

Title 11

VEHICLES AND TRAFFIC

Chapters:

- 11.04 Traffic Code
- 11.06 Truck Routes
- 11.08 Abandoned and Junked Vehicles
- 11.10 Towing of Motor Vehicles
- 11.12 Off-Highway Vehicles

Chapter 11.04

TRAFFIC CODE

Sections:

- 11.04.010 Adoption.
- 11.04.020 Deletions.
- 11.04.030 Additions and Modifications.
- 11.04.040 Penalties.
- 11.04.050 Procedure Non-Criminal Traffic Offense.
- 11.04.060 Application.
- 11.04.070 Interpretation.
- 11.04.080 Copies on File and Available for Sale.

11.04.010 Adoption. Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Parts 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, and Part 19 of the Model Traffic Code for Colorado ("Model Traffic Code"), and any appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, Colorado 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of uniform traffic regulations consistent with State law, and generally conforming to similar regulations throughout the State and the nation.

11.04.020 Deletions. The following Articles, Sections and/or subsections of the Model Traffic Code, 2020 Edition, are inapplicable to the Town of Dinosaur and are therefore deleted:

A. Part 1, "TRAFFIC REGULATION-GENERALLY," Sections 101, Short title and 102, Legislative declaration;

B. Part 1, "TRAFFIC REGULATION-GENERALLY," subsection (3) of Section 116 concerning restrictions for minor drivers;

C. Part 10, "DRIVING-OVERTAKING-PASSING", Section 1011, Use of runaway vehicle ramps and Section 1012, High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes;

D. Part 11, "SPEED REGULATION", Sections 1105(5), 1105(6), 1105(7), 1105(8), and 1105(9) concerning penalties for speed contests and exhibitions;

E. Part 12, "PARKING", Section 1210, designated areas on private property for authorized vehicles;

F. Part 14, "OTHER OFFENSES", subsection (4) of Section 1409, Compulsory insurance-penalty-legislative intent;

G. Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;

H. Part 17, "PENALTIES AND PROCEDURE", is deleted in its entirety;

I. Part 18, "VEHICLES ABANDONED ON PUBLIC PROPERTY", is deleted in its entirety;

J. Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses; and

K. All Sections or subsections of the 2020 Edition of the Model Traffic Code that categorize violations into classes of traffic infractions, traffic offenses, misdemeanors, or which set forth a specific penalty for a violation, whether monetary or otherwise are hereby deleted.

11.02.030 Additions and Modifications. The adopted Model Traffic Code is subject to the additions or modifications set forth below. All Sections not deleted, added to, or modified remain as if set out at length in the original form.

A. Subsection ((b) of Section 103 of Part 1 of the Model Traffic Code, concerning scope and effect of Code is amended to read as follows:

(b) For provisions of Sections 1211, 1401, 1402, and 1413, which shall apply upon streets and highways and elsewhere throughout the jurisdiction including private property.

B. Section 107 of Part 1 of the Model Traffic Code, concerning obedience to police officers, is hereby amended to read as follows:

107. Obedience to Law Enforcement Officers. No person shall willfully fail or refuse to comply with any lawful order or direction of any law enforcement officer vested by law

with authority to direct, control, or regulate traffic. Any person who violates any provision of this Section commits a municipal offense and is subject to penalties set forth in Chapter 1.12 of Title 1 of the Dinosaur Municipal Code.

C. Subsection 7 of Section 109 of Part 1 of the Model Traffic Code, concerning low power scooters, animals, skis, skates and toy vehicles on highways, is hereby amended to read as follows:

109. Low-powered scooters, animals, skis, skates and toy vehicles on highways.

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, and low-power scooter safety throughout the State, the Colorado Department of Revenue in cooperation with the Colorado Department of Transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle, and low-power scooter riders a digest of State regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to such riders and their bicycles, electrical assisted bicycles, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within the Town of Dinosaur.

D. Subsection 11 of Section 109 of Part 1 of the Model Traffic Code, concerning low-power scooters, animals, skis, skates and toy vehicles on highways, is hereby amended to read as follows:

109. Low-power scooters, animals, skis, skates and toy vehicles on highways.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth (1/4) mile of the right-of-way of heavily traveled streets and highways, the Colorado Department of Transportation may, subject to the provisions of Section 43-2-135, C.R.S., by resolution or order entered within its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to or within four hundred fifty feet (450') of the right-of-way of heavily traveled streets, by ordinance, determine and designate upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, electric scooter, animal rider, animal-drawn conveyance, or other class or kind of non-motorized traffic that is found to be incompatible with the normal and safe movement of traffic, and upon such determination, the Colorado Department of Transportation or local authority shall erect appropriate official signs giving notice of the prohibition; except that, with respect to controlled access highways, Section 42-4-1010(3), C.R.S., applies. When official signs are erected, a person shall not violate any of the instructions contained on the official signs.

D. Subsection (3) of Section 114 of Part of the Model Traffic Code, concerning traffic

hazards, is hereby amended to read as follows:

114. Removal of Traffic Hazards.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from the Town of Dinosaur to do so, the Town may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the Town for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town and in the court having jurisdiction thereof. If the Town must resort to court action for collection of the amounts due, the Town shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails. In the event such costs are not paid by the property owner when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the cost of collection, pursuant to Section 31-20-105, C.R.S., as amended.

E. Part 1 of the Model Traffic Code is hereby amended to include the following additional Section:

119. Driving Under Restraint.

(1) Any person who drives a motor vehicle or off-highway vehicle upon any street or highway with knowledge that the person's license or privilege to drive, either as a resident or non-resident, is under restraint for an outstanding judgment is in violation of this Section, which is designated a municipal offense.

(2)(a) In a prosecution for violation of this Section, the fact that the restraint may be established by certification that a notice was mailed by first class mail pursuant to Section 42-2-119(2), C.R.S. to the last known address of the defendant, or by the delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

(2)(b) In a prosecution for a violation of this Section, the fact of restraint in another state may be established by certification that notice was given in compliance with such state's laws.

F. Subsection (5) of Section 116 of Part 1 of the Model Traffic Code, concerning restrictions for minor drivers, is hereby amended to read as follows:

116. Restrictions for minor drivers-definitions.

(5) No driver in a motor vehicle shall be cited for a violation of this Section unless such driver was stopped by a law enforcement officer for an alleged violation of the Model Traffic Code other than a violation of this Section.

G. Subsection (3) of Section 117 of Part 1 of the Model Traffic Code concerning limitations on use of EPAMDs is hereby amended to read as follows:

117. Personal mobility devices.

(3) An EPAMD shall not be operated:

(a) On a limited-access highway; or

(b) At a speed greater than twelve and one-half (12 ½) miles per hour.

H. Subsection (3) of Section 223 of Part 2 of the Model Traffic Code, concerning brakes, is hereby amended to read as follows:

223. Brakes.

(3) No operator of a truck or truck tractor shall use or apply engine compression brakes, also known as “jake brakes”, equipped on such vehicle while traveling within this municipality.

I. Section 234 of Part 2 of the Model Traffic Code, concerning slow moving vehicles-display of emblem, is hereby amended to read as follows:

234. Slow moving vehicles-display of emblem.

(1)(a) All machinery, equipment and vehicles, except bicycles, electrical assisted bicycles, electric scooters, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five (25) miles per hour on a public highway must display a triangular slow moving vehicle emblem on the rear.

(b) Bicycles, electric assisted bicycles, electric scooters, and other human-powered vehicles may, but need not, display the emblem specified in this subsection (1).

J. Part 2 of the Model Traffic Code, concerning equipment, is hereby amended to include the following additional Section:

243. Use of tire chains on commercial vehicles prohibited.

No person shall drive any commercial vehicle, including a motor vehicle, truck, truck

tractor, trailer or semitrailer used in the business of transporting persons or property over the public highways for profit, hire or otherwise equipped with tire chains within the corporate limits of the Town of Dinosaur.

K. Part 5 of the Model Traffic Code, concerning size, weight and load of vehicles, is hereby amended to include the following additional Section:

513. Weight limits on certain streets or parts thereof.

When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon any of the streets.

L. Subsection (4) of Section 508 of Part 5 of the Model Traffic Code, is hereby amended to read as follows:

(4) It shall be an affirmative defense to a violation of this Section that the driver was in the immediate process of delivering or picking up materials or merchandise, providing services, or for reaching the final business destination in the Town. Motor homes, recreational trailers shall be excepted from the restrictions set forth above. Emergency service vehicles shall also be excepted from the restrictions set forth in this Section.

M. Section 614 of Part 6 of the Model Traffic Code is amended to read as follows:

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

(1) If maintenance, repair, or construction activities are occurring or will be occurring within four (4) hours on a local street or State highway, local authorities within their jurisdiction, may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone shall be subject to double the fine normally imposed for the applicable speeding violation.

(2) Local authorities, within their jurisdiction, shall designate by appropriate signs that maintenance, repair or construction activity is taking place or will be taking place within four (4) hours. Such signs shall notify the public that increased penalties for speeding violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, repair

or construction zone shall conform to the Colorado Department of Transportation requirements. Local authorities may display such signs on a fixed, variable or movable stand. Local authorities may place such sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

N. Subsection (1) of Section 615 of Part 6 of the Model Traffic Code, concerning schools zones, is hereby amended to read as follows:

615. School zones-increase in penalties for moving traffic violations.

(1) Any person who commits a moving traffic violation in a school zone is subject to double the fine normally imposed for any moving violation, whether a criminal traffic offense or a non-criminal traffic offense, that occurs in a school zone.

O. Part 6 of the Model Traffic Code, concerning signals, signs and markings, is amended to include the following additional Section:

616. Barricades. Whenever barricades are erected to close off part or all of a street or highway, as authorized by Section 42-4-111, C.R.S., no person shall drive around, through, or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with the directions of a law enforcement officer or other authorized person.

P. Subsection (1) of Section 616 of Part 6 of the Model Traffic Code, concerning wildlife crossing zones-increase in penalties for moving traffic violations, is hereby amended to read as follows:

(1) Except as described by subsection (4) of this Section, a person who commits a traffic infraction or a traffic offense in a wildlife crossing zone is subject to increased penalties as set by the Dinosaur Municipal Court.

Q. Section 702 of Part 7 of the Model Traffic Code, concerning vehicles turning left, is amended to read as follows:

702. Vehicle turning left.

Unless there is an official traffic control arrow signal regulating the left turn, the driver of a vehicle intending to turn left within an intersection, or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

R. Subsection (3) of Section 703 of Part 7 of the Model Traffic Code, concerning entering through highway at stop or yield intersection, is amended to read as follows:

703. Entering through highway-stop or yield intersection.

(3) Except when directed to proceed by law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways, except that if the driver is involved in a collision with a vehicle, after driving past a stop sign, such collision shall be deemed prima facie evidence of his or her failure to yield the right-of-way.

S. Subsection (2) of Section 707 of Part 7 of the Model Traffic Code, concerning certain vehicles must stop at railroad grade crossings is hereby amended to read as follows:

707. Certain vehicles must stop at railroad grade crossings.

(2) This section shall not apply at street railway grade crossings within a business or residential district.

T. Subsection (3) of Section 712 of Part 7 of the Model Traffic Code, concerning driving in highway work areas, is amended to read as follows:

712. Driving in highway work areas.

(3) Local road authorities, in cooperation with law enforcement agencies, may train and appoint adult civilian personnel for special traffic duty as highway flag-persons within any highway maintenance or construction work area. Whenever such duly authorized flag-persons are wearing the badge, insignia, or uniform of their office, or engaged in the performance of their respective duties, and are displaying any official hand signal device of any type and in the manner prescribed in the adopted State of Colorado Traffic Control Manual, or supplement thereto, for signaling traffic in such areas to stop or proceed, no person shall willfully fail or refuse to obey the visible instructions or signals so displayed by such flag-person. Any alleged willful failure or refusal of the driver to comply with such instructions or signals, including information as to the identity of the driver and license plate number of the vehicle alleged to have been driven in violation, shall be reported by the work area supervisor in charge at the location to the municipal prosecutor or district attorney for appropriate penalizing action in a court of competent jurisdiction.

U. Section 1101 of Part 11 of the Model Traffic Code, concerning speed limits, is amended to read as follows:

1101. Speed limits.

(1) No person shall drive a vehicle on a traveled roadway or highway within this municipality at a speed greater than the posted speed limit, or if there is no posted speed limit, greater than the applicable speed set forth in subsection (2) below.

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

(a) Twenty-five (25) miles per hour in any business district, as defined in Section 42-1-102 (11) C.R.S.;

(b) Twenty-five (25) miles per hour in any residence district, as defined in Section 42-1-101 (80), C.R.S.;

(c) Twenty (20) miles per hour in any alley; and

(d) Any speed not in excess of the speed limit designated by official traffic control devices.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty (40) miles per hour.

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

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

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

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the maximum lawful speed limit.

(6) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent or

public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

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

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

V. Section 1201 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is amended to read as follows:

1201. Moving a parked vehicle.

No person shall move a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

W. Section 1202 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is amended to read as follows:

1202. Parking or abandonment of vehicles.

No person shall stop, park, or leave standing any vehicle, either attended or unattended, upon the paved or improved main-traveled part of the highway. Nothing contained in this Section shall apply to the driver of any vehicle which is disabled while on the paved or improved main-traveled portion of a highway in such a manner and to such extent that is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to emergency lighting requirements set forth in Section 230.

X. Section 1203 of Part 12 of the Model Traffic Code is amended to read as follows:

1203. Parking for certain purposes prohibited.

No person shall park a vehicle upon a roadway for the principal purpose of;

(a) Displaying such vehicle for sale;

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

(c) Displaying advertising;

(d) Selling from such vehicle or storing merchandise for sale or for any other commercial use of any kind or nature, except as specifically allowed by the Town of Dinosaur.

Y. Subsection (7) of Section 1204 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is amended to read as follows:

(7) At any place within this municipality where clearly marked signs or markings are posted by the owner, or lessee, of private property, giving notice of any stopping, standing or parking restrictions or prohibitions, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs. Any violation thereof shall be punished as is other cases of unlawful parking; provided, however, that the Marshal's Department shall require the owner or lessee of the property to sign a complaint prior to taking action.

Z. Part 12 of the Model Traffic Code is amended to include the additional Section 1214 to read as follows:

1214. Parking on emergency snow routes.

During a snow event, it shall be unlawful for a person to stand or park a vehicle on the side of a street that constitutes an emergency snow route with even numbered addresses on even numbered calendar days and the side of the street that constitutes an emergency snow route with odd numbered addresses on odd numbered calendar days from 5:00 a.m. to 5:00 p.m. For the purposes of this Section, a "snow event" shall begin when there are two inches (2") of undrafted snow accumulation and shall remain in effect for seventy-two (72) hours after the snow fall ends.

AA. Section 1401 of Part 14 of the Model Traffic Code, concerning reckless driving, is amended to read as follows:

1401. Reckless driving.

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter anywhere within this Town in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

BB. Section 1402 of Part 14 of the Model Traffic Code, concerning careless driving, is amended to read as follows:

1402. Careless driving.

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter anywhere within this municipality in a careless and imprudent manner without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances is guilty of careless driving. A person convicted of careless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

CC. The “Definitions” section contained in the appendices to the Model Traffic Code is hereby amended to include the following:

Meaning of words.

Whenever any words and phrases used are defined in the “Definitions” section of the 2020 Model Traffic Code for Colorado, they shall have such meaning ascribed to them. In all cases where the definition or meaning of a word is not set forth and its meaning is not sufficiently apparent in its connection with the subject, the definition given in Webster’s Dictionary shall be taken as the true meaning.

(8.7) **“Barricade”** means a portable or fixed barrier having object markings, including but not limited to traffic cones, used to close all or a portion of the right-of-way to vehicular traffic.

(57.5) **“Motorized skateboard”** means any self-propelled device that has a motor or engine, a deck designed to be stood or sat upon by the operator, on which a person may ride, which may or may not have handlebars and has at least two (2) wheels in contact with the ground. However, a wheelchair or other special motorized unit designed for and used by persons physically disabled to assist their mobility shall not be considered a motorized skateboard.

11.04.040 Penalties.

A. Part 17 of the Model Traffic Code for Colorado 2020 Edition, shall read as follows:

Any person who violates any of the provisions contained in the Model Traffic Code shall be deemed to have committed a non-criminal traffic offense. Every person who is convicted of, who admits liability for, or against whom a judgment is entered, for a non-criminal traffic offense shall be punished by a fine of up to one hundred fifty dollars (\$150.00) except any of the following violations which shall constitute a criminal municipal offense punishable by a fine of up to three hundred dollars (\$300.00), imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment. The presiding Judge of the Municipal Court shall promulgate a schedule

of penalties for all non-criminal traffic offenses contained in the Model Traffic Code. Said schedule shall be prominently posted in the office of the Municipal Court:

A.	MTC 1101 (1)	Speeding - the alleged violator is accused of exceeding the prima facia speed limit by more than 19 mph;
B.	MTC 1101 (3)	Special Hazards (if the alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or the death to any person);
C.	MTC 1105	Speed Contest;
D.	MTC 1401	Reckless Driving;
E.	MTC 1402	Careless Driving (if the violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or death to any person);
F.	MTC 1413	Eluding or Attempting to Elude a Police Officer;
G.	MTC 1903	Stopping for School Buses; and
H.		Any other offense contained in the Model Traffic Code resulting in an accident causing personal injury or substantial property damage.

11.04.050 Procedure Non-Criminal Traffic Offense.

A. Notwithstanding the provisions of Rule 223(a) and (b) of the Colorado Municipal Court Rules of Procedure, or any other provision of law, the right of a jury trial shall not be available at a hearing where the cited person is charged with a non-criminal traffic offense. In addition, no person charged with a non-criminal traffic offense shall be afforded the right of Court-appointed counsel.

B. The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a non-criminal traffic offense, unless any of the rules are clearly inapplicable. The burden of proof shall be upon the People beyond a reasonable doubt.

C. An appeal from final judgment on a non-criminal traffic offense shall be made in accordance with Rule 237 of the Colorado Municipal Court Rules of Procedure and Article 10, Title 13, C.R.S.

D. Except as otherwise provided in this subsection, no person against whom a judgment has been entered for a non-criminal traffic offense shall collaterally attack the validity of that judgment unless such attack is commenced within three (3) months after the date of entry of the judgment. The only exceptions to the time limitations shall be:

1. A case in which the Court entering judgment did not have jurisdiction over the subject matter of the alleged infraction.

2. A case in which the Court entering judgment did not have jurisdiction of the person of the violator.

3. Where the Court finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

4. Where the Court finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

E. At any time that a person is cited for the commission of any non-criminal traffic offense, the citing officer shall give a notice to the person in charge of or operating the motor vehicle involved, which notice shall be in the form of a Penalty Assessment Notice.

F. The Penalty Assessment Notice tendered by the citing officer shall contain the name and address of such person, the license number of the vehicle involved, if any, the number of such person's driver's license, the nature of the offense, the amount of the penalty prescribed for such offense, the date of the Notice, the time and place and when and where such person shall appear in Court in the event such penalty is not paid, and a place for such person to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed within twenty (20) days as well as such other information as may be required by law to constitute such Notice as a Summons and Complaint to appear in Court, should the prescribed penalty not be paid within the time period.

G. One copy of the Notice shall be given to the violator by the citing officer.

H. The time specified in the Notice to appear shall be at least twenty-one (21) days, but not more than forty-five (45) days after the date of such citation, unless the person cited shall demand an earlier hearing.

I. Whenever the alleged violator refuses to sign or accept the Penalty Assessment Notice, tender of such Notice by the citing officer to the alleged violator shall constitute service of a Summons and Complaint.

J. In the event a person who has been cited for a non-criminal traffic offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice, he/she shall make an appearance and answer the Complaint against him/her. If the alleged violator answers that he/she is liable, judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty on the Complaint and if he/she denies liability, a trial shall be held within the time period prescribed in Rule 248 of the Colorado Municipal Court Rules of Procedure. If the alleged violator fails to appear for a final hearing, a default judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty and applicable

Court costs.

K. In the event a person who has been cited for a non-criminal traffic offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice and fails to appear at the time and place specified in the Notice a default judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty and Court costs. The Clerk of the Municipal Court may proceed to collect this judgment as provided by law, and shall certify the same to the Department of Revenue as provided in Section 42-4-1709(7), C.R.S..

L. If the alleged violator is cited for a non-criminal traffic offense, he/she shall be privileged to answer the Complaint made against him in the manner provided in the Colorado Municipal Court Rules of Procedure. The maximum penalty which may be imposed shall not exceed the penalty set forth in the Penalty Assessment Notice.

M. If a person receives a Penalty Assessment Notice for a violation under this Chapter 11.04 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, in the manner and to the extent permitted by. Sections 42-2-127(5.5) and (5.6), C.R.S.

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.

11.04.060 Application. This Chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, within the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1211, 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively, concerning limitations on backing, reckless driving, careless driving, and eluding a police officer shall apply not only to public places and ways but also on private property throughout this municipality. Pursuant to Section 103 of the Model Traffic Code, all stop sign regulations and speed limits shall be enforced upon any way which is open to travel by the public by motor vehicles and which is privately maintained when appropriated signs giving notice of such enforcement are erected at the entrances to such ways. In addition, as authorized by Section 1204 of the Model Traffic Code, the owner or lessee of any private property available for public use in the Town may request in writing that specified areas on such property be designated for use only by authorized vehicles or only at specified times, or may prohibit parking entirely, and upon acceptance by motion of the Town Council, these private rights-of-way shall be clearly marked by the owner or lessee with official traffic control devices. It is unlawful for any person to park any vehicle in violation of any such sign or marking.

11.04.070 Interpretation. This Chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of

vehicles and traffic. Article and section headings of this Chapter and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

11.04.080 Copies on File and Available for Sale. At least one copy of the Model Traffic Code for Colorado, 2020 Edition, together with one copy of the Ordinance shall be kept on file in the office of the Town Clerk, or in the office of the Town Marshal as provided by §31-16-206, C.R.S. The Clerk shall at all times maintain a reasonable supply of copies of the Model Traffic Code for Colorado, 2020 Edition, available for purchase by the public at a moderate price.

(Ord. 89, 1996; Amended Ord. 120, 2008; Amended Ord. 2, §1, 2021)

Chapter 11.06

TRUCK ROUTES

Sections:

- 11.06.010 Definitions.
- 11.06.020 Restricted Routes-Designated.
- 11.06.030 Trucks and Other Commercial Vehicles Prohibited on Restricted Routes.
- 11.06.040 Signs Required.

11.06.010 Definitions. The following terms, as used in this Chapter shall have the meanings hereinafter designated unless the context specifically indicates otherwise or unless such meaning is excluded by express provision:

A. "Immediate area of operation" means a segment of a restricted route between successive intersecting streets, including any restricted route, which provides the only practical access to that segment of the restricted route.

B. "Mobile machinery" shall have the same meaning as defined in the Model Traffic Code for Colorado Municipalities, as adopted by the Town of Dinosaur.

C. "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with State law, placed or displayed by authority of the Town, for the purpose of regulating, warning or guiding traffic.

D. "Restricted route" means any street, highway, public way or portion thereof prohibited to the operation of certain through truck and other commercial vehicle traffic, as designated in this Chapter.

E. "Road tractor" shall have the same meaning as defined in the Model Traffic Code for Colorado Municipalities, as adopted by the Town of Dinosaur.

F. "Semi-trailer" shall have the same meaning as defined in the Model Traffic Code for Colorado Municipalities, as adopted by the Town of Dinosaur.

G. "Through truck traffic" means operation of a truck or mobile machinery without origin or destination in the immediate area of operation.

H. "Truck" means any motor vehicle equipped with a body designed to carry property which is generally and commonly used to carry and transport property over the public streets, except privately owned recreation motor vehicles, in excess of twenty-six thousand pounds gross vehicle weight rating (26,000 G.V.W.R.).

I. "Truck tractor" shall have the same meaning as defined in the Model Traffic Code for Colorado Municipalities, as adopted by the Town of Dinosaur. "Truck" also means any motor vehicle equipped with tandem axles.

(Ord. 115, §1, 2008)

11.06.020 Restricted Routes-Designated. All streets within the Town of Dinosaur, except U.S. Highway 40 and State Highway 64, are hereby designated as restricted truck routes. (Ord. 115, §2, 2008)

11.06.030 Trucks and Other Commercial Vehicles Prohibited on Restricted Routes.

A. Through truck traffic, as defined in subsections (G) and (H) of Section 11.06.010 above, including road tractors and semi-trailers, as well as mobile machinery, shall be prohibited upon the designated restricted truck routes set forth in Section 11.06.020 above, except as otherwise provided in this Section. It shall constitute a municipal offense for any person to operate or cause to be operated a truck, including a road tractor and semi-trailer, or mobile machinery, upon a restricted route without an origin or destination in the immediate area of operation. Such offense shall be punishable by a fine not to exceed three hundred dollars (\$300.00). Nothing contained herein shall prevent a truck or mobile machinery to use a restricted route while traveling to or from a truck terminal or place of loading and unloading, if such truck or mobile machinery proceeds from the restricted route to an unrestricted route without an unreasonable increase of the distance to be traveled on a restricted route.

B. Any person operating a truck, including a road tractor and semi-trailer, upon a restricted route, shall have in his possession a log book, delivery slip or other evidence of his point of origin and destination to justify the presence of the vehicle upon such route. Failure to produce such evidence upon request of a peace officer shall constitute a municipal offense punishable by a fine not to exceed three hundred dollars (\$300.00).

(Ord. 115, §3, 2008)

11.06.040 Signs Required. In accordance with Section 106(3) of the Model Traffic Code for Colorado Municipalities, as adopted by the Town of Dinosaur, the Town shall erect appropriate official traffic control devices, as determined by the Town's Traffic Engineer, designating the restrictions set forth in this Chapter. (Ord. 115, §4, 2008)

Chapter 11.08

ABANDONED AND JUNKED VEHICLES

Sections:

- 11.08.010 Definitions.
- 11.08.020 Abandonment of Vehicles Prohibited.
- 11.08.030 Junked Vehicles Prohibited.
- 11.08.040 Abandoned and Junked Vehicles-Public Tow.
- 11.08.050 Post-Storage Hearing.
- 11.08.060 Release of Impounded Vehicles.
- 11.08.070 Abandoned and Junked Vehicles-Private Tow.
- 11.08.080 Disposition of Abandoned Vehicles.
- 11.08.090 Advertisement Prior to Public Sale.
- 11.08.100 Proceed to Sale.
- 11.08.110 Disposal of Unsold Abandoned Vehicles.
- 11.08.120 Waiver of Liability.
- 11.08.130 Authority to Immediate Towing.
- 11.08.140 Impoundment.
- 11.08.150 Post-Storage Hearing.
- 11.08.160 Disposition of Unclaimed Vehicles.

11.08.010 Definitions.

As used in this Chapter, unless the context otherwise requires:

A. "Abandoned Vehicle" means:

1. Any vehicle left unattended on private property for a period of twenty-four (24) hours or longer without the consent of the owner or lessee of such property or his legally authorized agent; or
2. Any vehicle left unattended on public property, including any portion of a public right-of-way, within the Town for a period of seventy-two (72) hours or longer, unless the owner of the vehicle has been granted permission by the Town Manager or Town Council to park it for an extended period.
3. Any vehicles stored in an impoundment lot at the request of its owner or the owner's agent of the Dinosaur Marshal Department and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two (72) hours of the time the Dinosaur Marshal Department notified the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Dinosaur

Marshal Department requested the storage, the provision governing public tows as contained in Section 11.08.040 shall apply as of the time of abandonment. Otherwise, the private tow provision contained in Section 11.08.060 shall apply as of the time of abandonment.

B. "Disable vehicle" means any vehicle which is stopped or parked, either tended or unattended, upon a public right-of-way and which is, due to any mechanical failure or any inoperability because of collision, fire, or other such injury, temporarily inoperable under its own power.

C. "Junked vehicle" means any vehicle:

1. Extensively damaged, such damage including but not limited to any of the following: a broken window, windshield or both; missing wheels, tires or transmission; and
2. Apparently inoperable.

D. "Motor home" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a vehicle chassis or van.

E. "Operator" means a person or firm licensed by the Public Utilities Commission as a tow carrier.

F. "Parking" means 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 persons.

G. "Private property" means any real property, which is not public property.

H. "Private tow" means any tow of an abandoned or junked vehicle not requested by the Dinosaur Marshal Department.

I. "Public property" means any real property having its title, ownership, use, or possession held by the federal government, the State, any county or municipality, or other governmental entity of this State.

J. "Public tow" means any tow of an abandoned or junked vehicle requested by the Dinosaur Marshal Department.

K. "Vehicle" means any device, which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes any bicycle, off-highway vehicle, snowmobile, trailer, farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations.

(Ord. 104, § 14.08.10, 2002)

11.08.020 Abandonment of Vehicles Prohibited.

No person shall knowingly abandon any vehicle upon public property or upon private property other than his/her own. Any person committing such offense shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a period not to exceed ninety (90) days or by both fine and imprisonment. Each day or portion thereof during which such violation continues shall be deemed to constitute a separate offense. (Ord. 104, §14.08.20, 2002)

11.08.030 Junked Vehicles Prohibited.

A. No person shall knowingly leave any partially dismantled, wrecked, discarded, junked or unlicensed vehicle on any public property within the Town.

B. It is unlawful for any person who is the owner of any vehicle or any person who is in the charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, to knowingly permit or allow a wrecked, junked, unlicensed or discarded vehicle to remain on such property longer than thirty (30) days; provided, that this subsection shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained for impounded vehicles by the Town.

C. Any person violating the provisions of this Section shall be deemed guilty of a criminal offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a period not to exceed ninety (90) days, or by both fine and imprisonment. Each separate day or any portion thereof during which such violation continues shall be deemed to constitute a separate offense.

(Ord. 104, §14.08.30, 2002)

11.08.040 Abandoned and Junked Vehicles-Public Tow.

A. Any law enforcement officer who finds a vehicle which he has reasonable grounds to believe has been abandoned or junked shall require such vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designed or maintained by the Dinosaur Marshal Department.

B. Upon having an abandoned or junked vehicle towed, the Dinosaur Marshal Department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, the Marshal Department shall take such actions as it deems appropriate in

accordance with established procedure. The Dinosaur Marshal Department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

C. As soon as possible, but in no event later than ten (10) working days after having an abandoned or junked vehicle towed, the Dinosaur Marshal Department shall report the same to the Colorado Department of Motor Vehicles by first class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Motor Vehicles. The report shall contain the information required in Section 42-4-1804, C.R.S., as amended.

D. The Dinosaur Marshal Department, upon receipt of an ownership report from the Department of Motor Vehicles, shall determine, from all available information and after reasonable inquiries, whether or not the abandoned or junked vehicle has been reported as stolen and if so report, the Dinosaur Marshal Department shall take such actions as it deems appropriate in accordance with established procedure. The Dinosaur Marshal Department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

E. The Dinosaur Marshal Department, within ten (10) working days of the receipt of the report from the Colorado Department of Motor Vehicles, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 42-4-1806, C.R.S., as amended, and shall send a copy of such notice to the towing operator. The notice shall contain information that the vehicle has been reported abandoned or junked to the Department of Motor Vehicles, the location of the vehicle and the location from which it was towed and that unless claimed within thirty (30) calendar days from the date of notice was sent as determined from the postmark on the notice, the vehicle is subject to sale. Such notice shall also inform the owner of record of his opportunity to request a hearing concerning the legality of the towing of his/her abandoned or junked vehicle, and that the Dinosaur Marshal Department may be contacted for that purpose. A request for hearing shall be made in writing to the Dinosaur Marshal Department within ten (10) days of the postmark date of sending such notice. Such hearing, if requested, shall be conducted pursuant to Section 24-4-105, C.R.S.

(Ord. 104, §14.08.40, 2002)

11.08.050 Post-Storage Hearing.

A. Upon request, a hearing shall be conducted before the Dinosaur Municipal Court within seventy-two (72) hours after the receipt of the owner's request, excluding weekends and holidays. The failure of the owner to request or to attend a scheduled hearing shall satisfy the hearing requirement of this Section. The sole issue before the Municipal Judge shall be whether there was probable cause to impound the vehicle in question. The burden of proof shall be on the Dinosaur Marshal Department to establish probable cause for the impoundment.

B. "Probable cause for impoundment" means such a state of facts as would lead a person of ordinary care or prudence to believe there was sufficient violation of the Dinosaur Municipal Code to grant legal authority for the removal of the vehicle.

C. The Municipal Judge shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall have the burden of establishing that such person has the right to the possession of the vehicle. At the conclusion of the hearing, the Municipal Judge shall prepare a written decision. A copy of such decision shall in no way affect any criminal proceeding in connection with the impound in question, and any criminal charges in such proceeding may only be challenged in a court of competent jurisdiction. The decision of the Municipal Judge shall be final.

D. The Municipal Judge shall only determine that there was or was not probable cause to impound the vehicle. If the Judge finds that there was no probable cause, the vehicle shall be released to its owner and the Town shall pay all towing and storage fees. If the owner fails to present the decision of the Municipal Judge to the operator having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the operator is not open for business, the owner shall assume liability for all subsequent storage charges.

(Ord. 104, §14.08.50, 2002)

11.08.060 Release of Impounded Vehicles.

Except as provided for in Section 11.08.080, any owner, operator, or employee of any garage, service station or any appointed custodian who releases any vehicle impounded or ordered held by an officer of the Dinosaur Marshal Department without a release from an officer of the Dinosaur Marshal Department or a bona fide court order commits a Class B Municipal Offense.

(Ord. 104, §14.08.55, 2002)

11.08.070 Abandoned or Junked Vehicle-Private Tow.

A. Any owner or lessee, or his agent authorized in writing, may have an abandoned or junked vehicle removed from his property by having it towed and impounded by an operator.

B. Any operator having in his possession an abandoned or junked vehicle from a private tow shall immediately notify the Dinosaur Marshal Department as to the name of the operator and the location of the impound lot where the vehicle is located and a description of the abandoned or junked vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number. Upon such notification, the Dinosaur Marshal Department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, the Marshal Department shall recover and

secure the vehicle and notify its rightful owner. The Dinosaur Marshal Department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

C. Any operator shall, as soon as possible, but in no event later than seventy-two (72) hours after receipt of the determination that such vehicle has not been reported stolen, report the same in the Department of Motor Vehicles by first class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Motor Vehicles. The report shall contain the information required in Section 42-4-1804, C.R.S.

D. Within ten (10) working days of the receipt of an ownership report from the Department of Motor Vehicles, the operator shall notify the owner of record and any lienholder by certified mail or by personal delivery. The operator shall send a copy of the notice by certified mail or by personal delivery to the Dinosaur Marshal Department. Such notice shall contain the following information:

1. That the identified vehicle has been reported abandoned or junked to the Department of Motor Vehicles;
2. The claim, if any, of a lien under Section 42-2-1806, C.R.S., as amended;
3. The location of the vehicle and the location from which it was towed; and
4. That, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the vehicle is subject to sale.

(Ord. 104, §14.08.60, 2002)

11.08.080 Disposition of Abandoned Vehicles.

A. Abandoned vehicles removed from public or private property at the request of the Dinosaur Marshal Department shall be appraised and sold by the Town Manager or Town Council or his designee at a public or private sale, as determined in his sole discretion, held not less than thirty (30) days after the date of the notice required by Section 11.08.040(E) above.

B. If the appraised value of an abandoned vehicle sold pursuant to this Section is two hundred dollars (\$200.00) or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado Certificate of Title. The Town Manager or Town Council or his designee making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 11.08.040(E) above, to the person purchasing such vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The Town Manager or Town Council or his designee shall promptly submit a report of sale, with a copy of the bill of sale to the Department of Revenue and shall deliver a copy of

such report of sale to the purchaser of the vehicle. Upon receipt of any report of sale with supporting documents on any sale made pursuant to this subsection (B), the Department of Revenue shall purge the records for the vehicle as required by Colorado law and shall not issue a new Certificate of Title for the vehicle.

C. If the appraised value of an abandoned vehicle sold pursuant to this Section is more than two hundred dollars (\$200.00), the purchaser may make the sale for any intended use thereof. The Town Manager or Town Council or his designee making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 11.08.040(E) above, and an application for a Colorado Certificate of Title signed by a legally authorized representative of the Town Manager or Town Council or his designee conducting the sale, to the person purchasing such vehicle. The purchaser of the abandoned vehicle shall be entitled to a Colorado Certificate of Title upon application and proof of compliance with the applicable laws of the State of Colorado.

(Ord. 104, §14.08.80, 2002)

11.08.090 Advertisement Prior to Public Sale.

Prior to any public sale conducted by the Town Manager or Town Council or his designee to dispose of unclaimed abandoned vehicles, the Town Manager or Town Council or his designee shall prepare a notice which shall be published in the official newspaper of the Town of two (2) different occasions one (1) week apart, and shall be posted on the Town's website, which notice shall be directed to the public and shall contain a statement of the following matter:

A. A list of all abandoned vehicles then in possession of the Marshal Department and which have remained in its possession unclaimed for the proper period of time.

B. A notification of all persons who may have any claims to the ownership or title of any of the abandoned vehicles mentioned in the notice that they must present their claims to the Town Manager or Town Council or his designee, prior to the date of the sale, or such claims shall be forever barred.

C. A statement of the time and place where all unclaimed abandoned vehicles shall be sold by the Town Manager or Town Council or his designee.

D. The time fixed in the notice for the sale shall not exceed fifteen (15) days or less than five (5) days from the date of last publication of the notice.

E. If they apply, the provisions of 11.08.090(B) or (C) relative to the limitation on the vehicle.

(Ord. 104, §14.08.81, 2002)

11.08.100 Proceed to Sale.

A. If the sale of any vehicle and its attached accessories or equipment under the provisions of Section 11.08.090 produces an amount less than equal to the sum of all the charges of the Town, then the Town shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such vehicle. This claim may be enforced by any manner permitted by law.

B. If the sale of any vehicle and its attached accessories or equipment under the provisions of Section 11.08.090 produces an amount greater than the sum of all charges of the Town, plus any liens, and balance then remaining shall be credited back to the owner as per State statutes.

(Ord. 104, §14.08.84, 2002)

11.08.110 Disposal of Unsold Abandoned Vehicles.

The Town Manager or Town Council is authorized to dispose of any and all abandoned vehicles not sold at public sale conducted as provided in this Chapter, at any reasonable time thereafter, as determined in his sole discretion to be in the best interests of the Town, and in such event, the report of any such disposition shall be furnished to the Department of Revenue for the disposition of the Certificate of Title as provided and required by Colorado law.

(Ord. 104, §14.08.86, 2002)

11.08.120 Waiver of Liability.

Neither the Chief Marshal, the Town Manger or Council member, any officer, their designees, or any person acting under their direction or control shall be liable or responsible in any manner to the owner of the vehicle, the person claiming to be the owner of a vehicle, or any other person, for or on account of any damage to the vehicle or property, or the loss or damage of or to any property which may be contained within the vehicle as a result of towing, storing or disposing of the vehicle pursuant to the provisions of this Section.

(Ord. 104, §14.08.100, 2002)

Chapter 11.10

TOWING OF MOTOR VEHICLES

Sections:

- 11.10.010 Authority for Immediate Towing.
- 11.10.020 Impoundment-Notice Required.
- 11.10.030 Impoundment-Fees.
- 11.10.040 Disposition of Unclaimed Vehicles.
- 11.10.050 Post-Storage Hearing.

11.10.010 Authority for Immediate Towing.

The Chief Marshal of the Town or any Deputy is authorized to remove immediately, without prior notice to the owner or occupant any vehicle from any public or private property under any of the circumstances hereinafter enumerated, the Town Council finding and determining that such vehicles under such circumstances constitute obstructions to traffic or public nuisances:

- A. When a vehicle is left unattended upon any bridge, viaduct, or when such vehicle constitutes an obstruction to traffic; or
- B. When a vehicle upon a public way is so disabled so as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal; or
- C. When any vehicle is left unattended upon any street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic or left unattended upon any public street with engine running or with keys in the ignition switch or lock; or
- D. When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the traffic engineer, provided such area or portion of the public street has been posted with an official sign or signs giving notice both of such limitation and prohibition and of the fact that such area or portion of such street is a tow-away area; or
- E. When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property; or
- F. When a driver of such vehicle is taken into custody by an officer and the vehicle would thereby be left unattended upon a street, highway or restricted parking area or other public way; or

G. When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to him, or a vehicle is driven without proper license plates or license permit, or with no license plates or license permit, or driven with an invalid or expired license permit; or

H. When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or who does not have such license in his immediate possession, or who drives a vehicle contrary to restrictions imposed upon his license, or who drives a vehicle while his operator's license or chauffeur's license is denied, suspended, canceled or revoked by the State; or

I. Where a vehicle is found parked on or near to any railroad tracks so as to block the same in any manner, or when any truck, tractor, or semi-trailer is parked in any parking-metered space; or

J. When a driver of any vehicle or the vehicle which he is driving is reasonably suspected of having been in any hit-and-run accident; or

K. When any vehicle is reasonably suspected of being stolen or parts thereof to be stolen; or

L. When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods or other contraband.

(Ord. 104, §14.08.110, 2002)

11.10.020 Impoundment Notice-Required.

Whenever, as authorized in this Chapter, an officer or employee of the Town removes a vehicle from the place where it was left, the officer or employee shall give a notice in writing of such impoundment, as required by Section 11.08.080. Impoundment fees shall be as provided in Section 11.10.030. (Ord. 104, §14.08.130, 2002)

11.10.030 Impoundment Fees.

No vehicle towed, stored or impounded at the request of the Dinosaur Marshal Department as provided in this Section shall be released until the charge for towing or otherwise removed such vehicle together with the charge for storage for the same, as hereinafter set forth, shall have been paid. The charge of towing an abandoned or junked vehicle, which weighs less than ten thousand (10,000) pounds shall not exceed fifty dollars (\$50.00) or such greater amount as, may be allowed by statute. The charge for the storage of an abandoned or junked vehicle which weighs less than ten thousand (10,000) pounds shall not exceed the rate of four dollars

(\$4.00) per day or such greater amount as may be allowed by statute, for a maximum of sixty (60) days.

(Ord. 104, §14.08.70, 2002)

11.10.040 Disposition of Unclaimed Vehicles. Vehicles removed pursuant to this Title shall be disposed of in a manner as provided in Section 11.08.080. (Ord. 104, §14.08.140, 2002)

11.10.050 Post-Storage Hearing. Upon request, the owner of a vehicle removed pursuant to Section 11.10.010 shall be entitled to a hearing as provided in Section 11.08.050. (Ord. 104, §14.08.130, 2002)

Chapter 11.12

OFF-HIGHWAY VEHICLES

Sections:

- 11.12.010 Definitions.
- 11.12.020 Off-Highway Routes Designated.
- 11.12.030 Regulations Concerning the Operation of Off-Highway Vehicles within the Town.

11.12.010 Definitions. The following terms shall have the meanings hereinafter designated unless such meaning is excluded by an express provision.

A. "Off-highway vehicles" shall mean any self-propelled vehicle which is designed to travel on wheels three (3) or four (4), or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicles" does not include the following:

1. Vehicles designed and used primarily for travel on, over, or in the water;
2. Snowmobiles;
3. Military vehicles;
4. Golf carts;
5. Vehicles designed and used to carry disabled persons;
6. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
7. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

B. "Off-highway vehicle route" means any road, trail, or other public way owned or managed by the Town and designated for off-highway vehicle travel.

(Ord. 107, §1, 2005)

11.12.020 Off-Highway Routes Designated. In accordance with Section 33-14.5-108, C.R.S. all Town streets, roads, and alleys, except any street or road which is part of the State highway system, within the Town are hereby designated as off-highway vehicle routes. (Ord. 107, §2, 2005)

11.12.030 Regulations Concerning the Operation of Off-Highway Vehicles within the Town. No off-highway vehicle shall be operated on the public streets, roads, and alleys within the Town except in accordance with the following:

A. No person shall operate an off-highway vehicle at a speed greater than is reasonable and prudent under the conditions then existing, and in no event greater than fifteen miles per hour (15 MPH).

B. Any person that operates an off-highway vehicle must be at least fourteen (14) years of age or be accompanied by an adult eighteen (18) years of age or older.

C. Any person who drives an off-highway vehicle in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property shall be deemed guilty of reckless operation of an off-highway vehicle.

D. Any person who operates an off-highway vehicle in a careless and imprudent manner without due regard for the width, grade, curves, corners, traffic, pedestrians, and use of the streets, and all attendant circumstances, shall be deemed guilty of careless operation of an off-highway vehicle.

E. Any person who operates an off-highway vehicle on any street or alley shall ride as close to the white line as possible if no shoulder exists then multiple riders must ride in single file and observe all official traffic control devices, including signs and signals as set forth in the Model Traffic Code for Colorado 2020, as adopted by reference by the Town, and shall further operate such off-highway vehicle in the manner required for vehicles under the Model Traffic Code for Colorado Revised 2020, as adopted by reference by the Town, except as otherwise provided in this Chapter.

F. Any person who operates an off-highway vehicle on any street or alley must take as direct a route as possible to a BLM area, educational activity or employment.

G. No off-highway vehicle shall be operated by anyone under eighteen (18) years on any public street, road, or alley between the hours of sunset and sunrise. Any off-highway vehicle that is operated by anyone over the age of eighteen (18) years between the hours of sunset and sunrise must be equipped with head and tail lights.

H. No off-highway vehicle shall be operated on any public street, road, or alley unless such off-highway vehicle is equipped with brakes and a muffler and spark arrester which conform to the standard prescribed by: (a) Department of Agriculture, Forest Service Standard 5100-a; (b) appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a).

(Ord. 107, §3, 2005)

11.12.040 Penalty Assessment Schedule. The Municipal Judge is hereby authorized to promulgate a penalty assessment schedule for violations of this Chapter in accordance with Rule 210(b)(5) of the Colorado Municipal Court Rules of Procedure. (Ord. 107, §4, 2005)