

**TOWN OF JOHNSTOWN, COLORADO  
ORDINANCE NO. 2025-269**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF JOHNSTOWN, COLORADO; ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL TRAFFIC CODE; PROVIDING FOR CERTAIN DELETIONS FROM AND ADDITIONS AND MODIFICATIONS TO SUCH CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**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 2024 revised edition of the Model Traffic Code for Colorado; and

**WHEREAS**, the Town Council desires to adopt the 2024 revised edition of the Model Traffic Code for Colorado, with deletions, additions and modifications as specified below.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

**Section 1.** Section 8-21 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-21. 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 2024 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**Section 2.** Section 8-22 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-22. Deletions from the 2024 Model Traffic Code.**

The 2024 edition of the Model Traffic Code is adopted subject to the following deletions:

- (1) Section 511; and
- (2) Section 1705.

**Section 3.** Section 8-23 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-23. Additions or modifications to the 2024 Model Traffic Code.** The 2024 edition of the Model Traffic Code is adopted subject to the following additions or modifications:

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

**604. Traffic control signal legend.**

- (1)(c)(I)(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.

- (2) Section 614(1) is hereby amended to read as follows:

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

(1)(a) If maintenance, repair or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits 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.

- (3) Section 1101(4) is hereby amended to read as follows:

**1101. Speed limits.**

- (4) No person shall drive a vehicle on a street or highway within the Town at a speed greater than the speed limit posted on official traffic control signs; or, if no speed limit is posted on an official traffic control sign, at a speed greater than set forth in subsection (2) of this section or as provided by ordinance as the maximum lawful speed limit, whichever is greater.

- (4) Section 1101(7) is hereby amended to read as follows:

- (7) Notwithstanding paragraphs (a), (b), and (c) of subsection (2) of this section, the Town may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction.

(5) Section 1209 is hereby amended in full to read as follows:

**1209. Owner liability for parking violations.**

- (1) In any prosecution for an alleged violation of any of the parking restrictions imposed by this Part 12, proof that the particular vehicle described in the notice or complaint was stopped, standing or parked in violation of any such rule or regulation, together with proof that the defendant named in the notice or complaint was at the time of such stopping, standing or 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 stopped, placed or parked such vehicle at the place where and for the time during which such violation occurred.
- (2) In addition to any other liability provided for in this Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle was, at the time of the parking violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who lease, rented or otherwise had the care, custody or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody or control of the motor vehicle. The notice shall inform the operator that the operator name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

(6) Section 1409 is hereby amended in full to read as follows:

**1409. Compulsory insurance - penalty.**

- (1) No owner of a motor vehicle or low power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this municipality when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by state law.
- (2) No person shall operate a motor vehicle or low-power scooter on the public highways of this municipality without a complying policy or certificate of self-insurance in full force and effect as required by state law.
- (3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law.

- (a) As used in this section, "evidence of a complying policy or certificate of self-insurance in full force and effect" includes the presentation of such policy or certificate upon a cell phone or other electronic device.
- (b) If a complying policy or certificate of self-insurance is provided by a cell phone or other electronic device, the law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.
- (4) Any person who violates the provisions of subsections (1), (2), or (3) of this section commits a misdemeanor.
- (5) Testimony of the failure of any owner or operator of a motor vehicle or low power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.
- (6) No person charged with violating subsections (1), (2), or (3) of this section shall be convicted if the person produces a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by state law, at the time of the alleged violation.

(7) Section 1417 is hereby added to read as follows:

**Section 1417. Expired license plates/registrations/temporary permit.**

- (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 thirty days after 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.
- (3) A temporary vehicle registration may not be used on any vehicle after the expiration of the period for which the permit was issued

(8) Section 1418 is hereby added to read as follows:

**Section 1418. Driving while license denied or suspended.**

- (1) It shall be unlawful for any person to drive a motor vehicle or off-highway vehicle upon any street or roadway in this Town with knowledge that such person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason.
- (2) For the purpose of this section, the following definitions shall apply:

- (a) 'Knowledge' means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint. 'Knowledge' does not mean knowledge of a particular restraint or knowledge of the duration of restraint.
- (b) 'Restraint' or 'restrained' means any denial or suspension of a person's license or privilege to drive a motor vehicle in this State, or any combination of denials or suspensions.
- (3) In any trial for a violation of this section, a duly authenticated copy of the record of the defendant's former convictions and judgments and alcohol-related driving offenses pursuant to Section 42-4-1301(1) or (2), C.R.S., from any court of record or certified copy of the record of any denial of a defendant's driving privilege under Section 42-2-126(2)(a), C.R.S., from the State of Colorado Department of Motor Vehicles shall be prima facie evidence of such convictions, judgments, or denial and may be used in evidence against such defendant.
- (4) In any prosecution for a violation of this section, the fact of the restraint may be established by certification that a notice was mailed by first-class mail pursuant to Section 42-2-119(2), C.R.S., to the known address of the defendant, or by delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

(9) Section 1419 is hereby added to read as follows:

**Section 1419. 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 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. A charge of a violation of this section shall be dismissed by the court if the defendant, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license or an instruction permit issued to such person; provided that such currently valid driver's license or minor driver's license or instruction permit shall also have been valid on the date the defendant was issued the citation.
- (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) 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 the applicable conditions for exemption, as set forth in § 42-2-102, C.R.S., as amended, exist.

- (b) The issue of justification or exemption is an affirmative defense. 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 and bears the burden of proof regarding the affirmative defense.

- (9) Section 1420 is hereby added to read as follows:

**Section 1420. 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 a person to drive a motor vehicle upon any street or highway in violation of the conditions or restrictions contained in a license or permit which has been issued to such other person.

- (10) Section 1421 is hereby added to read as follows:

**Section 1421. 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 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, notwithstanding the fines that may be contained in 2024 edition of the Model Traffic Code, shall be punished as provided in Johnstown Municipal Code Section 8-26.

**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 and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding a police officer, and those concerning 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 Council

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, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 17<sup>th</sup> day of March, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_

Meghan Martinez, Town Clerk

By: \_\_\_\_\_

Michael P. Duncan, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_

Meghan Martinez, Town Clerk

By: \_\_\_\_\_

Michael P. Duncan, Mayor

