



**Background Paper for Proposed Ordinance**

**COUNCIL MEETING DATE:** November 23, 2020

TO: President Dennis E. Flores and Members of City Council  
CC: Mayor Nicholas A. Gradisar  
VIA: Brenda Armijo, City Clerk  
FROM: Kyle Aber, Assistant City Attorney  
SUBJECT: AN ORDINANCE AMENDING TITLE XV, CHAPTER 1 OF THE PUEBLO MUNICIPAL CODE AND ADOPTING THE COLORADO MODEL TRAFFIC CODE AS REVISED IN 2020

**SUMMARY:**

Attached is an Ordinance which adopts the 2020 Colorado Model Traffic Code and amends the Pueblo Traffic Code as codified in chapter 1 of Title XV of the Pueblo Municipal code to more closely track the rules and regulations as set out in the 2020 Model Traffic Code.

**PREVIOUS COUNCIL ACTION:**

The City of Pueblo has not adopted the revisions in the Model Traffic Code since 1995. Amendments have subsequently been made to the Pueblo Traffic Code in order to adopt some language of the updated Model Traffic Code but have not fully adopted the updated rules and regulations.

**BACKGROUND:**

This Ordinance substantially adopts the 2020 Model Traffic Code. Certain language that the city of Pueblo has adopted in lieu of the language in the Model traffic code will remain as that language addresses traffic rules specific to Pueblo. Some Language in the Pueblo Traffic Code will be deleted as it will be redundant, unenforceable, or conflict with the updated rules and regulations in the 2020 Model Traffic Code.

**FINANCIAL IMPLICATIONS:**

The City will not expend any money in adopting this traffic code. The new rules will have some effect on the fines collected by the municipal court, any effect is expected to be minimal.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable to this Ordinance.

**STAKEHOLDER PROCESS:**

City staff dealing with traffic offenses have had the opportunity to comment on the proposed changes, those comments have been taken into account in the proposed ordinance.

**ALTERNATIVES:**

If this Ordinance is not approved, the City will continue to operate under the 1995 version of the Model Traffic Code. Some changes will be necessary in order to comply with State Laws and Regulations.

**RECOMMENDATION:**

Approve the Ordinance.

**Attachments:** Proposed Ordinance

ORDINANCE NO. 9836

AN ORDINANCE AMENDING TITLE XV, CHAPTER 1 OF THE PUEBLO MUNICIPAL CODE AND ADOPTING THE COLORADO MODEL TRAFFIC CODE AS REVISED IN 2020

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Chapter 1 of Title XV of the Pueblo Municipal Code, as amended, is hereby amended to read as follows:

TITLE XV – Traffic

CHAPTER 1 - Model Traffic Code

**Sec. 15-1-1. - Adoption of Model Traffic Code; deletions.**

There is hereby adopted by reference for the purpose of regulating vehicular and pedestrian traffic within the City, including permits, procedures and penalties, that certain code known as the Model Traffic Code for Colorado Municipalities, officially approved, adopted and published as the Revised [1995]2020 Edition by the Colorado Department of Transportation, [4201 East Arkansas Avenue]2829 West Howard Place, Denver, Colorado, [80222]80204 (hereinafter referred to in this Chapter as the "Model Traffic Code"), of which three (3) copies are now filed in the office of the City Clerk and may be inspected during regular business hours, the same being hereby referred to, adopted and incorporated herein as fully as if set out at length, pursuant to the authority conferred by the laws of the State and the Charter of the City, save and except those portions of the Model Traffic Code which are hereinafter amended by any [other] ordinance[s] of the City; and provided, however, that the Foreword thereto, Sections 511 and 602 and Appendixes A through H, inclusive, are not adopted and are expressly deleted.

**Sec. 15-1-2. - Applicability of Chapter in Pueblo Memorial Airport.**

This Chapter and the Model Traffic Code herein adopted are expressly declared to be applicable to and in full force and effect in and upon that area in the County of Pueblo and State of Colorado in Sections 17, 18, 19, 20, 29 and 30, Township 20 South, Range 63 West, and Sections 13, 24, 25 and 26, Township 20 South, Range 64 West of the 6th Principal Meridian, commonly known as Pueblo Memorial Airport, and shall constitute the rules and regulations covering all means of transportation within such airport other than air transportation.

**Sec. 15-1-3. - Applicability of Chapter in Pueblo Mountain Park.**

This Chapter and the Model Traffic Code herein adopted are expressly declared to be applicable to and in full force and effect in and upon that area in the County of Pueblo and State of Colorado in Section 16 and 21, Township 23 South, Range 68 West of the 6th Principal Meridian, commonly known as Pueblo Mountain Park, and shall constitute the rules and regulations covering all means of transportation within such park.

**Sec. 15-1-4. - Airport traffic; enforcement of laws; section added.**

It shall be the duty of the Chief of Police, with such aid as may be rendered by other members of the Police Department and such other members of the Department of Aviation as he or she shall specially commission by and with the advice and written consent of the Director of the Department of Aviation, to enforce the provisions of the Model Traffic Code and the state vehicle laws applicable to traffic in and upon the Pueblo Memorial Airport, to make arrests for traffic violations thereon, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the Traffic Engineer and officials of the Pueblo Memorial Airport in the administration of the traffic regulations thereon and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed by the Model Traffic Code and the traffic ordinances of the City insofar as the same shall relate to the Pueblo Memorial Airport.

**Sec. 15-1-5. - Park traffic; enforcement of laws.**

It shall be the duty of the Chief of Police, with such aid as may be rendered by other members of the Police Department and such other members of the Department of Parks as he or she shall specially commission by and with the advice and written consent of the Director of the Department of Parks, to enforce the provisions of the Model Traffic Code, the traffic ordinances of the City and the state vehicle laws applicable to traffic in and upon Pueblo Mountain Park, to make arrests for traffic violations thereon, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the Traffic Engineer and officials of Pueblo Mountain Park in the administration of the traffic regulations thereon and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by the Model Traffic Code and the traffic ordinances of the City insofar as the same shall relate to Pueblo Mountain Park.

**Sec. 15-1-6. - Penalties for violations of this Chapter.**

The following penalties shall apply to a violation of any of the provisions of the Model Traffic Code herein adopted and to the provisions of this Chapter:

(1) It is unlawful for any person to violate any of the provisions of the Model Traffic Code or any of the provisions of this Chapter.

(2) Notwithstanding any other provision in this Chapter and the Model Traffic Code, every offense under the Model Traffic Code, as adopted by the City of Pueblo, shall constitute a civil traffic infraction punishable by a civil penalty only, not to exceed one thousand dollars (\$1,000), except for the following offenses, which shall constitute municipal offenses subject to a civil penalty of not more than one thousand dollars (\$1,000), or imprisonment not to exceed one (1) year, or both:

- a. Section 1401, Model Traffic Code, Reckless driving;
- b. Section 1413, Model Traffic Code, Eluding or attempting to elude a police officer;
- [c. Section 107, Model Traffic Code, Obedience to police officers;]
- [d.]c. Section 1105, Model Traffic Code, Speed contests;
- [e.]d. Driving twenty (20) or more miles per hour in excess of the reasonable and prudent speed or twenty (20) or more miles per hour in excess of the maximum lawful speed limit of seventy-five (75) miles per hour; and

[f.]e. Any offense that is a counterpart of a state offense that has not been decriminalized under state law.

(3) No person shall be arrested for any civil traffic infraction. The Municipal Court shall not imprison any person for any civil traffic infraction and shall not issue any warrant for the arrest of any person accused of or found liable for a civil traffic infraction, except that the Court may issue arrest warrants for and imprison any such person for contempt of court. The Court shall have the authority to order persons found liable for civil traffic infractions to pay civil penalties, costs and surcharges for such infractions. No person accused of a civil traffic infraction shall be granted a jury trial. The Municipal Court shall apply the Colorado Rules for Traffic Infractions in every case involving a civil traffic infraction. The Municipal Court Judge shall act as the referee in all such cases. The Municipal Court shall communicate all outstanding judgments in civil traffic infraction cases, including all defaults, judgments, civil penalties, costs and surcharges, and failure to pay the same, to the Colorado Department of Revenue, Division of Motor Vehicles. The Municipal Court may also send unpaid defaults, judgments, civil penalties, costs, and surcharges to a collection agency.

(4) Every person found liable for a civil traffic infraction under Sections 1412[, 1415] or 221 of the Model Traffic Code shall be punished by a civil penalty of not more than twenty-five dollars (\$25), by removal and detention of the license plate from such person's bicycle for a period not to exceed ninety (90) days, or by impounding such person's bicycle for a period not to exceed ninety (90) days.

(5) **Notwithstanding Title 1701 or any provision of the Colorado Model Traffic Code the Municipal Judge is empowered to set designated civil penalties.** The presiding Municipal Judge shall at least annually review the schedule of designated civil penalties of [the Traffic Violations Bureau]**this traffic code** and adopt on or before January 15 of each year a schedule of designated civil penalties for the Municipal Court, provided that failure to so annually adopt such a schedule of designated civil penalties shall not invalidate any such schedule previously adopted.

(6) In addition to the penalties provided herein, any person convicted of a municipal traffic violation or found liable for a civil traffic infraction for which points may be assessed by the Colorado Department of Revenue, other than violations of the provisions of Section 1412[, 1415] or 221 of the Model Traffic Code, shall be assessed a fee, to be known as the school crossing guard surcharge, in the amount of ten dollars (\$10); provided, however, that any person found liable for a parking violation shall, in addition to the penalties provided herein, be assessed a fee, to be known as the school crossing guard surcharge, in the amount of four dollars (\$4). The school crossing guard surcharge shall be imposed at the time the defendant is found liable and may not be suspended or waived by the Court. For purposes of this Subsection, conviction shall include guilty pleas, no contest pleas, findings of guilt and deferred sentences entered on any such traffic violation or parking violation. The school crossing guard surcharge shall be collected by the Municipal Court and paid into the City's general fund.

#### **Sec. 15-1-7. - Parking on private property; burden of proof.**

(a) It shall be unlawful for any person to park, leave or cause to be parked or left any automobile or other motor vehicle on the premises of another after having been warned not to do so by word of mouth, sign or otherwise.

(b) On those areas of private property available for public use where designated parking areas or individual spaces have been clearly identified [by signs, markings or otherwise], it shall be unlawful and a **class two** municipal offense for any person to park any automobile or other motor vehicle other than completely within the area or individual space designated for parking. It shall be an affirmative defense to any

such violation that the automobile or other motor vehicle was parked, contrary to the requirements of this Subsection, with the consent of the owner or person in lawful possession of the private property.

(c) The presence of an unattended automobile or other motor vehicle on the premises of one who is not the owner or in control of such vehicle shall create a prima facie presumption that the registered owner of such vehicle did then and there park, leave or cause to be parked or left the vehicle on such premises, and the burden of proof shall be upon the registered owner to show otherwise.

(d) This Section shall not apply to employees of the City in the discharge of their official duties.

#### **Sec. 15-1-8. - Amendments and additions.**

(a) The following parts, sections or subsections of [Article I of said]the Model Traffic Code are hereby repealed, added or amended to read as follows:

(1) ~~[111.]~~**113.** Office of the traffic engineer.

(1) The office of the traffic engineer shall be a civil service appointment and an employee of the department of transportation. The traffic engineer shall exercise the powers and duties provided in this Code. At such times as the traffic engineer may be absent from the municipality or incapable of performing his duties, the duties and powers of the traffic engineer shall be vested in the director of [the department of transportation]**public works or their designee**, or if the director of [transportation]**public works or their designee** is absent from the municipality or incapable of performing his duties, the duties shall be vested in a municipal official as determined and authorized by the mayor.

(2) In the absence of such appointment or at such times as the traffic engineer and director of [transportation]**public works or their designee** may both be absent from the municipality or unable to perform his duties, said duties shall be vested in the chief of police or other municipal official as determined and authorized by the mayor.

(2) ~~[113.]~~**115.** Authority of traffic engineer.

(1) The traffic engineer is hereby authorized 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, and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to exercise such additional powers as are granted by this Code.

(2) 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 act as follows:

(a) Direct the placement of all traffic control devices;

- (b) Designate and mark medians and traffic islands;
- (c) Conduct speed zoning studies and post speed limits as permitted by law;
- (d) Designate minimum speed as provided by law;
- (e) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;
- (f) Designate one-way streets and roadways;
- (g) Designate through streets or roadways and control entrances thereto;
- (h) Designate stop or yield intersections and erect stop or yield signs thereat;
- (i) Establish restrictions, prohibitions, and regulations for the parking, standing, or stopping of vehicles;
- (j) Designate special parking zones for taxicabs, buses, and the like;
- (k) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation;
- (l) Establish tow-away zones;
- (m) Designate upon what streets, if any, angle parking shall be permitted;
- (n) 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;
- (o) Designate and sign intersections where multiple turns shall be allowed;
- (p) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic;
- (q) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;
- (r) Establish safety zones at such places where necessary for pedestrian protection;
- (s) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted;
- (t) Establish play streets;

(u)(l) Establish truck routes and truck loading zones; establish bus stops and taxicab stands;

(II) Establish special freight loading zones upon designated streets within the City of Pueblo downtown business district, the Union Avenue business district, the Mesa-Junction business district and the Minnequa business district for which special permits may be issued to allow permit holders to park or stand a truck upon said City streets in said districts which are not part of the state highway system, within that lane of travel nearest to the curblane, for a period of time not to exceed fifteen minutes, for the expeditious loading or unloading of merchandise or materials. Such permits shall only authorize temporary parking or standing in such lane of travel where the following requirements are also observed by the person in control of the permitted truck: (i) that the truck may be safely parked or stopped in such manner that there remains at that location one or more additional unobstructed travel lanes for safe vehicle movement; (ii) that the standing or parking is not located adjacent to any fire hydrant, fire lane, driveway, alley or within fifty feet of any intersecting street; (iii) that during the temporary parking or standing, the truck is marked by operating emergency four-way flashing lights; (iv) that the truck is stopped or parked in such manner that vehicles lawfully parked between it and the curb may safely move from their parked location to a lane of travel without unnecessary obstruction or undue delay and (v) that, in any event, upon request from the person in control of any vehicle blocked by the truck, the truck shall be immediately moved to permit egress by the blocked vehicle;

(v) 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;

(w) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited;

(x) Provide for temporary street or alley closures by the erection of official traffic control devices or barricades;

(y) Issue special permits for curb or special freight loading operations, for the movement of vehicles having excess size or weight.

(3) Nothing in this section is intended, nor shall it be construed, to create a legal duty or obligation upon the traffic engineer to act in any particular manner or to exercise any of the powers granted herein.

[(2.1) 114. Removal of traffic hazards. - Repealed.

(2.2) 117. Personal mobility devices.

(1) A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this Code, except as to those provisions that by their nature have no application.

(2) Unless otherwise prohibited, an EPAMD may be operated on a roadway in conformity with vehicle use.

(3) An EPAMD shall not be operated:

(a) On a limited-access highway;

(b) On a bike or pedestrian path; or

(c) At a speed of greater than twelve and one-half miles per hour.

(4) A person who violates this section commits a class B traffic infraction.

(2.2.5) 204. When lighted lamps are required.

(1) Every vehicle upon a highway within this municipality, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as required by this Code for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(2) Whenever requirement is declared by this Code as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection (1) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is declared by this Code as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

(2.3) 221. Bicycle and electric personal assisted mobility device (EPAMD) equipment.

(1) No other provision of this part 2 and no provision of part 3 of this Code shall apply to a bicycle, electrical assisted bicycle, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, or EPAMD except those provisions in this Code made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, or EPAMD shall be equipped with a red reflector of a type approved by the department of revenue, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this subsection.

(6) A bicycle or electrical assisted bicycle shall not be equipped with, nor shall any person use upon a bicycle or electrical assisted bicycle, any siren or whistle.

(7) Every bicycle or electrical assisted bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle or electrical assisted bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles or electrical assisted bicycles at retail shall not sell any bicycle or electrical assisted bicycle unless the bicycle or electrical assisted bicycle has an identifying number permanently stamped or cast on its frame.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

(2.4) 224. Horns or warning devices.

(1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in section 213 (1) in the case of authorized emergency vehicles. The driver of a motor vehicle, when reasonably necessary to insure safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices which are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under section 213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for

other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. Such device shall not be used for such special purposes unless the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

(3) No bicycle, electrical assisted bicycle, or motorized bicycle shall be equipped with nor shall any person use upon a bicycle or motorized bicycle any siren or whistle.

(4) Snowplows and other snow-removal equipment shall display flashing yellow lights meeting the requirements of section 214 as a warning to drivers when such equipment is in service on the highway.

(5)(a) When any snowplow or other snow-removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such snowplow.

(b) The driver of a snowplow, while engaged in the removal or control of snow and ice on any highway open to traffic and while displaying the required flashing yellow warning lights as provided by section 214, shall not be charged with any violation of the provisions of this Code relating to parking or standing, turning, backing, or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of a snowplow from the consequences of a reckless or careless disregard for the safety of others.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

(2.4.5) 234. Slow-moving vehicles - display of emblem.

(1)(a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear.

(b) The department shall set standards for a triangular slow-moving emblem for use on low-speed electric vehicles.

(c) Bicycles, electrical assisted bicycles, and other human-powered vehicles shall be permitted but not required to display the emblem specified in this subsection (1).

(2) The executive director of the department shall adopt standards and specifications for such emblem, position of the mounting thereof, and requirements for certification of conformance with the standards and specifications adopted by the American society of agricultural engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.

(3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

(2.5) 236. Child restraint systems required - definitions - exemptions.

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

(a) Child care center means a facility required to be licensed under the 'Child Care Licensing Act,' Article 6, of Title 26, C.R.S.

(b) Child booster seat means a child passenger restraint system that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.

(c) Child restraint system means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended.

(d) Child safety belt positioning device means a device that positions a safety belt around a child in a manner that safely restrains such child in a seating position that conforms to all applicable federal motor vehicle safety standards.

(e) Safety belt means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is physically a part of a child restraint system. Safety belt includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts.

(f) Seating position means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2)(a) Unless exempted pursuant to subsection (3) of this section, every child who is under four years of age and weighs under forty pounds, being transported in this City in a privately owned noncommercial passenger vehicle or in a vehicle operated by a child care center, shall be provided with one of the following child restraint systems suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure the system according to the manufacturer's instructions.

(i) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system.

(ii) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a forward-facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least four years of age or weighs forty pounds or more, being transported in this City in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be properly secured by one of the following safety devices approved for a child of such age or weight by the United States Department of Transportation, or in a safety belt, whichever is appropriate for the child:

(i) Except as otherwise provided in subparagraph (i.5) of this paragraph (b), if the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, the child shall be properly restrained in a child booster seat or with a child safety belt positioning device.

(i.5) If the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, and if the child is being transported in a vehicle equipped with only a two-point-lap-belt-only system available for the child, the child shall be properly restrained with a lap belt.

(ii) If the child is six years of age or older or is fifty-five inches tall or more, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body.

(c) It is the responsibility of the driver transporting children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) The requirements of subsection (2) of this section shall not apply to a child who:

(a) Is being transported in a motor vehicle as a result of a medical emergency;

(b) Is being transported in a commercial motor vehicle, as defined in section 42-2-402(4)(a), C.R.S., that is operated by a child care center; or

(c) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237.

(4) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(5) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(6) It is unlawful and a municipal offense for any person to violate any provision of this section.

(7) Any fine imposed for a violation of this section may be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase, or rental of an approved child restraint system by the time of the court appearance.

(8) No driver in a motor vehicle shall be cited for a violation of subparagraph (i) of paragraph (b) of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of the Model Traffic Code, as adopted with amendments pursuant to Title XV of the Pueblo Municipal Code, other than a violation of this section or section 237.

(9) With respect to a violation of subparagraph (i) of paragraph (b) of subsection (2) of this section which occurs prior to August 1, 2004, the police officer shall not cite the driver for such violation but shall notify and warn the driver that such violation is a municipal offense."

(2.6) 503. Projecting loads on passenger vehicles.

No passenger-type vehicle, except a motorcycle, a bicycle, or an electrical assisted bicycle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Any person who violates this section commits a class B traffic infraction."

(2.7) 710. Emerging from or entering alley, driveway, or building.

(1) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway, or entranceway, shall yield the right-of-way to any pedestrian upon or about to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of section 704.

(2) The driver of a vehicle entering an alley, driveway, or entranceway shall yield the right of way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway.

(3) No person shall drive any vehicle other than a bicycle, electric assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

...

(2.9) 802. Pedestrians' right-of-way in crosswalks.

(1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) Subsection (1) of this section shall not apply under the conditions stated in section 803.

(3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electric assisted bicycle, walk, or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:

(a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.

(b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

(c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

(d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 803 (4).

(6) Any person who violates any provision of this section commits a class B traffic infraction.

...

(3) 803. Crossing at other than crosswalks.

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(5) For the purpose of this section, the term 'intersection' shall not include the area within the prolongation of lateral curb lines or lateral boundary lines where a street or highway joins at an angle with an alley, alleyway, public or private driveway, entrance to a parking lot or exit from a parking lot.]

~~[(4)]~~(3) 1101. Speed limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(a) Twenty miles per hour in all parks;

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

(c) Thirty miles per hour in any residence district, as defined in section 42-1-102 (80), C.R.S.;

(d) Fifteen miles per hour in all alleys;

(e) Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);

(f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101 (2), C.R.S. **and are not surfaced four-lane freeways or expressways;**

(g) Sixty-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101 (2), C.R.S., [where authorized by a majority of the members of the

transportation commission and such speed has been so designated by official traffic control devices]; **or are freeways or expressways;**

(h) Twenty miles per hour in all school zones and at school crossings when posted;

(i) Any speed not in excess of a speed limit designated by an official traffic control device.

(3) No driver of a vehicle shall fail to decrease the speed of such 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.

(4) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), 'prima facie evidence' means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

(5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

(7) Notwithstanding paragraphs (a), (b) and (c) of subsection (2) of this section, this municipality may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction, and such speed limits shall not be subject to the provisions of subsection (4) of this section.

[(8)(a) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is on the interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of sixty-five miles per hour.

(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is not on the interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of fifty-five miles per hour.

(c) The speed limits set forth in paragraphs (a) and (b) of this subsection (8) are maximum lawful speed limits and are not subject to the provisions of subsection (4) of this section.

(d) In every charge of a violation of paragraph (a) or (b) of this subsection (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of fifty-five miles per hour or sixty-five miles per hour, whichever is applicable.]

**(8)(a) (Deleted by amendment, L. 96, p. 578, § 2, effective May 25, 1996.)**

**(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway at a speed in excess of a maximum lawful speed limit of seventy-five miles per hour.**

**(c) The speed limit set forth in paragraph (b) of this subsection (8) is the maximum lawful speed limit and is not subject to the provisions of subsection (4) of this section.**

**(d) Local authorities within their respective jurisdictions shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway.**

**(e) The provisions of this subsection (8) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the state.**

**(f) In every charge of a violation of paragraph (b) of this subsection (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of seventy-five miles per hour.**

**(g) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty miles per hour. Local authorities shall not authorize low-power scooters to exceed forty miles per hour on a roadway.**

(9) The conduct of a driver of a 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 consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in section [105]108, exist.

(10) The minimum requirement for commission of a traffic **infraction or misdemeanor traffic** offense under this section is the performance by a driver of

prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(11) It shall not be a defense to prosecution for a violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly or with criminal negligence; or

(b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

[(4.1) 1002. Passing oncoming vehicles.

(1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

(2) A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:

(a) Allow oncoming vehicles at least one-half of the main-traveled portion of the roadway in accordance with subsection (1) of this section; and

(b) Allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(3) Any person who violates any provision of this section commits a class A traffic infraction."

(4.2) 1003. Overtaking a vehicle on the left.

(1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and sections 1004 to 1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot

separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all time.

(c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.

(d) Any person who violates any provision of this section commits a class A traffic infraction.

(4.3) 1004. When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or giving indication of making a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.

(1.5) The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

(4.4) 1005. Limitations on overtaking on the left.

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Code and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from

the opposite direction, before coming within two hundred feet of any approaching vehicle.

(2) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(3) Local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Where such signs or markings are in place to define a no-passing zone and such signs or markings are clearly visible to an ordinarily observant person, no driver shall drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(4) The provisions of this section shall not apply:

(a) Upon a one-way roadway;

(b) Under the conditions described in section 1001 (1)(b); or

(c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or

(d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

...

(4.7) 1008.5. Crowding or threatening bicyclist.

(1) The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.

(2) Any person who violates subsection (1) of this section commits careless driving as described in section 1402.

...]

**[(5)](4)** 1203. Parking of heavy and unlicensed vehicles.

(1) No person shall park any vehicle carrying or designed to carry a load of one ton or more or any trailer or semitrailer whatsoever on any street in a residential district for a period of time longer than thirty minutes between the hours of 8:00 p.m. and 7:00 a.m.

(2) It shall be unlawful for any person to park or cause to be parked an unlicensed vehicle on any public property, including any portion of a street or highway right-of-way.

(3) An unlicensed vehicle left on public property, including any portion of a street or highway right-of-way, for a period longer than seventy-two hours, shall be removed and sold in accordance with the procedures set forth in Sections 1801 and 1802 of this Code.

(4) 'Unlicensed vehicle' means a vehicle which does not have displayed thereon license plates of the registration period to which they pertain and includes a vehicle without license plates as well as a vehicle with expired license plates."

**[(6)](5)** 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 or an official traffic control device, in any of the following places:

(a) On a sidewalk, except that parking of noncommercial motor vehicles and motorcycles shall be permitted on that portion of a street paved or surfaced for parking between the curb lines or the lateral lines of a roadway, and the adjacent property lines, not intended for the use of pedestrians unless official signs prohibit parking or parking thereon would interfere with the free movement of vehicular or pedestrian traffic or constitute a hazard;

(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; provided, however, that this subparagraph (f) shall not prohibit the lawful parking or standing of any truck which has been issued a special freight loading permit authorizing such parking or standing pursuant to section [1214]~~1215~~ [and 113(2)(y)] of the Model Traffic Code, **as amended by this section**;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) On any controlled-access highway;

(j) In the area between roadways of a divided highway, including crossovers;

(k) At any other place where official signs prohibit stopping;

(l) In any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time for which the restrictions are effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such standing or stopping does not interfere with the type of vehicle or use for which the zone is reserved;

(m) Within an alley in such position as to block the driveway entrance to any abutting property.

(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 five feet of a public or private driveway;

(b) Within fifteen feet of a fire hydrant;

(c) Within twenty feet of a crosswalk at an intersection;

(d) Within thirty 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 twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five 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) Within fifty feet of the nearest rail of a railroad crossing;

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

(c) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.

(4)(a) Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles or electrical assisted bicycles on sidewalks in accordance with the provisions of section 1412 (11)(a) and (11)(b).

(b) Paragraph (f) of subsection (1) of this section shall not prohibit persons from parking two or more bicycles or electrical assisted bicycles abreast in accordance with the provisions of section 1412 (11)(d).

(c) Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles or electrical assisted bicycles parked on sidewalks in accordance with section 1412 (11)(a) and (11)(b).

(5) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(6) This local authority, with respect to highways under its jurisdiction, may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where it is determined, upon the basis of a traffic investigation or study, that such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

(8) A political subdivision may not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle within a space served by a single parking meter."

**[(7)](6)** 1205. Parking at curb or edge of roadway.

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its

left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) On those streets which have been signed or marked by the traffic engineer, or other person so authorized, for angle parking, no person shall stop or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. Such parking shall be with the front end of the vehicle nearest to and facing the curb or, in the event there is no curb, the enclosed end of the parking space, unless otherwise expressly permitted by posted signs.

(4) On those streets which have been marked by the traffic engineer, or other person so authorized, designating separate and distinct parking spaces indicated by appropriate markings upon the curb and/or the pavement of the street, no person shall park a vehicle in any such designated parking space so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating said space.

(5) No person shall park a vehicle upon a roadway with the right-hand wheels parallel to the right-hand curb or right edge of the right-hand shoulder in such a manner as to leave available less than two feet of clearance between any other vehicle in front of or behind such vehicle when parked.

**[(7.5)]7** 1207. Opening and closing vehicle doors.

(1) No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than **reasonably** necessary to load or unload passengers.

(2) No person shall open the door of a motor vehicle that is located on private property used by the general public for parking purposes unless and until such action can be done safely and without interfering with movement or passage of another vehicle.

**[(8)]** 1208. Parking privilege for persons with disabilities.

(1) As used in this section, 'person with a disability' has the meaning provided for such term in section 42-3-121 (1), C.R.S., and 'distinguishing license plate or placard' means a license plate or placard issued pursuant to section 42-3-121 (2), C.R.S.

(2) Reserved.

(3)(a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A distinguishing license plate or placard obtained pursuant to section 42-3-121, C.R.S., or as otherwise authorized by subsection (4) of this section 1208 shall be displayed at all times on the vehicle while parked in such space.

(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces

reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 C.F.R. Part 1235.

(5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by persons with disabilities unless: (a) such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities, and (b) a distinguishing license plate or placard is displayed upon such vehicle.

(6) Any person who is not a person with a disability who violates the provisions of subsection (5) of this section commits a traffic offense.

(7) Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to section 42-3-121, C.R.S. in order to receive the benefits or privileges available to a person with a disability under this section commits a traffic offense.

(8) Any law enforcement officer or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(9) Any vehicle properly parked in a space so designated as reserved for vehicles of persons with disabilities shall be subject to and shall at all times comply with all other parking regulations, including maximum time limitations, properly posted and applicable to said parking space.

(10) It is unlawful and a municipal offense for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified in 28 C.F.R. Part 36 (Appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.]

~~[(9)](8)~~ **[1212.]1214.** Standing, parking or storing of major recreational equipment prohibited.

(1) It shall be unlawful for any person to stand or park any major recreational equipment on any street or street right-of-way in a residential district anywhere within the City other than for the loading or unloading thereof.

**(2) Notwithstanding any other ordinance it shall be unlawful to park any major recreational equipment on any street or street right-of-way for more than 24 hours in any seven-day period. This amount of time shall be cumulative and need not be consecutive and shall apply to all streets, highways or roadways within the city whether or not the vehicle is moved from one location to another during that seven-day period.**

~~[(2)]~~**(3)** It shall be unlawful for any person to stand, park or store any major recreational equipment anywhere within the City in such a manner as to obstruct or interfere with the view of any intersection or official traffic control device.

~~[(3)]~~**(4)** Major recreational equipment shall be defined as recreational equipment including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not."

~~[(10)]~~**(9)** ~~[1213.]~~**1215.** Standing in freight curb loading zone; permits.

(1) No person shall stop, stand or park a vehicle for any purpose or length of time in any place marked as a freight curb loading zone, during the hours designated other than a vehicle regularly licensed as a truck by the State of Colorado, except on procurement of a freight curb loading zone permit as provided below. Such zone shall be occupied only for the expeditious loading and unloading of materials and in no case shall the stop exceed fifteen minutes except upon written permission from the chief of police or his authorized representative.

(2) The chief of police is authorized to issue special permits to permit the backing of a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or material subject to the terms and conditions of such permit. The chief of police is also authorized to issue special freight loading permits in accordance with the provisions and limitations of section 113(b)(21) of this Code.

(3) The chief of police is hereby authorized to issue a freight curb loading permit or special freight loading permit specific to identified vehicles, employed by any person operating a business, the nature of which requires the use of such zones for loading and unloading, delivering and picking up of materials or merchandise. A twenty-five-dollar fee shall be charged for each such permit, which permit shall expire at the end of each calendar year but which may be reissued for the ensuing year.

(4) Application for such permit shall be in writing and contain such information as the chief of police may require.

(5) Permits issued pursuant to this section shall be carried in the vehicle at all times and displayed in the left portion of the windshield when such vehicle is occupying a freight curb loading zone or parking or standing pursuant to a special freight loading permit."

~~[(11)]~~**(10)** ~~[1214.]~~**1216.** Permits for loading zones.

Whenever special permits are issued, as authorized in section [1215]~~1217~~, to establish or control the use of loading zones or to allow the backing, parking or standing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of any such permit."

~~[(12)](11)~~ [1215.]~~1217~~ Parking permits for metered and limited time parking zones.

(1) It shall be unlawful for any person to park any vehicle in a metered zone without first having deposited the proper coin therein or without displaying a permit to park without the deposit of such coin.

(2) It shall be unlawful for any person to park any vehicle for a period in excess of the permitted parking time allowed in any limited time parking zone without displaying a permit to park without regard to the permitted parking time in said zone.

(3) The chief of police or his authorized representative is hereby authorized to issue a permit to park in a metered parking area without placing a coin in said meter, and to issue a permit to park in a limited time parking zone without regard to the permitted parking time in said zone, upon the payment of such fee and upon such terms and conditions as shall hereinafter be set forth.

(4) Such permit shall be in such form as shall be determined by the chief of police or his authorized representative, and he shall maintain a record of the persons to whom such permit is issued, the amount of the fee paid, the amount of deposit received and the date the permit shall be surrendered and the deposit refunded.

(5) The following persons or classes of persons shall be authorized by the chief of police or his authorized representative to obtain and use parking permits for the purposes herein stated:

(a) Any building contractor licensed as such by the City of Pueblo while in the performance of construction, demolition or remodeling.

(b) Emergency service vehicles while in the performance of emergency service.

(c) Curbside displays or public promotions for special occasions including religious, charitable, civic and festive occurrences or celebration of or promoting some event of religious, national, state or civic significance; provided, however, that no advertising of a commercial nature shall be permitted in any curbside display or public promotion.

(d) Members of the press employed by a radio or television news department, or newspaper of general circulation while in the performance of their duties.

(6) Before such permit shall be issued, the applicant therefor shall pay a deposit of the amount sufficient to replace the permit in the event the same shall be lost or stolen, but in no event shall such deposit be less than ten dollars.

Such deposit shall be refunded upon return of the permit to the chief of police within the time stated in the same condition as issued, reasonable wear and tear excepted. Such deposit shall not be required in the event a paper permit, stamped with the effective date or dates, shall be issued.

(7) No permit shall be issued for less than one calendar day. The fees for such permit shall be payable in advance as follows:

- (a) For one calendar day or fraction thereof: Three dollars per day.
- (b) For one calendar week or fraction thereof: Five dollars per week.
- (c) For one calendar month or fraction thereof: Ten dollars per month.
- (d) For one (1) calendar year or fraction thereof: Forty dollars per year.

Such fee shall be in lieu of all other parking fee revenues payable by the holder of such permit for one vehicle owned or operated by the holder of such permit and parked in a metered or zoned parking area for the purpose for which such permit is issued; provided, however, that this Code shall at all times be construed as a regulatory measure and not as a rental or revenue-producing measure for use of the public street. It shall be unlawful for any person to use such permit upon any date not expressly authorized at the time of issuance thereof, or in any parking area specifically prohibited in writing at the time of issuance thereof or prohibited by appropriate signs properly posted, in such parking area or without having first paid the required fee therefor.

(8) Elected officials of the City and of the County of Pueblo, the mayor of the City of Pueblo and the county manager of Pueblo County shall be issued parking permits for use only while in the performance of their official duties. There shall be no fee for permits issued as provided by this subsection; however, all other requirements of this section shall apply.

(9) It shall be unlawful for any person to use such permit other than as provided herein or for an automobile, equipment or vehicle other than that used in his business. Upon conviction of any violation of this section, the permit issued hereunder shall be declared void and shall be surrendered to the chief of police or his authorized representative, and all unused fees and deposits paid for the use of such permit shall be forfeited without further notice or action. The applicant shall not thereafter be eligible for a new permit for a period of thirty days after the first conviction, ninety days after the second conviction, and twelve months after the third and all subsequent convictions.

~~[(13)](12)~~ **[1216.]1218.** Parking for certain purposes prohibited.

No person shall park a vehicle upon a roadway, street or highway for the principal purpose of:

- (1) Displaying such vehicle for sale;

(2) Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency; or

(3) Displaying advertising.

[(14)](13) Part 13, Parades and Funerals.

### **PART 13 PARADES AND FUNERALS**

1301. [Permits required for parades and races; conduct.

Subsection 1301-1.] Definitions.

For this [Subsection 1301]Part 13, the following definitions shall apply, unless the context clearly indicates otherwise:

(1) *Chief of police* shall mean the Chief of Police of the Pueblo Police Department or his designated representative.

(2) *Mayor* shall mean the Mayor of the City of Pueblo or his designated representative.

(3) *First Amendment activity* shall mean all expressive and associative activity that is protected by the United States and Colorado Constitutions, including speech, press, assembly, and the right to petition, but not including commercial advertising.

(4) *First Amendment parade* shall mean a parade, the sole or principal object of which is First Amendment activity.

(5) *Non-First Amendment parade* shall mean a parade the sole or principal object of which is not First Amendment activity.

(6) *Organize* shall mean to arrange systematically as an individual or with a committee or group for harmonious or united action.

(7) *Permit holder* shall mean a person issued a parade permit pursuant to the article.

(8) *Parade* shall mean a group of persons moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare from a point of origin to a point of termination or a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the City from a point of origin to a point of termination in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic.

(9) *Parade permit* shall mean the parade permit required by this subsection.

(10) *Parade unit* shall mean any vehicle, animal or object used to transport a person who is participating in a parade.

**(11)** *Traffic control personnel* shall mean certified peace officers or other persons assigned by the Chief of Police engaged to provide control of the flow of both non-participant and participant pedestrians and vehicles so as to minimize the traffic congestion and to maintain traffic flow at permitted events.

Subsection 130[1-]2. Permit required.

No person shall organize any parade without having first obtained a parade permit.

Subsection 130[1-]3. Exceptions to application.

This subsection shall not apply to:

(1) The movement of persons in an orderly, formal manner from a point of origin to a point of termination on a sidewalk, so long as the movement does not impede the normal flow of pedestrian or vehicular traffic; or

(2) A public assemblage that does not involve the movement of persons in an orderly, formal manner from a point of origin to a point of termination.

Subsection 130[1-]4. Application for permit.

**[(a)](1)** A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

**[(b)](2)** First Amendment parade permits.

**[(1)](a)** An application for a First Amendment parade permit shall be filed with the Chief of Police not less than thirty (30) calendar days nor more than one hundred fifty (150) calendar days before the proposed parade date;

**[(2)](b)** Where the planning and organization of a First Amendment parade, however, begins within thirty (30) calendar days of the proposed parade date, an application for a First Amendment parade permit shall be filed with the Chief of Police within three (3) calendar days of the date on which planning and organization of the parade begins, but not less than one (1) calendar day before the proposed parade date.

**[(3)](c)** The Chief of Police, may consider a First Amendment application filed less than thirty (30) calendar days, but not less than one (1) calendar day before the proposed parade date so long as there is adequate time for the Pueblo Police Department to process the application and plan for the parade.

**[(c)](3)** Non-First Amendment parade.

**[(1)](a)** An application for a non-First Amendment parade permit shall be filed with the Chief of Police not less than forty-five (45) calendar days nor more than one hundred fifty (150) calendar days before the proposed parade date.

**[(2)](b)** The Chief of Police may consider a non-First Amendment parade application filed less than forty-five (45) calendar days before the proposed parade date, but not less than thirty (30) calendar days, before the proposed parade date so long as there is adequate time for the Pueblo Police Department to process the application and plan for the parade.

**[(d)](4)** The permit holder for a parade actually held during a prior year may receive advance approval of the route, date, and time not more than thirteen (13) months in advance of the scheduled date of the parade. The Chief of Police may give advance approval after receiving a written request from a permit holder. The permit holder shall receive the right of first refusal as to the route, date, and time of the parade that may be exercised until ninety (90) calendar days prior to the approved date of the parade.

**[(e)](5)** The application shall include the following:

**[(1)](a)** The name, address, and telephone number of the person seeking to conduct the parade;

**[(2)](b)** Where the parade is to be held for or by an entity, rather than an individual, the name, address, telephone number of the entity and the name, address, and telephone number of the head of the entity;

**[(3)](c)** Where the parade is to be held by or for any person other than the applicant, documentation evidencing authority to make the application;

**[(4)](d)** The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

**[(5)](e)** The date the parade will be conducted;

**[(6)](f)** The location of the assembly area, the starting point of the parade, the route of the parade, the ending point of the parade, and the location of the disbanding area;

**[(7)](g)** The approximate number of persons who will participate in the parade;

**[(8)](h)** The approximate number of parade units that will be included in the parade and a description of those parade units;

**[(9)](i)** The approximate number of animals and the type of animals that will be included in the parade;

**[(10)](j)** The time when the parade will begin and end;

**[(11)](k)** A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used;

**[(12)](l)** The time at which units of the parade will arrive at the assembly area;

~~[(13)](m)~~ The purpose of the parade;

~~[(14)](n)~~ Any other information which the Chief of Police finds necessary to an evaluation of the request under the standards for issuance set forth in Subsection 130[1-]5.

~~[(f)](6)~~ The application shall be accompanied by a fee of seventy-five dollars (\$75.00). In the event the organizers of an event cannot provide payment with the application, an organizer may submit an affidavit attesting that he or she will provide payment within fifteen (15) business days of the date of the submission of the application. Failure to provide payment will trigger the surety bond requirement in Subsection 130[1-]7 for future parade events by the organizers and the organizer signing the affidavit shall become personally responsible for payment. The application fee shall be waived by the Chief of Police upon receipt of a verified statement from the permit holder that the parade's purpose is First Amendment expression and that the payment of the application fee is so financially burdensome that it would constitute an unreasonable restraint on the right of First Amendment expression.

Subsection 130[1-]5. Standards for issuance.

The Chief of Police shall uniformly treat each application in a just, fair, and nondiscriminatory manner bearing in mind that the time, place, duration, and manner of use of the public street, parks, and other public ways and places for parades shall be subordinated to the public safety, comfort and convenience, the maintenance of order, and avoidance of congestion. The Chief of Police shall issue a permit when, from a consideration of the application, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic near its route.

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas near there as to prevent normal police protection of the City;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas near there;

(4) The concentration of persons, animals and parade units at assembly and disbanding points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas near such assembly or disbanding areas;

(5) The conduct of such parade will not interfere with the movement of fire fighting equipment en route to a fire;

(6) The parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route;

(7) The applicant has fulfilled the requirements of this subsection; and

(8) The event does not conflict with a previously scheduled event that is scheduled to:

**(a).]** Occur at the same time and place; or

**(b).]** Occur at the same time, though at a different location or along a route that crosses over or conflicts with previously scheduled events.

Subsection 130[1-]6. Notice of rejection; appeal.

The Chief of Police shall act upon the application for a First Amendment parade permit within five (5) calendar days after it has been filed. If an application for a First Amendment parade permit has been filed under Subsections [1301-4(b)(2) or (3)]**1304(2)(b) or (c)**, or under [1301-4(c)(2)]**1304(3)(b)** for an event which will take place within five (5) days of the submission of the application, the Chief of Police shall act upon the application as soon as is practicably possible. The Chief of Police shall act upon the application for a non-First Amendment parade permit within thirty (30) calendar days after it has been filed. If the Chief of Police does not approve any application for a parade permit, he shall immediately mail, by certified mail/return receipt requested, to the applicant, a notice of his action, stating the reason for his denial of a permit. The applicant shall have the right to appeal a denial of a parade permit to the Mayor by filing notice of appeal with the City Clerk, within seven (7) calendar days after receipt of the notice provided above. The appeal shall be heard within ten (10) calendar days of the filing of the appeal by the Mayor or the [Mayor's] designee. For denials of First Amendment parade permits, the Mayor or his designee shall hear the appeal as soon as practicable. The decision of the Mayor or his or her designee is final.

Subsection 130[1-]7. Duties of and costs to be paid by permit holder.

**[(a)](1)** Each permit holder shall comply with all requirements of this subsection, the permit directions and conditions, and with all applicable laws and ordinances.

**[(b)](2)** Each permit holder is responsible for the costs of:

**[(1)](a)** Providing traffic control devices for the parade route;

**[(2)](b)** Providing traffic control personnel, whether on duty or on overtime, for the parade route; and

**[(3)](c)** Cleaning up the parade route.

**[(c)](3)** In reviewing the application for parade permit, the Chief of Police or his or her designee shall determine the number of traffic control personnel and traffic control devices reasonably necessary to control traffic in the area of the requested parade. The chief or designee will consider the following factors and identify the effect of each factor in assessing the estimated traffic control costs:

**[(1)](a)** The route and the identification of roadways that cross through or feed into the street of the proposed route;

**[(2)](b)** The number of anticipated participants and vehicles in the event;

**[(3)](c)** Identification of other roadways, or public transportation and emergency vehicle routes that may be affected by the event;

**[(4)](d)** Length of the route and the identification of the number of intersections along the route that will require barricades or traffic control personnel;

**[(5)](e)** Whether intersections must be individually barricaded or whether traffic control personnel can be assigned to move along with the event;

**[(6)](f)** The date and time of the event;

**[(7)](g)** Volume of vehicular and pedestrian traffic typical on and along the route for the time of day, day of the week and time of year for the proposed route.

**(4)** The cost for each City Police Department officer shall be set in accordance with the collective bargaining agreement. The cost for traffic control devices will be set in accordance with the prices set in the City's annual contract for traffic control devices. The permittee may choose to contract directly with a traffic control provider.

**(5)** For First Amendment events, the City shall absorb the cost of the traffic control devices and traffic control personnel costs upon receipt of a verified statement of the permit holder that the parade's purpose is First Amendment expression and that the payment of the cost of the traffic control devices and traffic control personnel costs is so financially burdensome that it would constitute an unreasonable restraint on the right of First Amendment expression.

**(6)** Traffic control personnel shall be in a number sufficient to adequately safeguard the flow of both participant and non-participant traffic in order to minimize congestion, as determined by the Chief of Police. Any additional costs for Police Department personnel deemed necessary to provide security due to the nature of the event will not be assessed to the permit holder.

**(7)** The permit holder shall obtain approval of the traffic control plan described by the Chief of Police, including a barricade plan and an estimate of the traffic control costs. The permit holder shall receive from the City an invoice for the required costs within fifteen (15) calendar days after the parade. The payment for these costs shall be due to the City within thirty (30) calendar days after the date of the parade. If the applicant disputes the costs assessed by the Police Department, the applicant may file an appeal with the office of the Mayor within seven (7) business days of receipt of the invoice. The appeal must identify the specific costs in dispute. The Mayor or his or her designee will review the assessed costs based on the criteria required to be used by the Chief of Police and render a final decision regarding the costs to be paid by the permittee within fifteen (15) business days of receiving the appeal. No costs shall be owed during the appeal until the office of the Mayor has rendered its decision.

**[(d)](8)** Because of their broad appeal, historic tradition, cultural significance, and other public benefits provided by the State Fair Parade, Fiesta Day Parade and Kid's Day Parade, the City shall cover the costs of traffic control personnel and traffic control devices. Because of its broad appeal, historic tradition, cultural significance, association with a national holiday or a day given statewide recognition, and other public benefits provided by the Veterans Day Parade, the City shall cover the costs of traffic control personnel and traffic control devices.

**[(e)](9)** If an applicant owes fees not timely paid in connection with a parade previously approved and conducted or is the estimated costs to the City under this section are greater than ten thousand dollars (\$10,000), the applicant shall, prior to approval of the application for a parade permit, file a surety bond in the amount of the estimated costs.

**[(f)](10)** Prior to approval of the application for a parade permit, the applicant shall submit to the Chief of Police a certificate of insurance and endorsement evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of one million dollars (\$1,000,000.00) per occurrence, with the City being named as the additional insured by endorsement. The applicant shall provide at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy. The City recommends and encourages, but does not require the organizers of First Amendment parades to also obtain insurance for their events.

**[(g)](11)** At least twenty-four (24) hours before the scheduled start of the event, the permit holder for a "non-First Amendment parade" shall make a reasonable effort to notify the businesses and residences located around the assembly area, along the parade route, and around the disbanding area of the scheduled parade. A copy of any flyer or handout used in making the notification shall be provided to the Chief of Police at least twenty-four (24) hours prior to the beginning of the parade. It is recommended, but not required, that the permit holder for a "First Amendment Parade" provide the same notices.

Subsection 130[1-]8. Revocation of permit.

The Chief of Police shall have the authority to revoke a parade permit issued pursuant to this subsection when the conditions supporting the findings made by the Chief of Police pursuant to Subsection 130[1-]5 change in such a way, prior to the date on which the parade is to be held, that a parade permit would not otherwise be issued. The Chief of Police shall have the authority to revoke a parade permit if the permit holder does not comply with Subsection 130[1-]7.

Subsection 130[1-]9. Public conduct during parades.

**[(a)](1)** *Interference.* It shall be unlawful for any person to hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

**[(b)](2)** *Driving through parades.* It shall be unlawful for any driver of a vehicle to drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade unless directed to do so by a police officer.

**[(c)](3) *Parking on parade route.*** The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route, forming area, disbanding area, or buffer zone of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

**[(d)](4) *Prohibited substances.*** It shall be unlawful for any person to sell, possess, or use a pressurized container of any substance commonly known as "liquid string," "silly string," or "super string," or any quantity of the small explosive devices commonly known as "snapper," "throw downs," "pop pops," or "popping match sticks," which are paper-wrapped wads of sand coated with a minute quantity of explosive powder and adhesive, producing a small report upon impact with hard surfaces, in any public place or private property.

**[(e)](5) *Control of parade; restrictions.*** Upon initiation of a parade the Chief of Police shall take over control of the movement of the parade. All participants shall be required to maintain a forward progress. No participant shall throw or give away candy, gifts, tokens, advertisements, or any other objects from any participant or parade unit while the unit is on the parade route. This provision is not intended to prohibit the distribution of expressive material protected under the First Amendment, including leaflets, provided the distribution is not from a parade unit that is on the parade route. Failure to observe these requirements shall constitute a violation of this subsection and the Chief of Police is empowered to remove parade unit from the parade immediately.

Subsection 13[01-]10. Criminal penalties.

**[(a)](1)** It shall be unlawful to fail to obtain a permit required under this subsection for any parade. Any such violation committed intentionally, knowingly or recklessly is a Class 2 municipal offense.

**[(b)](2)** The intentional, knowing or reckless commission of any act made unlawful by Subsection 130[1-]9 is a Class 2 municipal offense."

**[1302]1311.** Funeral processions.

(1) Identification. All vehicles in a funeral procession shall keep their headlights burning from the church, funeral parlor, mortuary, private residence or other place where the services are held, to the place of interment.

(2) Drivers in procession. Each driver in a funeral procession shall follow the vehicle ahead as close as is practicable for prudent and safe driving and vehicle operation.

(3) Escorts. Each funeral procession may be accompanied by a police escort, and such police escort shall be considered an emergency vehicle within the meaning of section 102(3) of article II of this Code. Each escort shall constitute a part of such procession.

(4) Every procession shall proceed at speeds within the applicable speed limits then presently in force, consistent with traffic conditions, and the

escort officer may, if in his best judgment, reduce this speed or bring the procession to a complete stop.

(5) Processions in all instances shall yield the right-of-way to other authorized emergency vehicles pursuant to the provisions of section 705 of this Code.

(6) Right-of-way. Each vehicle comprising any funeral procession when identified by lighted headlights and if immediately behind another properly identified procession vehicle or if immediately behind the police escort and only in those circumstances, may proceed regardless of official traffic control devices, and shall have the right-of-way over any other vehicle, and the operator of any such other vehicle shall yield the right-of-way regardless of directions indicated on official control devices. This provision shall not apply at intersections where traffic and the movement of such procession is controlled by a police officer.

(7) Such procession shall not proceed against traffic on one-way streets or on one-way highways except at the direction of a police officer and such procession shall drive as close to the right-hand edge of the roadway as is practicable, except that where there is more than one lane of traffic in the direction traveled by the procession, such procession may then occupy any one lane of such traffic and other traffic may then pass such procession consistent with section 1004 of this Code.

(8) No driver of a nonfuneral procession vehicle shall drive between the vehicles comprising a funeral procession while said vehicles are in motion and when said procession vehicles are conspicuously identified as required in this Code.

(9) Each funeral parlor or mortuary shall have copies of the above funeral procession road rules of this Code available to all drivers of vehicles comprising their funeral processions.

...

[(14.5) 1401. Reckless driving - penalty.

(1) Any person who drives any motor vehicle, bicycle, or motorized bicycle in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or motorized bicycle shall not be subject to the provisions of section 42-2-127, C.R.S.

(2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment."

(14.6) 1402. Careless driving - penalty.

(1) Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or motorized bicycle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and

highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of section 42-2-127, C.R.S.

(2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense, but, if the person's actions are the proximate cause of bodily injury or death to another, such person commits a class 1 misdemeanor traffic offense."

(14.7) 1407.5. Splash guards - when required.

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

(a) "Splash guards" means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.

(b) "Splash guards" must, at a minimum, be wide enough to cover the full tread of the tire or tires being protected, hang perpendicular from the vehicle not more than ten inches above the surface of the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.

(2) Except as otherwise permitted in this section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle or motor vehicle is equipped with splash guards. However, vehicles and motor vehicles with splash guards that violate this section shall be allowed to remain in service for the time necessary to continue to a place where the deficient splash guards will be replaced. Such replacement shall occur at the first reasonable opportunity.

(3) This section does not apply to:

(a) Passenger-carrying motor vehicles registered pursuant to section 42-3-305 (2) CRS;

(b) Trucks and truck tractors registered pursuant to section 42-3-305 (4) or (5) CRS having an empty weight of ten thousand pounds or less;

(c) Trailers equipped with fenders or utility pole trailers;

(d) Vehicles while involved in chip and seal or paving operations or road widening equipment;

(e) Truck tractors or converter dollies when used in combination with other vehicles;

(f) Vehicles drawn by animals; or

(g) Bicycles or electrical assisted bicycles.

(4) Any person who violates any provision of this section commits a class B traffic infraction.】

...

**[(15)](14)** 1407. Spilling loads on streets or highways.

(1) No vehicle shall be driven or moved on any street or highway in the City unless such vehicle is so constructed or loaded or the load thereon securely covered to prevent any of the vehicle's load from dropping, spilling, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2) No person shall operate on any street or highway in the City any vehicle with any load unless such load and covering is thereon securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway and to prevent said load from spilling, dropping, leaking or otherwise escaping therefrom.

(3) It shall be unlawful to spill, leak, drop, deposit, throw or dump any litter from any vehicle being driven or moved on any street or highway in the City. The term 'litter' as used herein means all rubbish, waste material, refuse, garbage, trash or other foreign substances, solids or liquid, of every form, size, kind and description.

(4) Whenever any load or litter is spilled, leaked, dropped, deposited, thrown or dumped from any vehicle in violation of subsection (1), (2) or (3) above, the operator of said vehicle is presumed to have caused or permitted the load or litter to be so spilled, leaked, dropped, deposited, thrown or dumped therefrom.

(5) Every person convicted of a violation of subsections (1), (2) or (3) of this section 1407 shall be punished by a minimum fine of not less than twenty-five dollars.

**[(15.5)]15** Section 1409, Compulsory Insurance.

**[(a)](1)** No owner of a motor vehicle **or low-powered scooter** required to be registered in the State of Colorado shall operate the vehicle or permit it to be operated on the highways within the City when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

**[(b)](2)** No person shall operate a motor vehicle **or low-powered scooter** on the highways within the City without a complying policy or certificate of self-insurance in full force and effect as required by law.

**[(c)](3)(a)** When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle **or low-powered scooter** shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

**(b) 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 a policy or certificate upon a cell phone or other electronic device.**

**[(d)](4)** Penalties:

**[(1)](a)** Any person who violates the provisions of Subsection (a), (b) or (c) of this Section commits a Class 2 municipal offense. The Municipal Court shall impose a fine of not less than [one hundred dollars (\$100.00)] **three-hundred dollars (\$300.00)** and the Municipal Court shall not suspend such minimum fine. Nothing herein shall be construed to prevent the court from imposing a jail sentence or fine greater than the minimum mandatory fine. **The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, C.R.S., has been obtained.**

**[(2)](b)** Upon a second or subsequent conviction under this Section within a period of [two (2)]**five (5)** years following a prior conviction under this section or under Section 42-4-1409, C.R.S., the defendant shall be punished by a minimum mandatory fine of not less than [two hundred dollars (\$200.00)]**six-hundred dollars (\$600)**, and the Municipal Court shall not suspend such minimum fine. Nothing herein shall be construed to prevent the court from imposing a jail sentence or a fine greater than the minimum mandatory fine. **The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, C.R.S., has been obtained.**

**[(e)](5)** Testimony of the failure of any owner or operator of a motor vehicle **or low-powered scooter** to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection [(a) or (b)] **(1) or (2)** of this section, that such owner or operator of a motor vehicle violated subsection [(a) or (b)]**(1) or (2)** of this section.

**[(f)](6)** No person charged with violating subsection [(a), (b) or (c)]**(1), (2), or (3)** of this section shall be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation.

**[(g)](7)** The owner of a motor vehicle, upon receipt of an affirmation of insurance as described in Section 42-3-112(2) and (3), C.R.S., shall sign and date such affirmation in the space provided."

**(8) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:**

**(a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and**

**(b) 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.**

[(16) 1412. Operation of bicycles and other human-powered vehicles; license.

(1) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within this municipality, shall be subject to local ordinances regulating the operation of bicycles and electrical assisted bicycles as provided in section 42-4-111, C.R.S.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision of Colorado or any political subdivision under the "Colorado Governmental Immunity Act," article 10 of title 24, C.R.S.

(3) No bicycle or electrical assisted bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle or electrical assisted bicycle shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5)(a) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist

may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(b) A bicyclist shall not be expected or required to:

(I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle or an electrical assisted bicycle upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)(a) Persons operating bicycles or electrical assisted bicycles on roadways shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Riding no more than two abreast is permitted in the following circumstances:

(I) When riding two abreast will not impede the normal and reasonable movement of traffic; or

(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding two abreast shall ride within a single lane.

(7) A person operating a bicycle or electrical assisted bicycle shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle or electrical assisted bicycle intending to turn left shall follow a course described in sections 901 (1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle or electrical assisted bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle or electrical assisted bicycle shall signal his intention to turn or stop in accordance with the provisions of section 903; except that a person riding a bicycle or electrical assisted bicycle may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle or electrical assisted bicycle before turning and shall be given while the bicycle or electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle or electrical assisted bicycle.

(10)(a) A person riding a bicycle or electrical assisted bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles or electrical assisted bicycles is prohibited by official traffic control devices or local ordinances. A person riding a bicycle or electrical assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances; including but not limited to the rights and duties granted and required by section 802 of this Code.

(11)(a) A person may park a bicycle or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle or electrical assisted bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle or electrical assisted bicycle may be parked on the road abreast of another bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles or electrical assisted bicycles parked anywhere on a highway shall conform to the provisions of part 12 of this Code regulating the parking of vehicles.

(12) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

(13) Upon request, the police department shall complete a report concerning an injury or death incident that involves a bicycle or electrical assisted bicycle on the roadways of the City, even if such accident does not involve a motor vehicle.

(14) Except as authorized by section 111, the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path.

(15) Every bicycle upon a highway within this local government, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as required by this Code.]

[(17) 1415][(16) 1417. Skateboard use, on sidewalks.

(1) No person shall ride or use a skateboard, or similar device, on a sidewalk, or in a sidewalk area, within a business district anywhere in this municipality.

(2) When signs are erected giving notice thereof, no person shall ride or use a skateboard or similar device upon a sidewalk.

(3) Whenever any person is riding or using a skateboard or similar device upon a sidewalk, such person shall yield the right-of-way to any pedestrian.

[(18) 1416][(17) 1418. Obstruction of the public way.

(1) A person commits the offense of obstruction of a public way if without legal privilege he intentionally, knowingly or recklessly obstructs a street, highway, sidewalk or sidewalk area.

(2) For the purpose of this subsection, 'obstruct' means to render impassable or to render passage or use unreasonably inconvenient or hazardous. Any object of sufficient size to pose any degree of danger whatsoever to the travelling public which occupies a street, highway, sidewalk or sidewalk area between the hours of sunset and sunrise is deemed to be hazardous if the object or any barricade surrounding the object does not have adequate illumination or adequate retroreflective material so as to make the object or barricade visible from all directions at night.

[(18.05) 1417](18) **1419**. Driving under restraint for an outstanding judgment.

It shall be unlawful for any person to drive a motor vehicle or off-highway vehicle upon any highway or street, with knowledge that the person's driver's license or privilege to drive, either as a resident or nonresident of the State of Colorado, is under restraint for an outstanding judgment. Each such instance shall be punishable by a fine of not more than one hundred dollars (\$100.00). A penalty of three (3) points shall be assessed against the person's license for each such infraction. Said penalty shall not be waived or reduced for any reason.

[(18.1) 1707](19) **1707**. Summons and complaint or penalty assessment notice for traffic offenses - release - registration.

(1) Whenever a person commits a violation of this Code other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 1701 and C.M.C.R., and such person is not required by the provisions of section 1705 to be arrested and taken without unnecessary delay before a municipal judge, the peace officer may issue and serve upon the defendant a summons and complaint which 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 code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in a specified court at a specified time and place; shall be signed by the peace officer, either handwritten or by way of printed, stamped or typed last name and badge number of the peace officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint.

[(18.5) 1715]. Convictions, judgments, and charges recorded - public intersection.

(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2)(a) Subject to paragraph (b) of this Subsection (2), within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating this code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made, the conviction was had or bail was forfeited shall prepare and forward to the motor vehicle division of the department of revenue an abstract of the record of the court covering every case in which the person had a judgment entered

against him or her, was so convicted, or forfeited bail, which abstract must be certified by the preparer to be true and correct. For purposes herein 'conviction' does not include a deferred sentence.

(b) For the holder of a commercial driver's license as defined in Section 42-2-402, C.R.S., or an offense committed by a person operating a commercial motor vehicle as defined in Section 42-2-402, C.R.S., within five days after conviction, as such term is defined in Section 42-1-102(19), C.R.S., of a person upon a charge of violating this code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the person was convicted shall prepare and forward to the department an abstract of the record of the court covering every case in which the person was convicted, which abstract shall be certified by the preparer to be true and correct.]

[(19) 1718.](20) 1720. Notice on illegally parked vehicle.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice, on the form authorized in section [1719]1721 of this Code, directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

[(20) 1719.](21) 1721. Forms and notices to appear involving unattended vehicles.

The municipality shall provide multiple copies of serially numbered forms, approved by the municipal court, for notifying the owners of motor vehicles which are unattended and found to be parked or stopped in violation of any of the restrictions imposed by this Code or any ordinance of the City, to respond or appear in answer to the charge of violating said Code or ordinance."

[(21) 1720.](22) 1722. Failure to comply with notice on parked vehicle.

(1) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinance of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle, as provided in section [1718]1720, by appearance and payment at the [traffic violations bureau or ]court having jurisdiction, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of said court [or traffic violations bureau ]shall send another notice by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that in the event such notice is disregarded for a period of [five]ten (10) days from date of mailing [a warrant of arrest will be issued ]**default will be entered for the full amount of the penalty assessment plus late fees, all unpaid fees may be sent to** collections and the [vehicle to which the original notice was affixed ]**registered owner's vehicle** may be immobilized.

(2) No person shall tear, cut, damage, mutilate, destroy or otherwise tamper with a penalty assessment notice issued pursuant to section 1718 if the intent thereby is to avoid the payment of the fine assessed on the face of said

notice. Nor shall any person send a penalty assessment notice through the United States mail in such a torn, damaged, deteriorated or mutilated condition if the intent thereby is to avoid payment of or otherwise defraud the City of the fine assessed on the face of said notice.

[(22) 1721.](23) 1723. Presumption in reference to illegal parking.

In any prosecution charging a violation of any provision of this Code governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred."

[(23) 1722.](24) 1724. Authority of police and fire department officials.

Persons specially trained by the chief of police or his authorized representative may be designated and empowered by the chief of police to issue and affix to an illegally parked vehicle a penalty assessment notice under section 1718 of the Model Traffic Code."

[(23.5) 1723. Violations — commercial driver's licenses — compliance with federal regulation.

With respect to a holder of a commercial driver's license as defined in section 42-2-402, C.R.S., or the operator of a commercial motor vehicle as defined in section 42-2-402, C.R.S., a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction, as such term is defined in section 42-1-102(19), C.R.S., for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.]

[(24)](25) 1801. Abandoned and impounded vehicles.

(1) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the City in such a manner as to interfere with the free movement of vehicular traffic or street or highway maintenance, or the vehicle is an abandoned vehicle as defined within section [15-1-8(a) (25)]**1802** of the [Pueblo Municipal Code]**Model Traffic Code**, such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.

(2) In the event of abandonment of a vehicle on the property within the City other than a public right-of-way, the owner of such property shall notify the police department, and the police department shall after a period of seventy-two hours cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the municipality.

(3) Immobilization. When a driver, owner or person in charge of a motor vehicle has received a notice or citation to answer to a charge against him for violation of this Model Traffic Code, and such driver, owner or person in charge of such vehicle has failed to appear and answer such charge, members

of the police department or employees of the City acting in their official capacity may, and they are hereby authorized to, temporarily immobilize such vehicle by installing on or attaching to such vehicle a device designed to restrict the normal movement of such vehicle, and if such vehicle is so immobilized, the member of the police department or employee of the City so installing or attaching such device shall conspicuously affix to such vehicle a notice in writing, on a form to be provided by the chief of police, advising the driver, owner or other person in charge of such vehicle that said vehicle has been immobilized by the City for violation of the Model Traffic Code, that release of such immobilization may be obtained from the clerk of municipal court, that unless arrangements are made for the release of the vehicle within three (3) business days the vehicle will be removed by the police department, and that removing the device before a release is obtained is unlawful, and containing such other information as the chief of police shall deem proper. It shall be unlawful for any person to remove such device or to move such vehicle before the same is released by the clerk of the municipal court; and where such vehicle has been properly immobilized in said manner, a fee of twenty-five dollars (\$25.00) shall be charged by the clerk of the municipal court before releasing such vehicle; and the parking restriction, if any, otherwise applicable shall not apply while such vehicle is so immobilized. Any person may secure the release of an immobilized vehicle by either: (a) paying the amount of unpaid fines and court costs owing for which the vehicle was immobilized together with the immobilization fee above indicated, or (b) posting an appearance bond in the amount of one-half of the unpaid fines and court costs owing or two hundred fifty dollars (\$250.00), whichever is greater and agreeing in writing to appear in court on a date certain to answer or respond to all pending notices, citations and traffic charges against such person or involving the vehicle.

[(25) 1802. Sale of abandoned and impounded vehicles.

(1) Definitions. As used in this section:

(a) 'Abandoned motor vehicle' means:

(I) Any motor vehicle which is left unattended on private property for a period of seventy-two hours or longer without the consent of the owner or lessee of such property or the owner's or lessee's legally authorized agent and which is towed pursuant to the provisions of Section 15-1-8(a)(24);

(II) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of the City for a period of seventy-two hours or longer;

(III) Any motor vehicle stored in an impound lot at the request of the police department and not removed from the impound lot within seventy-two hours of the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

(IV) Any motor vehicle which is towed pursuant to the provisions of Section 15-1-8(a)(24).

(b) 'Appraisal' means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by a police officer designated by the chief of police who shall have ability to make such estimates and whose name shall have been reported by the chief of police to the executive director of the Colorado department of revenue.

(c) 'Impound lot' means a parcel of real property which is owned or leased by an operator at which motor vehicles are stored under appropriate protection.

(d) 'Operator' means a person licensed by the Colorado public utilities commission as a towing carrier.

(e) 'Private property' means any real property which is not public property.

(f) 'Private tow' means any tow of an abandoned motor vehicle other than a public tow.

(g) 'Public tow' means any tow of an abandoned motor vehicle requested by a police officer employed by the City. The term does not include tows requested by an owner or driver of a motor vehicle even though the tow was arranged with the assistance of a City police officer. Private tows arranged with the assistance of a City police officer include but are not limited to tows requested by an owner or driver of a motor vehicle which has been involved in an automobile accident.

(2) Any police officer employed by the City who finds a motor vehicle which he has reasonable grounds to believe has been abandoned may cause such motor vehicle to be removed and stored at any public or private impound lot. Any police officer employed by the City who finds a motor vehicle, attended or unattended, standing on any portion of a highway right-of-way in such manner as to constitute an obstruction to traffic, safety hazard or obstruction to highway maintenance, is authorized to cause the motor vehicle to be moved to eliminate any such obstruction or hazard, and neither the officer nor the City shall be liable for any damages to such motor vehicle occasioned by such removal.

(3)(a) Upon public tow of an abandoned motor vehicle, the chief of police or his designee shall ascertain, if possible, whether or not the motor vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle and notify its rightful owner and terminate abandonment proceedings under this section. The City shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(b) As soon as possible, but in no event later than ten (10) working days after having an abandoned motor vehicle towed, the chief of police or his designee shall report the same to the Colorado department of revenue by first class mail, or by internet communication, which report shall be on a form prescribed and supplied by the Colorado department of revenue.

(c) The report shall contain the following information:

(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, and the address, telephone number, name and signature of the chief of police or his designee.

(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with his business address and telephone number and the carrier number assigned by the public utilities commission; and

(III) A description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate, and the vehicle identification number.

(4) Upon receipt of a return report from the Colorado department of revenue as provided by section 42-4-1804(2), C.R.S., the chief of police or his designee shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen and, if so reported, the chief of police shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings. The City shall have the right to recover from the owner its costs to recover and secure the motor vehicle, and such costs shall constitute a lien upon the vehicle prior and superior to all other liens of any nature.

(5) Within ten (10) working days of receipt of the return report from the Colorado department of revenue as provided by section 42-4-1804(2), C.R.S., the chief of police or his designee shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and of any liens, claims or charges against the vehicle imposed pursuant to this section and section 42-4-1806, C.R.S., and shall send a copy of such notice to the operator. The notice shall state that the identified motor vehicle has been reported abandoned to the Colorado department of revenue, the present location of the vehicle and location from which it was towed, and that, unless claimed within thirty calendar days from the date the notice was mailed, the motor vehicle is subject to sale. Such notice shall also inform the owner and lienholders of record of their opportunity to request a hearing concerning the legality of the towing by making a request for such a hearing in writing filed with the municipal court and the chief of police within such thirty days. If a request for hearing has been timely made as provided herein, the municipal court shall conduct the hearing as provided for quasi-judicial hearings in Chapter 7 of Title I of the Pueblo Municipal Code. In the event the municipal court determines on the basis of the evidence that the motor vehicle was not legally towed, all towing charges and storage fees shall be forgiven.

(6) Public tow abandoned motor vehicles including motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the City. The sale shall be held not less than thirty nor more than ninety days after the mailing of notice provided in paragraph (5) of this section, except that if such motor vehicle is a registered collector's item as defined in section 42-12-101(2), C.R.S., the sale shall not be held for at least ninety (90) days after the mailing of the notice.

(a) If the appraised value of the vehicle is three hundred fifty dollars (\$350.00) or less, the sale shall be made by private sale upon at least two sealed bids and only for the purpose of junking, scrapping or dismantling such vehicle, and the purchaser thereof shall not be entitled to a Colorado certificate of title. A bill of sale and report shall be provided to the purchaser in accordance with the requirements of section 42-4-1805(2), C.R.S.

(b) If the appraised value of the vehicle is more than three hundred fifty dollars (\$350.00), the vehicle shall be sold by public sale or by private sale upon at least two sealed bids. For every public sale, a notice of the sale shall be published once in a newspaper of general circulation within the City and shall describe the vehicle to be sold and state where and when the sale will take place. A public sale shall be held not less than ten days from the date of publication of the notice. The sale may be made for any intended use by the purchaser thereof. A bill of sale, report and application for title shall be provided to the purchaser in accordance with the requirements of section 42-4-1805(2), C.R.S.

(c) If the sale of the motor vehicle is a private sale, the amount of the highest sealed bid must be greater than the amount of charges incurred by the operator as authorized in paragraph (7)(b)(I) of this Section. If the amount of the highest sealed bid is less than the amount of such charges, the operator may retain the vehicle as the purchaser in full satisfaction of such charges.

(7) Proceeds of sale.

(a) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this Section produces an amount less than or equal to the sum of all charges of any operator who has perfected a lien as provided by law, then the operator shall have a valid claim against the owner for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Said charges shall be assessed in the manner and amount provided for in paragraph 7(b)(I) of this section. No such claim shall exist where the operator elects to retain the vehicle in satisfaction of such charges pursuant to paragraph 6(c) of this section.

(b) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this section produces an amount greater than the sum of all charges of any operator who has perfected his lien:

(I) The proceeds shall first satisfy the operator's commercially reasonable charges which shall not exceed the rates established by the Colorado Public Utilities Commission for public tow and storage of abandoned vehicles.

(II) Any balance then remaining shall be paid to the City to satisfy the cost of mailing notices, making an appraisal, advertising and selling the motor vehicle, and any other costs of the City, including administrative costs, taxes, fines and penalties due.

(III) Any balance then remaining shall be forwarded to the Colorado department of revenue for distribution pursuant to section 42-4-1809(2), C.R.S.

(8) This Section does not apply to private tows, and does not alter or amend an operator's obligations under sections 42-4-1801, et seq., and specifically section 42-4-1804(6).

(9) There shall be no right of redemption from any sale made pursuant to the terms of this section, and after a vehicle has been sold pursuant to such terms, neither the City nor any officer, agent or employee thereof shall be liable for a failure to deliver such vehicle to anyone other than the purchaser or purchasers at such sale.

(10) The operator shall release the motor vehicle to the purchaser upon payment of the purchase price by the purchaser.]

(26) Part 20, Parking Meter Regulations.

## PART 20

### PARKING METER REGULATIONS

2001. Parking meter zones. Whenever parking meter zones have been established on streets or in parking areas regulated by this municipality, as authorized in section 113, the parking of vehicles at places, streets or parts of streets so designated shall be controlled by parking meters between the hours and on the days declared in schedules adopted by the traffic engineer and specified on authorized parking meter signs or legends.

2002. Parking meters. Parking meters installed in parking meter zones established as provided in this Code shall be so designed, constructed, installed and set as to meet the following conditions:

(1) Said meters shall be capable of being operated either automatically or mechanically, upon the deposit therein of [one or more coins of the]United States currency or [authorized tokens]**upon authorization of a credit card, debit card, or smart card transaction[.];** for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for an appropriate fractional period of time.

(2) Upon the expiration of the time period registered by the deposit of one or more coins or authorized tokens as provided herein, said meters will indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.

(3) Each parking meter shall bear thereon an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins or tokens therein shall apply, the value of the coins or tokens to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

### 2003. Parking meter spaces.

(1) Parking meter spaces shall be of appropriate length and width as determined by an engineering and traffic investigation and may be designated by appropriate markings upon the curb and/or pavement of the street.

(2) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

(3) Except where prohibited by other provisions of this Code, a vehicle which is of a size too large to be parked within a single parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins or tokens shall have been deposited in the parking meter for each space so occupied as is required in this Code for the parking of other vehicles in such space.

### 2004. Deposit of coins or tokens and time limits.

(1) No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency or authorized tokens of the appropriate denomination as provided in this Code shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency or authorized tokens, and no person shall deposit any lawful coin or authorized token that is bent, cut, torn, battered or otherwise misshapen.

(3) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space is expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin(s) or token(s) in such meter.

(4) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amount of the coins or tokens deposited in such meter.

(5) A vehicle may be parked in a parking meter space without operation of the meter on Sundays, on holidays as defined in this Code, and during those hours of the day when the requirement to deposit coins or tokens does not apply as determined from the parking meter sign or legend.

(6) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code prohibiting or

limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

2005. Tampering with meter.

(1) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

(2) No person, firm or corporation shall place any sack or covering over, upon or around any parking meter head, remove any parking meter head, or otherwise indicate or show that the said meter is inoperative or inapplicable without proper authority to do so.

(b) Proper designation on any citation, summons or complaint of the Section number of the Model Traffic Code herein adopted shall incorporate by reference any of the above amendments or additions contained in this Section.

(c) Application of Model Traffic Code. The provisions of the Model Traffic Code and this Chapter shall apply to every street, alley, sidewalk area, driveway, park and every other public way or public parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction to regulate. The provisions of Sections 1401, 1402, 1206 and 1211 of the adopted Model Traffic Code concerning careless driving, reckless driving, unattended motor vehicle and improper backing shall apply not only to public places and ways but also throughout the City.

**Sec. 15-1-9. - Drag racing; speed or acceleration exhibit.**

(a) It shall be unlawful for any person to use any street for a drag or acceleration contest under circumstances where said contest presents a hazard to persons or property, or under circumstances where no hazard to the drivers or other condition requires such speed or acceleration. For purposes of this Section, such contest shall mean any circumstances where two (2) or more drivers shall, while approximately side by side, rapidly accelerate from a stopped or moving position with intent to race.

(b) It shall be unlawful for any person to use any street for a speed or acceleration exhibit to himself, herself or another under circumstances where such exhibit presents a hazard to persons or property, or under circumstances where no hazard to the driver or other condition requires such speed or acceleration. For purposes of this Section, such exhibit shall mean where any driver rapidly accelerates from a stopped or moving position with intent to exhibit to himself, herself or another the speed or acceleration of a vehicle.

(c) In any prosecution for a violation of Subsections (a) or (b) above, the intent to engage in a speed or acceleration contest or to exhibit the speed or acceleration of a vehicle may be shown from the surrounding circumstances, which circumstances may include but shall not be limited to spinning of tires, excessive acceleration of the motor of a vehicle, squealing of tires, pavement markings left by sudden changes in the speed of tires, or rapid and abrupt changes in the speed of a vehicle, or from the admissions of the driver or drivers, or from both such circumstances and admissions.

(d) The subsections set forth above shall not apply to authorized and licensed race courses, or other areas specifically set aside and supervised by the Police Department for racing or exhibits.

**Sec. 15-1-10. - Motorized vehicles in certain areas.**

(a) As used in this Section, the term *motorized vehicle* shall mean any self-propelled device capable of transporting persons or property, except that such term shall not include motorized wheelchairs used by persons with mobility handicaps.

(b) Except as otherwise provided in Subsection (c) of this Section, it shall be unlawful for any motorized vehicle to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of river trail or bike path system within the City unless the operator has first obtained a permit for operation from the Director.

(c) This Section shall not apply to the operation of a motor vehicle upon any designated street or highway which passes through a City-owned park or recreation area and upon which the operation of motorized vehicles is not expressly prohibited by posted signs or by the provisions of this or any other ordinance of the City.

**[Sec. 15-1-11. - Parking meter tokens; sale; distribution.**

The Mayor shall acquire tokens appropriate for use in parking meters within the City. Said tokens shall be the property of the City and may be resold for use only in the City parking meters at such prices and upon such terms and conditions as the City Council by resolution shall determine.]

**Sec. 15-1-12. - Usage of medians.**

(a) It shall be unlawful for any person to access, use, occupy, congregate, or assemble on or about any median that has been posted with a sign pursuant to this section prohibiting such access, use, or occupancy.

(b) Determination and Signage:

(1) The Traffic Engineer may prohibit pedestrian access to or use or occupancy of any median that is not designed or suitable for pedestrian use, by erecting and posting a sign on such median prohibiting such access, use, or occupancy.

(2) Signage must be reasonably posted to provide notice, but is not required to be visible from every position on the median.

(c) Definitions. For purposes of this section:

(1) "Median that is not designed or suitable for pedestrian use" shall mean any median that is located on any higher speed and higher volume roadway within the City, and that does not possess a flat area of at least four (4) feet in width the length of the median from one median-endpoint to the opposite-median endpoint. The width is measured from face-of-curb to face-of-curb if a raised median, or edge-of-asphalt to edge-of-asphalt if a depressed median.

(2) "Flat" shall mean having a cross slope of eight (8) percent or less, consistently from one median-endpoint to the opposite median-endpoint. Such surfaces must be uniform, and will not include surfaces composed of loose river stones, cobblestones, or other substances that make tripping or injury more likely.

(3) "Higher speed roadway" shall mean a roadway with a speed limit of thirty-five (35) miles per hour or greater.

(4) "Higher volume roadway" shall mean a roadway classified as a Freeway, Expressway, Principal Arterial, or Minor Arterial on the Pueblo Roadway Development Plan.

(5) "Median" shall mean the area between two (2) roadways of a divided street or highway, measured from the edge of the traveled way to the edge of the traveled way, including areas between traffic lanes for control of vehicular movements. Such an area may be physically defined by curbing, landscaping, or other physical obstacle to vehicle use of the area, or by traffic control markings (also known as a painted median).

(d) Affirmative Defenses. It is an affirmative defense to a violation of this section if a person:

(1) Is waiting to cross the roadway at the next pedestrian signal, or in the absence of a pedestrian signal, when traffic has cleared or yielded.

(2) Obtained a permit or license from the City to access the median, including a special use permit for use of the street.

(3) Was authorized by the City or State to access the median for maintenance, repair, or building purposes.

(4) Was a local, state or federal officer engaged in the performance of their official duties.

(e) A violation of this Section is strict liability in nature. No culpability or mens rea of any type or degree shall be required for a violation of this Section.

(f) It shall be unlawful and a Class 2 municipal offense for any person to access, use, occupy, congregate, or assemble on or about any median that has been posted with a sign pursuant to this Section. However, a first offense under this Section will only be liable for a maximum fine of fifty dollars (\$50.00). Subsequent fines and penalties for violations under this Section will be at the discretion of the Court.

### **Sec. 15-1-13. - School crossing guard program.**

The Mayor shall annually recommend to the City Council, as part of the City budget process, any fees that may be assessed under Section 15-1-6(5), and the appropriation of such fees to fund any pedestrian safety program for school crossing guards.

### **Sec. 15-1-14. – Reserved**

### **Sec. 15-1-15. - Owner liability for traffic signal camera violations.**

(a) As used in this Section:

(1) *Traffic signal camera* shall mean a type of automatic vehicle identification device operated under the general supervision of a police officer, that is placed in a fixed location at a signalized intersection within the City and which is wired and programmed to automatically photograph or digitally record the intersection and vehicles entering said intersection after a steady circular red signal or a steady red arrow signal has been displayed to such vehicles, and to record and accurately depict the vehicle's location within the intersection, the vehicle's license plate, the driver of the vehicle, the date and time of the event depicted and the elapsed time from the display of said signal.

(2) *Owner* shall have the meaning provided in Section 102(49) of Article II of the Model Traffic Code.

(3) *Person* shall mean natural persons, corporations, partnerships, limited partnerships and limited liability companies.

(b) The Chief of Police and the Traffic Engineer are authorized and directed to deploy traffic signal cameras at one (1) or more intersections within the City for the purpose of detecting noncompliance with traffic control devices at such intersections. Traffic signal cameras shall not be used until and unless there is posted an appropriate sign in a conspicuous place not less than a reasonable distance before the area where the traffic signal camera is to be used, notifying the public that an automated vehicle identification device is in use ahead. The intersections at which traffic signal cameras are deployed may be changed from time to time among signalized intersections within the City which have high traffic volume, have above-average accident experience and have experienced injury-producing accidents.

(c) The owner of a vehicle shall be liable for a civil penalty imposed as provided in this Section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Section 604(1)(c) of the Model Traffic Code, and such violation is evidenced by information obtained from a traffic signal camera; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this Section where the operator of such vehicle has been convicted of the underlying violation of Section 604(1)(c) of the Model Traffic Code.

(d) Proof that a particular vehicle, identified by its license plate tag or tags in a photograph or digitally recorded image produced by a traffic signal camera, is registered to a person, as shown in records of the Colorado Department of Revenue, Motor Vehicle Division, or of the County Clerk and Recorder, or of the vehicle registration authority for any other state in which a vehicle is found to be registered, shall constitute prima facie evidence that said person is the owner of said vehicle.

(e) Neither payment of the civil penalty assessed pursuant to a civil penalty assessment notice issued under this Section, imposition of liability under this Section by appearance and payment before the Traffic Violations Bureau, nor imposition of liability under this Section determined upon hearing before a Judge or Magistrate of the Municipal Court shall be deemed a conviction as an operator or driver. A record relating to the same shall not be transmitted to the Colorado Department of Revenue as any matter bearing upon the driving record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage or determination of the premium therefor.

(f) The following procedures shall be followed with respect to imposition of civil penalties under this Section:

(1) A civil penalty assessment notice shall be sent by first class mail to each person alleged to be liable as an owner for a violation recorded by a traffic signal camera of Section 604(1)(c) of the Model Traffic Code. The notice shall be addressed to the registered owner of the vehicle, shall state the name and address of the person alleged to be liable as an owner pursuant to this Section, the registration number of the vehicle involved in the violation, the location where the violation occurred, the date and time of such violation and the identification of the traffic signal camera which recorded the violation, and shall be signed by a police officer or reserve police officer who has reviewed the photographic and other information recorded by the traffic signal camera and examined appropriate vehicle registration records and, based thereon, has

reasonable grounds for believing that said owner is liable for the civil penalty assessment as provided by this Section. The notice shall state the amount of the penalty assessment and shall advise the alleged owner that the alleged owner must respond to the notice by either appearance before the Traffic Violations Bureau on or before a date stated in the notice to pay the assessment or request an adjudicatory hearing to contest the liability alleged in the notice, or by mailing payment of the penalty assessment amount to the Traffic Violations Bureau on or before said date. The notice shall advise the alleged owner of the provisions of Subsections (c) and (e) of this Section. The notice shall also contain a warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of civil liability and that a default judgment may be entered thereon.

(2) If the person to whom the civil penalty assessment notice has been mailed fails to pay the civil penalty assessment or respond to the notice by timely seeking a hearing, the Clerk of the Municipal Court or Traffic Violations Bureau shall send another notice by certified mail, return receipt requested, to such person, warning him or her that in the event such notice is disregarded for a period of twenty (20) days from date of mailing, default judgment will be entered.

(3) If a hearing is timely requested to contest liability under this Section, adjudication of the liability imposed upon owners by this Section shall be by the Municipal Judge, or one (1) of the Assistant Municipal Judges, sitting as an administrative hearing officer for the Traffic Violations Bureau. In hearings to determine liability under this Section, it shall be the City's burden to prove liability by a preponderance of evidence. The proceedings shall be conducted informally without strict adherence to the rules of evidence, provided that testimony and exhibits received and considered shall have sufficient indicia of authenticity and reliability so as to constitute competent evidence.

(4) If an owner receives a civil penalty assessment notice pursuant to this Section for any time period during which the vehicle was reported to the Police Department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Section 604(1)(c) of the Model Traffic Code pursuant to this Section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this Subparagraph (4), it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the Traffic Violations Bureau or Municipal Court.

(5) An owner who is a lessor of a vehicle to which a civil penalty assessment notice was issued pursuant to this Section shall not be found liable, provided that he or she sends to the Traffic Violations Bureau or Municipal Court a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty (30) days after receiving the first civil penalty assessment notice of the date and time of such violation, together with the other information contained in the civil penalty assessment notice. Failure to send such information within such thirty-day time period shall render the owner liable for the penalty prescribed by this Section. Where the lessor complies with the provisions of this Subparagraph (5), the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for the purposes of this Section, shall be subject to liability for the violation of Section 604(1)(c) of the Model Traffic Code pursuant to this Section and shall be sent a civil penalty assessment notice pursuant to Subparagraph (f)(1) of this Section.

(6) In the event a person to whom a civil penalty assessment notice has been sent pursuant to Subparagraph (2) above fails to pay the assessment or otherwise respond, the Clerk of the Municipal Court shall enter default judgment which identifies the vehicle involved in the violation and transmit the same to the Police Department.

(g) Nothing in this Section shall be construed to limit the liability of an operator or driver of a vehicle for any violation of Section 604(1)(c) of the Model Traffic Code.

(h) The civil penalty assessed to owners under this Section shall be an amount of not less than fifty dollars (\$50.00) nor more than seventy-five dollars (\$75.00) for each violation. The presiding Municipal Judge shall adopt and include with the schedule of designated fines adopted under Section 15-1-6 of this Chapter a designated schedule for civil penalty assessments imposed under this Section; provided that, until the first such adoption of a designated schedule for civil penalty assessments imposed under this Section, the scheduled assessment shall be seventy-five (\$75.00) for each violation, and provided further that any failure of the presiding judge thereafter to annually adopt such a schedule of designated civil penalty assessments shall not in any way invalidate the civil penalty established herein or in any such schedule previously adopted.

(i) In order to implement this Section, the Purchasing Agent is authorized to solicit and award an annual contract to a vendor of traffic signal camera systems for equipment, installation, maintenance, film development and preliminary processing of penalty assessments; provided, however, that the following requirements shall apply:

(1) No portion of any fine or civil penalty collected through the use of the system may be paid to any manufacturer or vendor of the automated vehicle identification system equipment;

(2) The selection of a vendor shall be by competitive proposal process;

(3) No penalty assessment notice prepared by any vendor shall be mailed or served upon an owner until the notice and information upon which it has been based has been individually reviewed and approved by a City peace officer who signs his or her name upon the notice.

## SECTION 2.

Section 11-1-210 of the Pueblo Municipal Code, as amended, is hereby amended to read as follows:

### **Sec. 11-1-210. - Vehicles; nuisance; abatement; violation.**

...

(3) Any vehicle which is the subject matter of a final notice and order shall not be released to the record owner except upon the following conditions:

...

c. Any vehicle which remains unclaimed after the six-month period set forth in the notice and order may be sold by the City pursuant to the procedure set forth in [Paragraph 15-1-8(a) (25) of this Code]**section 1802 through 1814 of the Colorado 2020 Model Traffic Code as adopted by Chapter 1 of Title XV of this code**, for sale of abandoned and impounded vehicles. All unpaid storage fees owed pursuant to Subparagraph b. above shall constitute a lien upon the vehicle and superior to all other liens of any nature.

...

**SECTION 3.**

The officers and staff of the City are authorized and directed to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.

**SECTION 4.**

Before taking final action, the Mayor shall seek the approval by the Department of Transportation of this ordinance pursuant to Section 44-4-110(1)(b) of the Colorado Revised Statutes. This Ordinance shall become effective on the date of final action by the Mayor and City Council.

**Action by City Council:**

Introduced and initial adoption of Ordinance by City Council on November 23, 2020.

Final adoption of Ordinance by City Council on December 14, 2020.

  
\_\_\_\_\_  
President of City Council

**Action by the Mayor:**

Approved on December 16, 2020.

Disapproved on \_\_\_\_\_ based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Mayor

**Action by City Council After Disapproval by the Mayor:**

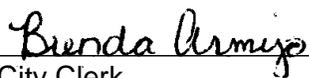
Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_

Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
President of City Council

ATTEST

  
\_\_\_\_\_  
City Clerk