

ORDINANCE NO. 12-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO REGULATING VEHICLES, TRAFFIC AND
OBSTRUCTIONS WITHIN THE CITY RIGHTS-OF-WAY AND PUBLIC PROPERTY;
REPEALING ORDINANCE NO. 09-02 AND ORDINANCE NO. 11-02 IN THEIR
ENTIRETY; ADOPTING THE REVISED 2010 MODEL TRAFFIC CODE FOR
COLORADO BY REFERENCE WITH AMENDMENTS; SETTING FORTH IN FULL
THE PENALTY CLAUSE; AND SETTING FORTH DETAILS
IN RELATION THERETO**

WHEREAS, by Ordinance No. 09-02, the City of Castle Pines adopted by reference the 2003 edition of the Model Traffic Code for Colorado, as promulgated by the Colorado Department of Transportation (the "2003 MTC"), with certain amendments to conform with the previous adoption of the 2003 MTC by Douglas County, Colorado; and

WHEREAS, by Ordinance No. 11-02, the City of Castle Pines adopted regulations pertaining to: (1) parking restrictions in residential districts and (2) prohibitions on dumpsters, portable toilets, storage pods, landscape materials, snow piles and other obstructions on public streets and other public property; and

WHEREAS, the Douglas County Sheriff's Office provides law enforcement services to the City of Castle Pines pursuant to an intergovernmental agreement; and

WHEREAS, the City Council of the City of Castle Pines, Colorado desires to repeal Ordinance No. 09-02 and Ordinance No. 11-02 in their entirety and adopt by reference the Revised 2010 Model Traffic Code for Colorado as promulgated by the Colorado Department of Transportation (the "2010 MTC") in place of the 2003 MTC; and

WHEREAS, after the introduction of this adopting Ordinance, a public hearing was scheduled and held following notice of the public hearing, published twice as required by Colorado statute, once at least fifteen (15) days preceding the public hearing and once at least eight (8) days preceding the public hearing; and

WHEREAS, three (3) copies of the 2010 MTC were on file with the City Clerk and open to public inspection; and

WHEREAS, the penalty clause is set forth in full herein and shall be published along with this adopting Ordinance in full upon adoption; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to adopt by reference the 2010 MTC, as set forth herein below; and

WHEREAS, the City finds that the adoption of this Ordinance is a proper exercise of the City's police power and that it is in the best interest of the public health, safety, and welfare of

the citizens of the City to regulate the use of the public rights-of-way and public property and to prescribe the penalties for violations thereof.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. Part I (“General”), Part II (“Traffic”), Part III (“Parking”), Part IV (“Impounds”), Part V (“Certification”), and Part VI (“Effective Date”) of Ordinance No. 09-02 relating to the regulation of traffic and parking, and as amended by Ordinance No. 11-02, are hereby repealed and replaced in their entirety as set forth below.

PART I: GENERAL

Purpose. The purpose of this Ordinance is to promote the general public welfare and safety by imposing and enforcing the reasonable and necessary traffic and parking restrictions in the City.

Definitions. Unless otherwise specified or the context otherwise requires, the following words shall have the following meanings throughout this Ordinance.

“Authorized Emergency Vehicle” means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with State laws regulating emergency vehicles; said term also means such privately owned vehicles as are designated by the State motor vehicle licensing agency, necessary to the preservation of life and property, to be equipped and to operate as emergency vehicles in the manner prescribed by State law.

“Automobile” means any motor vehicle.

“City” means City of Castle Pines, Colorado.

“Law Enforcement Officers” shall mean law enforcement personnel of the City or any entity with whom the City contracts to provide law enforcement services, the Douglas County Sheriff’s Office and the Colorado State Patrol are authorized to implement and enforce the provisions of this Ordinance.

“Official Traffic Control Device” means any sign, signal, marking and/or device, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

“Owner” means a person who holds the legal title of a vehicle, or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagee shall be deemed the owner for purposes

herein. The term also includes parties otherwise having lawful use or control or the right to use or control vehicle for a period of thirty (30) days or more.

“Park” or “parking” means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

“Stop” or “stopping” means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Law Enforcement Officer or Official Traffic Control Device.

“Vehicle” means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks.

Enforcement. This Ordinance shall be enforced by the law enforcement personnel of the City or any entity with whom the City contracts to provide law enforcement services, the Douglas County Sheriff’s Office, and/or the Colorado State Patrol.

Violation. It shall be unlawful for any person to violate any provision of this Ordinance or to disobey any Official Traffic Control Devices referenced herein. In any prosecution for any violation of this Ordinance wherein the identity of violator is in question (such as parking citations issued when the driver of the vehicle is not present), there shall be a rebuttable presumption that the violation was committed by the Owner of the motor vehicle in which the violation occurred.

Disposition of Fines and Forfeitures. Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this Ordinance shall be paid into the treasury of the City of Castle Pines, Colorado.

Municipal Court Cost Surcharge. In addition to the fines and penalties prescribed in this Ordinance, any person convicted of a violation of this Ordinance, whether such person acknowledges guilt or liability, is found guilty by the municipal court, or has judgment entered against such person, shall be subject to a municipal court cost surcharge of ten dollars (\$10.00). This surcharge shall be paid to the Clerk of the Court. Once paid into the treasury of the City, said moneys shall be segregated by the Finance Director, separately accounted for, and thereafter used by the City exclusively for funding necessary costs and expenses associated with the operation and administration of the municipal court.

Scope. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or without the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. This Ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto.

Citation to State Statutes. All references to provisions of the Colorado Revised Statutes (C.R.S.) that contain counterpart provisions to the adopted Model Traffic Code as contained in this Ordinance shall be deemed proper references to the counterpart provisions of the adopted Model Traffic Code. When enforcing the adopted Model Traffic Code, the City's law enforcement officers and the City's prosecuting attorneys and officials are authorized to cite to equivalent counterparts contained in the Colorado Revised Statutes. Any citation by such persons to a State statute containing the substantially same or identical provisions as those found in counterpart sections of the adopted Model Traffic Code is equivalent to a citation to the relevant provisions of the adopted Model Traffic Code for purposes of notifying, designating, charging, prosecuting and penalizing violations of the adopted Model Traffic Code pursuant to this Ordinance.

PART II: TRAFFIC

Section 1. Adoption. Pursuant to Section 42-4-110(1), C.R.S., and parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the Revised 2010 Model Traffic Code for Colorado ("Model Traffic Code") as promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the adopted Model Traffic Code relates primarily to comprehensive traffic control regulations of the City. The purpose of this Ordinance and those portions of the Model Traffic Code adopted herein is to provide a system of traffic control regulation consistent with State law and generally conforming to similar regulations throughout the State of Colorado and the nation. Copies of the Model Traffic Code adopted herein are on file in the office of the Clerk of the City of Castle Pines, and may be inspected during regular business hours.

Section 2. Deletions, Additions or Modifications. The Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections are subject to the additions and/or modifications as set forth below. Articles and/or sections identified as "deleted" are hereby determined to be inapplicable to the City of Castle Pines, Colorado.

A. Section 103(2) and 103(2)(b) "Scope and effect of Code – exceptions to provisions" are repealed in their entirety and reenacted to provide:

(2) The provisions of this code relating to the operation of the vehicles and the movement of pedestrians shall apply to every street, alley, sidewalk, driveway, park and to every other public way or public place or public parking area within or outside of the corporate limits of the municipality, the use of which the municipality has jurisdiction and authority to regulate except:

(b) For sections 1401, 1402, and 1413 of the code pertaining to reckless driving, careless driving and eluding a police officer shall apply to all land, areas, property (including private property) within or outside the corporate limits of the municipality, the use of which the municipality has jurisdiction and the authority to regulate.

B. Section 103(3) of the Model Traffic Code is enacted to provide:

(3) All provisions in this code establishing offenses as Class A or B traffic infractions or Class 1 or Class 2 misdemeanor offenses, and establishing fines and other sentencing conditions in relation to such offenses, shall be repealed in their entirety, it being the intent that any violation of this code be subject to the City's general penalty provision set forth in No. Ordinance 09-21.

C. Section 104 of the Model Traffic Code is enacted to provide:

(1) It shall be the duty of the Law Enforcement Officers to enforce all traffic regulations of the City and all of the State laws applicable to the City.

(2) Law Enforcement Officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with State traffic laws and this code; provided that, in the event of fire or emergency, or to expedite traffic or protect pedestrians, Law Enforcement Officers may direct traffic as conditions may require notwithstanding the provisions of State traffic laws or this code.

(3) Fire department personnel, when at the scene of a fire or other emergency, may at the direction of authorized Law Enforcement Officers assist such Law Enforcement Officers with directing traffic.

D. Section 106(4) of the Model Traffic Code is enacted to provide:

(4) The use of certain streets and roadways by motorized vehicles, trucks or other commercial vehicles, bicycles or other non-motorized vehicles shall be restricted or prohibited when official signs giving notice thereof are erected thereon.

E. Section 110(4) "Provisions uniform throughout jurisdiction" is amended by deleting the phrase "City or Town Council or Board of County Commissioners" and replacing it with the phrase "the City."

F. Section 114(4) "Removal of traffic hazards" is enacted to provide:

If the City is not reimbursed within forty-five (45) calendar days after the property owner has been provided a demand for payment, the amount due shall become a lien against the property and certified by the City's Finance Director and recorded with the Office of the Douglas County Treasurer. Such lien shall have priority over all other liens except general taxes. The Douglas County

Treasurer shall collect and pay over to the City such charges in the same manner as the Treasurer is authorized to collect delinquent general property taxes.

G. Section 236 is deleted and replaced in its entirety with the following:

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.

(a.3) Deleted.

(a.5) "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.

(a.7) Deleted.

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand (10,000) pounds. "Motor vehicle" does not include motorcycles, low-power scooters, motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "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. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

(c) "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) (I) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight (8) years of age and who is being transported in this State

in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system, according to the manufacturer's instructions.

(II) If the child is less than one (1) year of age and weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If the child is one (1) year of age or older, but less than four (4) years of age, and weighs less than forty (40) pounds, but at least twenty (20) pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least eight (8) years of age but less than sixteen (16) years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or 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) Except as provided in section 42-2-105.5(4), C.R.S., subsection (2) of this section does not apply to a child who:

(a) Repealed.

(b) Is less than eight (8) years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(c) 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;

(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 42-4-237, C.R.S.;

(e) Deleted.

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in Section 40-10.1-101, C.R.S., or

an operator of a luxury limousine service as defined in Section 40-10.1-301, C.R.S.

(4) Deleted.

(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen (16) years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

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

(7) (a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section 236 commits a violation of the model traffic code, as adopted by this Ordinance.

(b) A minor driver under eighteen (18) years of age who violates this section shall be punished in accordance with Section 42-2-105.5(5)(b), C.R.S.

(8) The fine may be waived if the defendant presents the court with satisfactory evidence of proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

H. Section 711 "Driving on mountain highways" is deleted in its entirety.

I. Section 1101(1) "Speed limits" is amended by deleting the phrase "is reasonable and prudent under the conditions then existing," and replacing it with the phrase "the maximum lawful speed limit."

J. Section 1101(5) "Speed limits" is amended by deleting the phrase "alleged reasonable and prudent speed," and replacing it with the phrase "maximum lawful speed limit."

K. Section 1204(2)(b) "Stopping, standing or parking prohibited in specified places" is amended by deleting the phrase "fifteen feet" and replacing it with the phrase "seven and one-half feet".

L. Section 1204(2) "Stopping, standing or parking prohibited in specified places" is amended by the addition of a subsection (g) to provide the following:

No person shall stop, stand, or park any vehicle upon any private property or upon the grounds of any public school without the consent of the owner, lessee or person in legal possession of such property.

M. Section 1205(3) "Parking at curb or edge of roadway" is amended to add the following second sentence:

On those streets which have been designated and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

N. Section 1209 "Owner liability for parking violations" is amended by the addition of the following sentence:

In any prosecution charging a violation of any provision of this Part 12 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 an evidentiary 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.

O. Section 1210 "Designated areas on private property for authorized vehicles" is deleted in its entirety.

P. Section 1409 is deleted and replaced in its entirety with the following:

1409. Compulsory insurance – penalty.

(1) No owner of a motor vehicle or low-power scooter required to be registered in this State, or of a low-speed electric vehicle, shall operate the vehicle or permit it to be operated on the public highways of this State when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle, low-power scooter or low-speed electric vehicle on the public highways of this State without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle, low-power scooter or low-speed electric vehicle 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.

(4) (a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a traffic offense. The defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). 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.

Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five (5) years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to law, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000.00), and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of Section 16-11-101.6, C.R.S., shall apply. 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.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of this court, be sentenced to perform not less than forty (40) hours of community service, subject to the provisions of Section 18-1.3-507, C.R.S.

(5) Testimony of the failure of any owner or operator of a motor vehicle, low-power scooter or low-speed electric vehicle 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 (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) No person charged with violating subsection (1), (2), or (3) of this section shall be convicted if the person produced 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.

(7) The owner of a motor vehicle, low power scooter or low-speed electric vehicle, upon receipt of an affirmation of insurance as described in Section 42-3-113(2) and (3), C.R.S., shall sign and date such affirmation in the space provided.

Q. The Model Traffic Code is further amended by the addition of a new section 1416 entitled "Minor driver restrictions" to read as follows in its entirety:

1416. Minor driver restrictions.

(1) Occupants in motor vehicles driven by persons under seventeen (17) years of age shall wear safety belts or be secured in a child restraint system as required by sections 236 and 237 of this code.

(2) No more than one (1) passenger shall occupy the front seat of the motor vehicle driven by a person under seventeen (17) years of ages and the number of

passengers in the back seat of such vehicle shall not exceed the number of safety belts.

R. The preface to Part 17, Penalties and Procedures, is deleted in its entirety.

S. Section 1701 “Traffic offenses and infractions classified – penalties – penalty and surcharge schedule – repeal” is deleted and replaced in its entirety to read as follows:

(1) Except as set forth herein, it is a traffic infraction for any person to violate any of the code provisions set forth herein, as may specifically be amended by this Ordinance. Such a traffic infraction shall constitute a civil matter. The Colorado municipal court rules of procedure shall apply to traffic infraction proceedings, except that no bench warrant for arrest shall be issued for a defendant’s failure to appear when the only violation charged is a non-criminal traffic infraction. Instead, the court may enter judgment of liability by default against the defendant for failure to appear, assess any penalty and costs established by law and report the judgment to the Colorado Department of Revenue, Motor Vehicle Division, or to the motor vehicle department of any other State which participates in the Interstate Non-Resident Violator Compact, as codified at Section 24-60-2101, C.R.S., which may assess points against the defendant’s driver’s license and may take appropriate action to ensure that the judgment is satisfied. There is no right to trial by jury for any non-criminal traffic infraction.

(2) The following violations constitute criminal traffic offenses:

(a) A violation of section 1101(1) of the Model Traffic Code adopted by this Ordinance involving driving twenty-five (25) or more miles per hour in excess of the maximum lawful speed limit or in excess of the lawful speed limit that is a criminal traffic offense.

(b) A violation of any of the following sections of the Model Traffic Code as adopted by this Ordinance: 107 (obedience to police officers), 507 (wheel and axle loads), 508 (gross weight of vehicles and loads), 705(2), 705(2.5) and 705(2.6) (operation of vehicle approached by emergency vehicle), 1105 (speed contests), 1208 (parking privileges for persons with disabilities), 1401 (reckless driving), 1402 (careless driving), 1409 (failure to show compulsory insurance), 1413 (eluding or attempting to elude police officer), 1703 (aiding or abetting a traffic offense), 1704 (offenses by persons controlling vehicles), and 1903 (failure to stop for a school bus).

(3) (a) Traffic infractions shall be subject to the following penalties:

Minimum Penalty	Maximum Penalty
A fine of \$10.00	A fine of up to \$1,000.00

Traffic offenses shall be subject to the following penalties:

Minimum Sentence / Penalty	Maximum Sentence / Penalty
1 day imprisonment, or fine of \$10.00, or both	Up to 1 year imprisonment, or a fine of up to \$1,000.00, or both

The fine and penalty schedule for traffic offenses and infractions within the City of Castle Pines is set forth in Appendix A (the “Fine and Penalty Schedule”). The Fine and Penalty Schedule shall be available during normal business hours at the office of the City Clerk.

The designation “SUM” in the Fine and Penalty Schedule shall require a summons to be issued in accordance with subsection V below, amending section 1707 of the Model Traffic Code.

Subject to the minimum and maximum penalty limitations as set forth in this subsection (S)(3)(a) for each and every violation of this Ordinance, and pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the traffic offenses and infractions, the penalties for which may be paid at the office of the court clerk or violations bureau, and is therefore vested with jurisdiction to amend the Fine and Penalty Schedule. The municipal court in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedules. Such fines and penalties will be within the limits set by this Ordinance.

In addition, the City Council of the City of Castle Pines may, from time to time, amend, repeal or supplement the Fine and Penalty Schedule by resolution duly adopted following a public hearing thereon. Any changes to the Fine and Penalty Schedule approval by the City Council shall be prominently posted in the municipal court, in a place where fines are to be paid, and in the office of the City Clerk.

The penalties for violating the Model Traffic Code, as adopted by this Ordinance, shall be as set forth in the Fine and Penalty Schedule (as set forth in Appendix A), and as more particularly set forth below:

- (i) For violation of section 1208(6), (7) or (9) “Parking privileges for persons with disabilities – applicability”: one hundred dollars (\$100.00) and two hundred fifty dollars (\$250.00) for a second offense or per each subsequent offense(s).
- (ii) For violation of section 507 “Wheel and axle loads” and section 508 “Gross weight of vehicles and loads”:

1 --- 3,000	\$150.00
3,001 --- 4,250	\$195.00
4,251 --- 4,500	\$225.00
4,501 --- 4,750	\$255.00
4,751 --- 5,000	\$285.00
5,001 --- 5,250	\$315.00
5,251 --- 5,500	\$345.00
5,501 --- 5,750	\$375.00
5,751 --- 6,000	\$405.00
6,001 --- 6,250	\$435.00
6,251 --- 6,500	\$465.00
6,501 --- 6,750	\$495.00
6,751 --- 7,000	\$525.00
7,001 --- 7,250	\$555.00
7,251 --- 7,500	\$585.00
7,501 --- 7,750	\$615.00
7,751 --- 8,000	\$645.00
8,001 --- 8,250	\$675.00
8,251 --- 8,500	\$705.00
8,501 --- 8,750	\$735.00
8,751 --- 9,000	\$775.00
9,001 --- 9,250	\$825.00
9,251 --- 9,500	\$875.00
9,501 --- 9,750	\$950.00
Over 9,750	\$975.00

(b) Court costs as authorized by State law shall be added to the fines and penalties set forth in Appendix A.

(c) Any person convicted of a traffic infraction may be required to pay restitution as required by Article 18.5 of Title 16, C.R.S., and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by subsection (3)(a) of this section.

(d) Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this code shall be fined or penalized, and have a surcharge levied thereon, pursuant to any surcharge that has been or may be lawfully enacted by the City Council from time to time.

(e) All fines, costs and surcharges shall be paid to, received by, and accounted for by the violations clerk or court clerk.

T. Section 1702 “Counties - traffic offenses classified - schedule of fines” is deleted in its entirety.

U. Section 1705 “Person arrested to be taken before the proper court” is hereby added as follows:

1705. Person arrested to be taken before the proper court.

(1) Whenever any person is arrested by a police officer for any violation of this code, the arrested person shall, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 1707 or be taken without unnecessary delay before a municipal or county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or will disregard a summons to appear. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(2) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with a violation of Section 42-4-1301, C.R.S., and who has been given a written notice or summons to appear in court as provided in section 1707 in a State-approved treatment facility or alcoholism even though entry or other record of such arrest has been made. Such placement shall be governed by Part 3 of Article 1 of Title 25, C.R.S., except where in conflict with this section.

V. Section 1707 “Summons and complaint for traffic violations” is hereby added as follows:

1707. Summons and complaint for traffic violations.

(1) Whenever a person commits a violation of this Ordinance, 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 statute or Model Traffic Code section 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 or otherwise respond to the City Municipal Court or Douglas County Court, at a specified time and place; shall be signed by 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.

(2) The City of Castle Pines may offer or extend to a defendant the opportunity for the defendant to pay a penalty assessment for a non-criminal traffic infraction prior to the date and time scheduled for the defendant's appearance in City Municipal Court or Douglas County Court. Whenever a penalty assessment is made available for a traffic infraction, the defendant shall be required to execute a signed acknowledgment of guilt and shall pay the penalty prescribed by the City within a specified period of time, as well as provide such other information as may be required by the City. Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice and shall be deemed a complete satisfaction for the violation, and the City, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof, if requested.

W. Section 1709(1) "Penalty assessment notice for traffic offenses – violations of provisions by officer – driver's license" is amended by inserting the phrase "or code provision," after the phrase "citation of the statute" and by inserting the phrase "or municipal" after the phrase "in a specified county court."

X. Section 1710(3) "Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures" is amended by adding the phrase "or Rule 248(b) of the Colorado Municipal Court Rules" after the phrase "in Section 18-1-405, C.R.S."

Y. Section 1710(5) "Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures" is enacted to provide:

(5) (a) Upon the date and at the time for appearance, if the defendant fails to appear and if the prosecution proves to the satisfaction of the Judge that venue is property and that defendant was served a summons and complaint at least ten (10) calendar days prior to the appearance date, the Judge may, for traffic offenses of not more than four (4) points (except for compulsory insurance), or a six (6) point offense of speeding, not more than twenty-four (24) miles over the posted speed limit, enter judgment and impose sentence, including costs against the defendant.

(b) Failure to appear on any date scheduled for trial shall constitute cause for entering a default judgment for all traffic offenses of not more than four (4) points (except for compulsory insurance) or a six (6) point offense of speeding not more than twenty four (24) miles over the posted speed limit, and upon entry of such default, the Judge may impose sentence including costs against the defendant.

(c) On the grounds of excusable neglect, the Judge may by motion of the defendant set aside an entry of default and the judgment entered thereon. Such motion must be filed with the court within seven (7) calendar days of the entry of judgment for such matter. A motion under this section shall not affect the finality of a judgment or suspend its operation.

(d) Any default entered in accordance with this section shall be certified to the State Motor Vehicle Division for enforcement.

(e) The court shall not issue a warrant for the arrest of any defendant against whom a default is entered and upon which a sentence is imposed thereon.

Z. The Model Traffic Code is further amended by the addition of a new section 1213, entitled "Parking restrictions in residential districts" to read as follows in its entirety:

1213. Parking restrictions in residential districts.

(1) As used in this section:

(a) "*Bus*" means a motor vehicle designed to seat more than sixteen (16) passengers and used for the transportation of persons, regardless of compensation, including but not limited to motor vehicles operated for profit by governmental agencies and motor vehicles used for the transportation of children to and from school.

(b) "*Camper*" means non-wheeled, detachable vehicular equipment that weighs over five hundred (500) pounds, used for temporary or permanent habitation, which has no independent motor power and that is capable of being placed on a vehicle but is not capable of being towed.

(c) "*Camping Trailer*" means a trailer constructed to provide temporary occupancy as a dwelling or sleeping place for one or more persons.

(d) "*Commercial Vehicle*" means:

(i) Any self-propelled or towed vehicle bearing a commercial license plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds (10,001) or more, which vehicle is used in commerce or is designed to transport sixteen (16) or more passengers, including the driver, unless such vehicle is a bus as defined in this subsection; and

(ii) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting.

(e) "*Load(ed) and/or Unload(ed)*" means the uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle.

(f) “*Mobile Home*” means a non-motorized vehicle designed to be permanently affixed to land to be used for occupancy as a dwelling or sleeping place for one (1) or more persons, but which is constructed to allow it to be transported upon streets and highways.

(g) “*Motor Home*” means a motorized vehicle designed to provide temporary occupancy as a dwelling or sleeping place for one (1) or more persons and which is intended to be transported upon streets and highways, but excluding pick-up trucks with attached campers.

(h) “*Residential District*” means any area of the City zoned to allow single family or multi-family residential use and includes any area that includes residential development within a Planned Development.

(i) “*Recreational Vehicle*” or “*RV*” means a motor home, mobile home, or camping trailer.

(j) “*Rendering Services*” means commercial activities carried on in connection with the business purpose of the vehicle, such as making deliveries, service calls, accepting articles for removal or delivery, and related commercial activities.

(k) “*Semi-Tractor*” means a motor vehicle with a manufacturer’s gross combination weight rating (GCWR) in excess of twenty six thousand and one (26,001) pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

(l) “*Semi Trailer*” means a wheeled vehicle, the empty weight of which is more than two thousand (2,000) pounds or the length of which is greater than twenty-five feet (25’), which has no motor power and is designed to be used in conjunction with a semi-tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such semi-tractor.

(m) “*Trailer*” means any wheeled vehicle without motor power that may be drawn over the roadway by a motor vehicle, including camping trailers and boat trailers.

(n) “*Truck*” means a motor vehicle exceeding eight (8’) feet in width, twenty-five (25’) feet in length or ten (10’) feet in height, excluding motor homes and recreational vehicles as defined herein.

(2) The following restrictions shall apply to parking vehicles in residential districts anywhere within the boundaries of the City of Castle Pines:

(a) No trailer, semi trailer, camping trailer, or boat, or mobile home or motor home shall be parked on any public street or highway within any residential district of the City, with the exception of:

1. A recreational vehicle (RV) that is being loaded or unloaded, prepared for service, or prepared for storage; but such loading and unloading and preparation for storage shall not in any event exceed seventy-two (72) hours.
2. A boat, camper, trailer, semi trailer, or camping trailer being loaded or unloaded, or prepared for storage; but such loading and unloading and preparation for storage shall not in any event exceed seventy-two (72) hours.
3. A commercial vehicle temporarily parked for only that period of time necessary to expeditiously complete rendering services to real property located within two hundred feet (200') of the commercial vehicle not to exceed seventy-two (72) hours.
4. Any vehicle otherwise parked in violation of this section for a period not to exceed four hours (4) as a result of an emergency occurring during such four (4) hour period.

(b) No semi-tractor, truck or semi trailer shall be parked upon any public street located in a residential district other than when being loaded and/or unloaded or otherwise rendering services within two hundred feet (200') of the commercial vehicle, and such loading and/or unloading or rendering of service locally shall not exceed fourteen (14) hours between the hours of 7 a.m. and 9 p.m. No loading and/or unloading of a semi-tractor, truck or semi-trailer during permissible hours is allowed to extend over more than two (2) consecutive calendar days.

(3) A violation of this section 1213 shall be punishable by a minimum fine of one hundred dollars (\$100.00).

AA. The Model Traffic Code is further amended by the addition of a new section 1214, entitled "Prohibitions on dumpsters, portable toilets, storage pods, landscape materials, snow piles and other obstructions on public streets and other public property" to read as follows in its entirety:

1214. Prohibitions on dumpsters, portable toilets, storage pods, landscape materials, snow piles and other obstructions on public streets and other public property.

(1) As used in this section:

(a) "Debris" means any iron, brass, copper or other metal materials, ropes, rags, garbage, fibers or fabrics, bottles or other glass, rubber materials, including without limitation tires, junk materials, paper bundles, machinery, motor parts,

tools, appliances, furniture, firewood, cartons, pallets, barrels or other containers, building materials, waste or discarded goods, or like materials.

(b) “*Dumpster*” means any container exceeding a capacity of ten (10) cubic feet designed or intended to be used for the storage or hauling of trash, refuse, garbage, yard debris, recyclables or other waste materials.

(c) “*Landscape materials*” means any material used in the landscape of property such as, without limitation, trees, shrubs, sod, gravel, boulders, rocks, mulch, and paving materials.

(d) “*Portable toilet*” means an enclosed, freestanding toilet not requiring a foundation, whether intended to be temporary or permanent.

(e) “*Public property*” means any public street, right-of-way, road, highway, alley, or other publicly owned and maintained property.

(f) “*Snow pile*” means an accumulation or piling of snow in the public right-of-way which obstructs or impedes the normal flow of vehicular traffic.

(g) “*Storage pod*” means any container intended for the purpose of storing or keeping household goods and other personal property that is to be filled, refilled or emptied while located outdoors on the property and then later removed from the property for storage off-site. A storage pod does not include a dumpster.

(2) It shall be unlawful for any person to place, store or maintain a portable toilet, storage pod, dumpster, landscape materials or snow pile, or to place, store, maintain or allow to accumulate any debris on any public right-of-way or other public property unless such person is an employee, official or contractor of the City acting within the scope of his or her official municipal functions.

(3) This section shall not apply to privately owned property within the City.

(4) A violation of this section 1214 shall be punishable by a minimum fine of one hundred dollars (\$100.00).

Section 3. Interpretation. This Part II shall be interpreted and construed as to effectuate its general purpose to conform with the State of Colorado’s uniform system for the regulation of vehicles and traffic. Articles and section headings of this Part II and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof.

Section 4. Violation and Penalties. The following penalties, herewith set forth in full, shall apply to this Ordinance:

(a) It is unlawful for any person to violate any of the provisions adopted in this Ordinance.

(b) Every person convicted of a violation of any provision of this Ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, pursuant to and in the Fine and Penalty Schedule, as the same may be amended from time to time.

(c) In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense. For purposes of this subsection, "aggressive driving" means committing any two (2) or more of the following violations in a single act or series of acts in close proximity to another motor vehicle: (1) exceeding the speed limits (section 1101); (2) following too closely (section 1008); (3) failure to obey official traffic control devices (section 603); (4) passing on shoulder of road (section 1004); (5) failure to give an adequate signal (section 903); (6) failure to yield right-of-way (section(s) 701, 702, 703); and/or (7) unsafe lane change (section 1007).

(d) Unless otherwise set forth in the Fine and Penalty Schedule, the applicable penalty, penalty assessment or surcharge imposed for any moving traffic violation shall be doubled if the violation occurs within a school zone (section 615) or construction zone (section 614).

(e) Pursuant to Section 42-4-127(5.6)(a), C.R.S., the City hereby elects to have the provisions of Section 42-4-127(5.5), C.R.S. apply to violations of this Ordinance. If a violator receives a penalty assessment notice for a violation of this Ordinance, and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

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

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

(f) The imposition of any penalty imposed pursuant to this Part II shall not preclude impound where appropriate pursuant to Part IV.

PART III: PARKING

The restrictions, procedures and penalties provided in this Part III shall be in addition to those in Part II.

Section 1. Public Property Parking Restrictions. The Director of Public Works shall have the authority to direct the installation of any "traffic control device" which is warranted in

accordance with the Manual on Uniform Traffic Control Devices, as revised. Violations of such postings shall be a violation of this Part III.

PART IV: IMPOUNDS

In addition to the penalties and procedures set forth hereinabove, the Sheriff, or any person acting under his direction, is authorized to impound Vehicles, by means of towing or installation of any immobilizing device or “boot” under the following circumstances:

(a) if the registered Owner of said Vehicle has been issued three (3) or more traffic or parking citations that remain outstanding. For purposes of this Part IV, “outstanding” shall mean that the Owner has: failed to pay the fine or penalty imposed under said citation by the date set forth in the citation and, without prior authorization, failed to appear in court on the date set forth in the citation; or

(b) if the Vehicle has been abandoned on a public right-of-way. For purposes of this Part IV, a Vehicle is deemed “abandoned” if it is inoperative (regardless of registration status) or if, after an abandoned vehicle notice has been placed on the Vehicle requiring that it be moved, the Vehicle has not been moved within seventy-two (72) hours; or

(c) if the Vehicle is illegally parked, for any length of time: (1) in a manner that obstructs any roadway or emergency access; (2) in a fire zone or in front of a fire hydrant; (3) in a manner that prevents any other Vehicle from being able to move; (4) in any area marked by appropriate signage as a tow away zone; or (5) in any other circumstance where the sheriff or a person acting under his authorize determines that it would be unsafe for the Vehicle to remain illegally parked.

The cost of recovering an impounded Vehicle shall be the responsibility of the Owner of the Vehicle and shall be in addition to any other fines or penalties that may otherwise apply.

PART V: [Reserved]

PART VI: [Reserved]

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect. The City Council of the City of Castle Pines hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 3. Repeal. All ordinances and/or resolutions or parts or ordinances and/or resolutions inconsistent with provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Certification. The City Clerk or Deputy City Clerk for the City of Castle Pines, Colorado shall certify to the passage of this Ordinance and shall make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours.

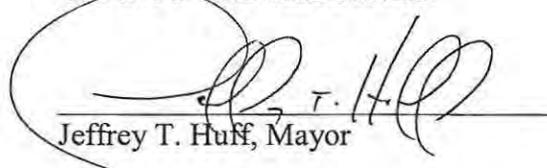
Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

Section 6. Authorization. The officers of the City are authorized and directed to take actions necessary and appropriate to effect the provisions of this Ordinance.

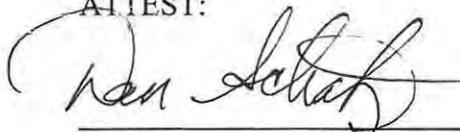
INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 24th day of January, 2012.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 14th day of February, 2012.

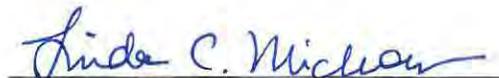
CITY OF CASTLE PINES:


Jeffrey T. Huff, Mayor

ATTEST:


Dan Schatz, City Clerk

Approved as to form:


Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines City Council on January 24, 2012; published by reference by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on Feb. 14, 2012 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on Feb. 23, 2012.

ATTEST:



City Clerk or Deputy City Clerk