

ORDINANCE NO. 15-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO AMENDING THE 2010 MODEL TRAFFIC CODE AS CODIFIED IN CHAPTER 8 OF THE MUNICIPAL CODE

WHEREAS, by Ordinance No. 12-01, the City of Castle Pines adopted by reference the 2010 edition of the Model Traffic Code for Colorado, as promulgated by the Colorado Department of Transportation (the "2010 MTC"), with certain amendments, as authorized under Article 4, Title 42 of the Colorado Revised Statutes; and

WHEREAS, pursuant to C.R.S. 42-4-111(w), local authorities are authorized to adopt traffic regulations as authorized under Title 42; and

WHEREAS, the City of Castle Pines City Council has determined that commercial vehicle traffic through the City disrupts the health, safety and welfare of the residents and that such vehicles must comply with all safety equipment required under the 2010 MTC; and

WHEREAS, the City Council desires to modify the 2010 MTC concerning mufflers on commercial vehicles; and

WHEREAS, the City Council held a duly noticed public hearing in order to amend the minimum fine for operating engine compression brakes without proper muffler equipment; and

WHEREAS, the City Council 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 prohibit the use of engine compression brakes without proper muffler equipment, and to prescribe the penalty for violation thereof.

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

Section 1. Section 8-1-20, title Amendments, of Article 1 of Chapter 8 of the Municipal Code is hereby amended to add the following modification as set forth below:

Subsection (3) of Section 225 is hereby amended to read in full as follows:

225. Mufflers – prevention of noise.

- (1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

- (1.5) Any commercial vehicle, as defined in section 235(1)(a), subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler.
- (2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.
- (3) Any person who violates subsection (1) of this section commits a traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a minimum fine of one thousand dollars (\$1,000.00).
- (4) This section shall not apply to electric motor vehicles.

Section 2. Fine Schedule. The City's Fine and Penalty Schedule is hereby amended as set forth in Exhibit A. Except as modified hereby, the Fine and Penalty Schedule shall remain unaffected and in full force.

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

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 13th day of OCTOBER, 2015.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 27th day of OCTOBER, 2015.



ATTEST:

Sharon Washington, City Clerk

Jeffrey T. Huff, Mayor

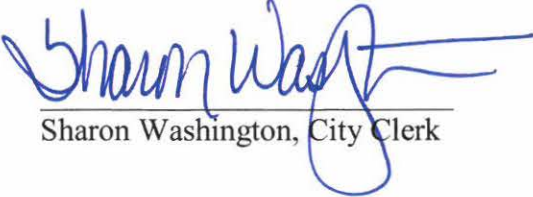
Approved as to form:

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 noticed public meeting of the Castle Pines City Council on September 22, 2015; published 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 October 27, 2015 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on November 5, 2015.

ATTEST:



Sharon Washington, City Clerk

Exhibit A

CITY OF CASTLE PINES - FINE AND PENALTY SCHEDULE

Statute (MTC)	Charge (Description)			Fine	Point	School / Const Zone Fine
225(1.5)	(No/Inadequate) Muffler on Vehicle Equipped with an Engine Compression Brake (Jake Brake)			1,000	0	