

## ORDINANCE NO. 25-11

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, REPEALING AND RE-ENACTING CHAPTER 8 OF THE MUNICIPAL CODE ENTITLED VEHICLES AND TRAFFIC, ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO, WITH CERTAIN AMENDMENTS, ADOPTING PENALTIES FOR VIOLATIONS THEREOF, AND ESTABLISHING VEHICLE IDLING STANDARDS**

WHEREAS, the City of Castle Pines (“City”) is authorized, pursuant to C.R.S. §§ 31-15-401 and 42-4-110(1)(b), to adopt and enforce police power regulations in furtherance of the health, safety, and welfare of its citizens, and specifically, to adopt a model traffic code that encompasses the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S.; and

WHEREAS, the City is authorized to adopt by reference Colorado statutes or any standard published codes pursuant to Section 6.7 of the City Charter and C.R.S. §§ 31-16-201, *et seq.*; and

WHEREAS, the City Council previously adopted by reference the 2010 and 2020 editions of the Model Traffic Code for Colorado, as amended and codified in Article 1 of Chapter 8 of the Castle Pines Municipal Code; and

WHEREAS, the State of Colorado Department of Transportation has promulgated a 2024 edition of the Model Traffic Code for Colorado (hereinafter, “2024 Model Traffic Code”), which the City Council desires to adopt to remain consistent with changes in the Model Traffic Code; and

WHEREAS, House Bill 24-1341 authorized local governments to enact a resolution or ordinance concerning the idling of commercial diesel vehicles that is at least as stringent as, but not less stringent than, the state idling standard and requires any local government with an idling standard to include certain exemptions; and

WHEREAS, the City Council desires to establish idling standards in the City by adding Article 5 to Chapter 8 of the Castle Pines Municipal Code, to be entitled *Limitation on Idling*, so the City can prosecute idling violations in municipal court; and

WHEREAS, the City Council further desires to make additional amendments to Chapter 8 of the Castle Pines Municipal Code by repealing and reserving Article 2, entitled *Traffic*, and incorporating other amendments to Article 3, entitled *Parking*, and Article 4, entitled *Limitation on Truck Traffic*, to define terms therein and update cross references; and

WHEREAS, the City Council hereby finds that adoption of the 2024 Model Traffic Code and the establishment of vehicle idling standards are necessary for the protection of the health, safety, and welfare of the public; and

WHEREAS, the City Council desires to adopt the 2024 Model Traffic Code by reference, as amended and set forth herein, to adopt penalties for violations thereof, and to make the other above-described amendments by repealing and re-enacting Chapter 8 of the Castle Pines Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:**

**Section 1.Repeal and Re-enactment of Chapter 8.** Chapter 8 of the Castle Pines Municipal Code, entitled "Vehicles and Traffic," is hereby repealed in its entirety and re-enacted to read as follows:

## **CHAPTER 8 – VEHICLES AND TRAFFIC**

### **ARTICLE 1 - Model Traffic Code**

#### **Sec. 8-1-10. - Adoption.**

Pursuant to Section 42-4-110(1), C.R.S. and Section 6.7 of the City Charter, there is hereby adopted by reference the 2024 edition of the Model Traffic Code for Colorado ("Model Traffic Code") as promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 West Howard Place, Denver, Colorado 80204. The subject matter of the adopted Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article and those portions of the Model Traffic Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State. Copies of the Model Traffic Code adopted herein are on file in the office of the City Clerk and may be inspected during regular business hours.

#### **Sec. 8-1-20. - Amendments.**

The Model Traffic Code ("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.

- (1) Section 103 of the Code entitled "Scope and effect of Code - exceptions to provisions" is deleted in its entirety and replaced in full to read as follows:

- (1) This Code constitutes the model traffic code throughout the City.

- (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:

- (a) Where a different place is specifically referred to in a given section; and

- (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.

(3) The classification of an offense in any section or subsection of the Model Traffic Code as a class A or class B traffic infraction is amended to classify such offense as a traffic infraction without reference to class A or class B. The classification of an offense in any section or subsection of the Model Traffic Code as a class 1 or class 2 traffic offense or misdemeanor traffic offense is amended to classify the offense as a traffic offense. Any violation of this Code shall be subject to Section 1701 of this Code, as amended.

(4)(a) It shall be the duty of police officers to enforce all traffic regulations of the City and all of the State laws applicable to the City.

(b) Police 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, police officers may direct traffic as conditions may require notwithstanding the provisions of State traffic laws or this Code.

(c) Fire department personnel, when at the scene of a fire or other emergency, may at the direction of authorized police officers assist such police officers with directing traffic.

(2) Section 106 of the Code is hereby amended to add a subsection (6)(d) to read as follows:

**106. Who may restrict right to use highways.**

\* \*\*

(6)(d) The use of certain highways, 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.

(3) Section 114 of the Code is hereby amended to add a subsection (4) to read in full as follows:

**114. Removal of traffic hazards.**

\* \*\*

(4) 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.

(4) Section 116 of the Code entitled "Restrictions for minor drivers – definitions" is hereby amended to add a subsection (6) to read in full as follows:

**116. Restrictions for minor drives – definitions.**

\*\*\*

(6) No more than one (1) passenger shall occupy the front passenger seat of the motor vehicle driven by a person under seventeen (17) years of age and the number of passengers in the back seat of such vehicle shall not exceed the number of safety belts.

- (5) Subsection (3) of section 225 of the Code is hereby deleted and replaced to read in full as follows:

**225. Mufflers - prevention of 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).

- (6) Section 1204(2)(b) of the Code entitled "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."
- (7) Section 1204(2) of the Code is further amended to add subsection (g), to read in full as follows:

(g) 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.

- (8) Subsection (3) of Section 1205 of the Code entitled "Parking at curb or edge of roadway" is deleted in its entirety and replaced in full to read as follows:

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. Angle parking shall not be permitted on any state highway unless the department of transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

- (9) Section 1209 of the Code entitled "Owner liability for parking violations" is amended to add the following as the last 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 party 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.

- (10) The Code is further amended to add a new section 1214 entitled "Parking restrictions in residential districts" to read in its entirety as follows:

**1214. 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 (10,001) pounds 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 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 1214 shall be punishable by a minimum fine of one hundred dollars (\$100.00).

(11) Section 1409 of the Code entitled "Compulsory insurance – penalty – legislative intent" is hereby amended to include "low-speed electric vehicle" in every reference to motor vehicle(s) and low-power scooter(s).

- (12) Section 1701 of the Code entitled "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. 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 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.

(b) A violation of any of the following sections of the Model Traffic Code: 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 (compulsory insurance), 1413 (eluding or attempting to elude a police officer), 1703 (parties to a crime - aiding or abetting a traffic offense), 1704 (offenses by persons controlling vehicles), and 1903 (school buses - stops).

(3)(a) The fines and penalties for non-criminal traffic infractions within the City of Castle Pines shall be set forth in a fine schedule adopted and amended in accordance with Section 2-4-190 of the Municipal Code and the provisions of this Section 1701 (the "Fine and Penalty Schedule"). The Fine and Penalty Schedule shall be available during normal business hours at the office of the City Clerk. Fines and penalties for traffic offenses shall be subject to this Code and Section 1-4-20 of the Castle Pines Municipal Code.

The designation "SUM" in the Fine and Penalty Schedule shall require a summons to be issued in accordance with section 1707 of this Code.

Subject to the minimum and maximum penalty limitations as set forth in this subsection for each and every violation of this Code, and pursuant to Colorado Municipal Court Rules of Civil Procedure, Rule 210(b)(5), 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 traffic infractions, designating each violation specifically in the schedules. Such fines and penalties will be within the limits set by this Code and the Castle Pines Municipal Code.

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 a place where fines are to be paid, and in the office of the City Clerk.

(b) Court costs as authorized by State law shall be added to the fine.

(c) Any person convicted of a traffic infraction shall 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, receipted by, and accounted for by the court clerk.

(13) Section 1705 of the Code is hereby deleted and replaced to read as follows:

**1705. Person arrested for violation.**

Whenever any person is arrested by a police officer for any violation of this Code, the Sheriff's Department or other police officers duly commissioned by the City of Castle Pines, as applicable, shall follow applicable department policies and procedures and the Castle Pines Municipal Code as they pertain to summons and complaint and bond issues.

(14) Section 1707 of the Code is hereby deleted and replaced to read as follows:

**1707. Summons and complaint for traffic violations.**

(1) Whenever a person commits a violation of this Code, 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 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.

- (15) Section 1709(1) of the Code entitled "Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license" is amended by deleting the phrase "citation of the statute" and replacing it with "citation of the Model Traffic Code provision" and by inserting the phrase "or municipal" after the phrase "in a specified county court."
- (16) Subsection (3) of Section 1710 of the Code entitled "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 of Procedure" after the phrase "in section 18-1-405, C.R.S."
- (17) Section 1710 of the Code entitled "Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice – procedures" is further amended to add a subsection (5) to read in full as follows:

(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 proper 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.

(18) Subsection (3) of Section 1709 of the Code is hereby deleted and shall be reserved.

**Sec. 8-1-30. - Interpretation.**

This Article shall be interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Articles and section headings of this Article 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.

**Sec. 8-1-40. - Violation and penalties.**

The following penalties, herewith set forth in full, shall apply to this Article:

- (1) It is unlawful for any person to violate any of the provisions adopted in this Article.
- (2) Every person convicted of a violation of any provision of this Article shall be punished as provided in this Code, subject to the limitations set out in section 1-4-20 of the Castle Pines Municipal Code.
- (3) 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 paragraph, *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 1007); (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).
- (4) 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).
- (5) Pursuant to Section 42-2-127(5.6)(a), C.R.S., the City hereby elects to have the provisions of Section 42-2-127(5.5), C.R.S., apply to violations of this Article. If a violator receives a penalty assessment notice for a violation of this Article 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:
  - a. For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points;
  - b. For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

- (6) The imposition of any penalty imposed pursuant to this Article shall not preclude impound where appropriate pursuant to Article 3 of this Chapter.
- (7) All references to provisions of the Colorado Revised Statutes that contain counterpart provisions to the adopted Model Traffic Code as contained in this Chapter 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 Chapter.

## **ARTICLE 2 - RESERVED**

## **ARTICLE 3 – Parking**

### **Sec. 8-3-10. Definitions.**

Unless otherwise specified or the context otherwise requires, the following terms shall have the following meanings throughout this Article 3:

*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, 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 a 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.

*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.

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

### **Sec. 8-3-20. 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.

**Sec. 8-3-30. Penalties; impoundment.**

- (a) Failure to obey a traffic control device shall be a violation of this Article. The penalties and procedures set forth in Article 1 of this Chapter for traffic infractions shall apply to a violation of this Article. In addition, the Sheriff, or any person acting under his or her direction, is authorized to impound vehicles by means of towing or installation of any immobilizing device or "boot" under the following circumstances:
- (1) 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 Article, *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 this citation.
  - (2) If the vehicle has been abandoned on a public right-of-way. For purposes of this Article, 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.
  - (3) If the vehicle is illegally parked for any length of time:
    - a. In a manner that obstructs any roadway or emergency access;
    - b. In a fire zone or in front of a fire hydrant;
    - c. In a manner that prevents any other vehicle from being able to move;
    - d. In any area marked by appropriate signage as a tow-away zone; or
    - e. In any other circumstance where the Sheriff or a person acting under his or her authority determines that it would be unsafe for the vehicle to remain illegally parked.
- (b) 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.

**ARTICLE 4 – Limitation on Truck Traffic**

**Sec. 8-4-10. Purpose.**

The purpose of this Article is to protect public health, safety, and welfare and decrease negative impacts from truck traffic on residential areas by reducing roadway wear and maintenance costs, noise, and pollution.

**Sec. 8-4-20. Definitions.**

For purposes of this Article 4, the following terms shall have the following meanings:

*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.

*City* means the City of Castle Pines.

*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, 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 a vehicle for a period of thirty (30) days or more.

*Truck* means a motor vehicle with a gross vehicle weight of twenty thousand (20,000) or more pounds, which is designed to transport property. The term includes vehicles of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, which may or may not be motorized. The term also includes road machinery, construction equipment, and any type of tractor that meets the weight limitation set forth in this Section.

#### **Sec. 8-4-30. Limitation on truck traffic.**

It is unlawful for any person to operate, or cause to be operated, a truck on any of the following streets within the corporate limits of the City:

- (1) Buffalo Trail, northbound and southbound;
- (2) Castle Pines Parkway in its entirety as located within City limits, eastbound and westbound;
- (3) Monarch Boulevard, in its entirety as located within City limits, northbound and southbound; and
- (4) Lagae Road from the southern City limit line to Castle Pines Parkway.

#### **Sec. 8-4-40. Exceptions.**

This Article 4 shall not prohibit:

- (1) The operation of authorized emergency vehicles upon any street in the City.
- (2) The operation of trucks making a local delivery to a home, residence, or business within the City.
- (3) The operation of trucks utilized for construction, repairs, or maintenance on any property in the City.

#### **Sec. 8-4-50. Evidence of points of origin and destination.**

Any person operating a truck on the streets listed in Section 8-4-30 herein shall have in his or her possession a logbook, delivery slip or other evidence of points of origin and destination to justify the presence of the truck upon such street. Failure to produce evidence of a logbook,

delivery slip, or other evidence of points of origin and destination shall be deemed prima facie evidence of a violation Section 8-4-30.

**Sec. 8-4-60. Violation; penalty.**

Every person convicted of a violation of the provisions in this Article 4 shall be subject to the following minimum fines:

- (1) First offense: Five hundred dollars (\$500.00).
- (2) Second offense within any twelve (12) consecutive months: Seven hundred and fifty dollars (\$750.00).
- (3) Third or subsequent offense within any twelve (12) consecutive months: One thousand dollars (\$1,000.00).

**ARTICLE 5 – Limitation on Idling**

**Sec. 8-5-10. Purpose.**

The purpose of this Article is to protect public health, safety, and welfare by reducing fuel waste and the public's exposure to vehicle exhaust by limiting unnecessary idling.

**Sec. 8-5-20. Definitions.**

For purposes of this Article 5, the following terms shall have the following meanings:

*Covered vehicle* means a commercial diesel vehicle with a gross vehicle weight rating of greater than fourteen (14,000) thousand pounds that is designed to operate on highways.

*Idling* means when the primary propulsion engine of a covered vehicle is running but the vehicle is not in motion.

*Law enforcement officer* means law enforcement personnel of the City of Castle Pines or any entity with whom the City of Castle Pines contracts to provide law enforcement services, including the Sheriff, or any person acting under his or her direction.

**Sec. 8-5-30. Limitation on idling.**

It is unlawful for the owner or operator of a covered vehicle to cause or permit the vehicle to idle for more than five (5) minutes within any sixty (60) minute period except as authorized by Section 8-5-40.

**Sec. 8-5-40. Exceptions.**

This Article 5 does not apply to an idling covered vehicle:

- (1) When it remains motionless because of highway traffic, an official traffic control device or signal, or at the direction of a law enforcement officer;
- (2) When the driver is operating defrosters, heaters, or air conditioners or is installing equipment only to prevent a safety or health emergency, and not for rest periods;

- (3) In the case of a law enforcement, emergency, public safety, or military vehicle, or any other vehicle used to respond to an emergency, when it is responding to an emergency or being used for training for an emergency, and not for the convenience of the vehicle operator;
- (4) In the case of a school bus, dump truck, or delivery truck during their normal operational uses;
- (5) When necessary for required maintenance, servicing, or repair of the vehicle;
- (6) During a local, state, or federal inspection verifying that the equipment is in good working order if required for the inspection;
- (7) During the operation of power take-off equipment if necessary for operating work-related mechanical or electrical equipment;
- (8) In the case of an armored vehicle, when a person is inside the vehicle to guard its contents or during the loading or unloading of the vehicle;
- (9) In the case of a passenger bus, when idling for up to five (5) minutes in any sixty (60) minute period to maintain passenger comfort while nondriver passengers are on board;
- (10) When used to heat or cool a sleeper berth compartment during a rest or sleep period at a safety rest area as defined under 23 CFR 752.3, fleet trucking terminal, commercial truck stop, or state-designated location designed to be a driver's rest area;
- (11) When used to heat or cool a sleeper berth compartment during a rest or sleep period at a location where the vehicle is legally permitted to park and that is at least one thousand (1,000) feet from residential housing, a school, a daycare facility, a hospital, a senior citizen center, or a medical outpatient facility providing primary, specialty, or respiratory care;
- (12) When idling for up to twenty (20) minutes in any sixty (60) minute period if the ambient temperature is less than ten (10) degrees; or
- (13) For a critical service or a utility provider, when performing the functions of the provider's duties.

**Sec. 8-5-50. Violation; penalty.**

The owner or operator of a covered vehicle that violates this Article 5 commits a traffic infraction and shall be subject to the following minimum fines:

- (1) First offense: one hundred fifty dollars (\$150.00).
- (2) Second or subsequent offense: five hundred dollars (\$500.00).

**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, in accordance with Section 6.8 of the City Charter.

**Section 3. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 4. Publication and Effective Date.** The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the City Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Castle Pines Municipal Code.

*[Remainder of page left intentionally blank.]*



**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 9th DAY OF SEPTEMBER, 2025.**

**READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 14th day of OCTOBER, 2025.**



ATTEST:

Tobi Duffey, MMC, City Clerk

Tracy Engerman (Nov 11, 2025 23:18:37 MST)

Tracy Engerman, Mayor

Approved as to form:

Linda Michow (Oct 28, 2025 13:59:27 MDT)

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 on September 9, 2025; published by title only in the Douglas County News-Press, together with the statement that "[t]he complete text of the ordinance is available through the City Clerk's office and on the City's official website with second reading and public hearing to be held on October 14, 2025"; and finally passed and adopted by the City Council on October 14, 2025, following a duly noticed public hearing and published on the City's official website and posted at the City Clerk's office on September 10, 2025.

ATTEST:

Tobi Duffey, MMC, City Clerk