driver's license shall also have been valid on the date the defendant was issued the citation.

(6) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this Section; or

(b) The applicable conditions for exemption, as set forth in § 42-2-102, C.R.S., as amended, exist.

(7) The issue of justification or exemption is an affirmative defense. As used in this subsection, "affirmative defense" means that, unless the prosecutor's

evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the charge.

I. Section 1419 is hereby added to read as follows:

Section 1419. Open alcoholic beverage containers in motor vehicles prohibited.

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

(a) “Alcoholic beverage” means a beverage as defined in § 12-47-013, C.R.S.

(b) “Motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads or highways but does not include a vehicle operated exclusively on a rail or rails.

(c) “Open alcoholic beverage container” means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and:

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

(II) The contents of which are partially removed.

(d) “Passenger area” means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.

(2) Except as otherwise permitted in Subsection (3) below, a person while in the passenger area of a motor vehicle that is on a public street, road or highway within the Town or the right-of-way of a public street, road or highway within the Town may not knowingly:

(a) Drink an alcoholic beverage; or

(b) Have in his or her possession an open alcoholic beverage container.

(3) The provisions of Subsection (2) shall not apply to:

(a) 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;

(b) The possession by a passenger, other than the driver or a front seat passenger, of an open alcoholic beverage container in the living quarters of a house coach, house trailer, motor home, as defined in § 42-1-102(57), C.R.S., or trailer coach, as defined in § 42-1-102(106)(a), C.R.S.;

- (c) The possession of an open alcoholic beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
- (d) The possession of an open alcoholic beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

J. Section 1420 is hereby added to read as follows:

Section 1420. Automatic point reduction.

If a person receives a penalty assessment notice for a violation and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation shall be reduced as follows:

- (1) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points.
- (2) For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

Section 3. Section 15-1-3 of the Eaton Municipal Code is hereby repealed and reenacted to read as follows:

Section 15-1-3. Traffic Control Schedules.

The traffic control schedules previously adopted by resolutions of the Town Board are hereby adopted as the traffic control schedules for the 2020 Edition of the Model Traffic Code as applied to the Town. Any future modification of such schedules shall be made by resolution of the Town Board.

Section 4. Penalties. It is unlawful for any person to violate any of the provisions adopted in this Ordinance. Every person convicted of a violation of any provision adopted in this Ordinance shall be punished as provided in Eaton Municipal Code § 15-1-5.

Section 5. Application. This Ordinance 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 the Town, the use of the Town has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout the Town.

Section 6. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance.

The Town Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 10. Effective Date. This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance.

PASSED AND APPROVED on first reading at a regular meeting of the Town Board of the Town of Eaton on this 19th day of December, 2019.

TOWN OF EATON, COLORADO

ATTEST:

By: Margaret Jane Winter
Margaret Jane Winter, Town Clerk

By: Kevin Ross
Kevin Ross, Mayor

PASSED, APPROVED, AND ADOPTED on second reading at a regular meeting of the Town Board of the Town of Eaton on this 16th day of January, 2020.

ATTEST:

By: Margaret Jane Winter
Margaret Jane Winter, Town Clerk

TOWN OF EATON, COLORADO

By: Kevin Ross
Kevin Ross, Mayor

