

## **Title 10**

### **VEHICLES AND TRAFFIC**

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**10.03 Traffic Code**

#### **Chapter 10.03**

##### **TRAFFIC CODE**

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## **Chapter 10.03 Traffic Code**

### **10.03.010 Adoption.**

Pursuant to Parts 1 and 2 of Article 16, Title 31, and Part 4 of Article 15 of Title 30, CRS, as amended, there is adopted by reference Articles I and II, inclusive, of the 2003 Edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, EP 700 Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the town. The purpose of the ordinance codified in this chapter and the code adopted in this chapter is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three copies of the model traffic code adopted herein are now filed in the office of the town clerk and may be inspected during regular business hours.

### **10.03.020 Deletions.**

The 2003 Edition of Model Traffic Code is adopted as if set out at length, save and except the following articles or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: no deletions.

**10.03.030 Additions or modifications.** The said adopted code is subject to the following additions or modifications to Model Traffic Code, 2003 Edition, section 1101 (2) (c) speed regulations shall be:

- A. Twenty- Five miles per hour in any residence district as defined in section 42-1-102(80), C.R.S. unless posted otherwise.
- B. Fifteen miles per hour on the Town street West Main Street a distance of approximately 900' between SW 3<sup>rd</sup> ST to Highway 65 also known as Grand Mesa DR.

(Ord. 2017-06)

### **10.03.040 Application.**

The ordinance codified in 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, either within or without the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413, and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways, but also throughout this municipality, including private drives, parking lots and premises.

### **10.03.050 Interpretation.**

The ordinance codified in this chapter shall be so interpreted and construed as to effectuate

its general purpose to conform with the uniform system for the regulation of vehicles and traffic of the state. Article and section headings of the ordinance codified in 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 hereof.

#### **10.03.060 Traffic control devices.**

The board of trustees may, from time to time, by resolution, authorize and direct the erection and maintenance of stop signs, yield signs, speed limit signs and other official traffic control devices for the regulation of specific streets, alleys, highways and public ways within the town, all in conformance with the provisions of the Model Traffic Code including, without limitation, the provisions of Section 703 relating to the designations of through highways and the designation of intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction, and Section 1101 concerning speed limits.

#### **10.03.070 Validity.**

If any part or parts of this chapter be for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The board of trustees declares that it would have passed the ordinance codified in this chapter adopting the Model Traffic Code in each part or parts thereof, irrespective of the fact that any one part or parts might be declared invalid.

#### **10.03.080 Violation and penalties.**

Any person convicted of violating the provisions of this Title may be incarcerated and fined as more particularly provided in Title 1 Chapter 16 of this code.

#### **10.03.090 Point reductions for prompt payment of penalty assessment pursuant to Colorado Revised Statute 42-2-127(5.5) effective July 1, 1997.**

If a person receives a penalty assessment notice for a violation of a traffic ordinance covered by the Model Traffic Code for Colorado municipalities as adopted by the town of Cedaredge, Colorado, and such person pays the fine and the surcharge for the violation listed on or before the payment is due, the points assessed for the violation are reduced as follows:

- A. For a violation having an assessment of three or more points, the points shall be reduced by two points.
- B. For a violation having an assessment of two points, the points are reduced by one point.

### **10.04 Low-Speed Electric Vehicles**

#### **10.04.010 Definition**

**Low-Speed Electric Vehicles** means a vehicle that:

- A. Is self-propelled utilizing electricity as its primary propulsion method.
- B. Has at least three wheels in contact with the ground.
- C. Does not use handlebars to steer, and
- D. Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565

#### **10.04.020 Low-Speed Electric Vehicles Allowed**

- A. No low-speed electric vehicle may be operated upon Colorado State Highway 65 or any other State Highway that may exist within the limits of the town that has a posted speed limit that exceeds thirty-five (35) mph. Said vehicles may not exceed twenty-five (25) mph. Said vehicles may cross State Highway 65 and any other State Highway at designated street intersections.
- B. All such vehicles must be properly equipped and registered as provided by Colorado Revised Statutes.
- C. Such vehicles are subject to all applicable ordinances and statutes including, but not limited to, financial responsibility governing other motor vehicles within the town.
- D. Low-speed electric vehicles shall be permitted but not required to display the "slow moving vehicle" emblem.
- E. Low-speed electric vehicles shall not carry a greater number of persons or carry a greater load than that specified by the manufacturer. The driver and all passengers must be seated in seats substantially similar to those placed in the vehicle by the manufacturer.
- F. No person shall operate a low-speed electric vehicle on a city-owned or maintained trail except on designated areas within the confines of the golf course as permitted by the town.
- G. Low-speed electric vehicles shall only be operated by persons holding a valid driver's license.

#### **10.05 Neighborhood Convenience Vehicle**

##### **10.05.010 Definition**

**Neighborhood Convenience Vehicle (NCV)** means that all the following apply:

- A. A self-propelled vehicle

- B. Vehicle is designed for “off road” use; such as golf course;
- C. Has a design speed of less than twenty miles per hour;
- D. Has at least four wheels in contact with the ground;
- E. Has an empty weight of not more than one thousand three hundred pounds;
- F. A carrying capacity of not more than four persons;
- G. Does not use handlebars to steer.

**10.05.020 NCV Equipment Requirements.**

In order for a NCV to be driven on a municipal street in the Town of Cedaredge the vehicle must be equipped with the following permanently mounted pieces of equipment:

- A. Visible triangular slow-moving vehicle emblem mounted in the rear
- B. Proper safety lights
  - 1. Two (2) Head lights;
  - 2. Two (2) Brake lights;
- C. Front mounted rear view mirror that allows visibility for up to two hundred (200) feet
- D. The authorized registration decal supplied by the Town of Cedaredge Police Department (See 10.05.050).

**10.05.040 NCV Equipment Recommendations.**

- A. Driver side mirrors;
- B. Turning signals;
- C. Front Windshield;
- D. Reflectors;
- E. Seatbelts for all passengers;
- F. Parking brake.

**10.05.050 Registration.**

- A. Authorization to operate a motorized NCV on town streets is by registration only. The registration shall be completed by the chief of police or designee. The police Chief or Designee shall complete the application by performing the following:

1. Determine the driver's license is valid,
  2. Examine the vehicle and determine that the application is sufficient to identify the vehicle to be registered, and
  3. With compliance of these regulations, adhere registration or renewal decal to vehicle.
- B. Any person holding a current, valid United States driver's license may register their NCV. The registration for the vehicle shall expire on December 31<sup>st</sup> of each year, and must be renewed every calendar year. The registration and annual renewal fee includes the registration decal. The registration and renewal fee shall be set by resolution, and may be updated from time to time.

#### **10.05.060 Registration application.**

Each application for registration of a NCV on the municipal streets of the Town of Cedaredge shall include:

- A. The name and address of the vehicle owner also known as applicant;
- B. Telephone number;
- C. Valid United States driver's license number;
- D. Proof of insurance;
- E. Manufacturer;
- F. NCV model number;
- G. Year of manufacture;
- H. NCV ID or serial number;
- I. Other identifying items not limited to color, trim, accessories or visible branding.

#### **10.05.070 NCV Rules of the Street**

- A. A person operating a NCV shall follow the same traffic laws as cars. Laws of emphasis are the following:
  1. Follow regulatory signs.
  2. Use of directional or hand signals when making turns.
- B. In addition to traffic laws for cars, NCV operators shall abide by the following:
  1. NCV's drive on the right-hand edge of the traffic lane if there is no marked lane.

2. NCV's shall yield to other vehicular traffic in all cases.
3. When making a left turn, after signaling your intention carefully merge with vehicular traffic.

#### **10.05.080 Unlawful Uses.**

It is unlawful for any person to operate a NCV within the town limits of the Town of Cedaredge where:

- A. The vehicle is driven after sunset and before sunrise;
- B. The driver does not have a valid United States driver's license;
- C. The vehicle does not have a valid registration decal;
- D. The vehicle is not equipped with the required equipment described in 10.05.020;
- E. The driver does not have current insurance coverage;
- F. The operator fails to observe all traffic laws and regulations, except when those provisions that cannot reasonably be applied to motorized NCV;
- G. The number of persons in the NCV exceeds the number of seats in the vehicle;
- H. A driver under the age of eighteen (18) years is accompanied by passengers under twenty-one (21) years of age;
- I. The NCV crosses any portion of Highway 65;
- J. The NCV is driven on or along Highway 65;
- K. Making a turn without proper signal.
- L. Driver or passengers are standing or arms and legs are outside the vehicle.
- M. Driving a NCV on a sidewalk.

#### **10.05.090 Revocation of Registration.**

The registration of a NCV can be revoked at any time by the chief of police or designee if there is evidence that the driver or NCV cannot operate on the municipal streets within the Town of Cedaredge. Any violation described in 10.05.080 constitutes evidence that the violator cannot safely operate a NCV, or the NCV is not safe to be driven on town streets.

#### **10.05.100 Appeal.**

Any person whose NCV registration has been revoked may appeal the revocation to municipal court. Appeals shall be submitted in writing to the municipal court clerk within twenty

(20) days of the date of revocation. The municipal court clerk shall forward a copy of the appeal to the town administrator.

#### **10.05.110 Disclaimer.**

This chapter shall not create liability on the part of the town, any officer or employee thereof, that result from reliance on this chapter or any administrative decision lawfully made there under.

### **10.06 Off-Highway Vehicles**

#### **10.06.010 Definitions**

**Designated Municipal Street** means any municipal street open to travel by the public that is located in the Town of Cedaredge.

**Off-Highway Vehicle (OHV)** shall have the same definition ascribed to it as set forth at § 33-14.5-101(3) C.R.S., as: Any self-propelled vehicle which is designed to travel on wheels 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 vehicle" does not include the following: vehicles designed and used primarily for travel on, over, or in the water; snowmobiles; military vehicles; golf carts; vehicles designed and used to carry individuals with disabilities; vehicles designed and used specifically for agricultural, logging, or mining purposes; or vehicles registered pursuant to article 3 of title 42, C.R.S.

#### **10.06.020 Regulations and Restrictions**

- A. No OHV which has only three (3) wheels shall be allowed under this ordinance.
- B. Any Person operating an OHV in the Town of Cedaredge shall comply with all Rules and Regulations applicable to such vehicles adopted by the State of Colorado, including but not limited to the off-highway use permits.
- C. The Town of Cedaredge recognizes the statutory limitations to the driver's license and liability insurance requirements when operating an OHV under certain conditions (i.e.: agricultural purposes, etc.). Therefore, sections 10.05.040 and 10.05.050 of this Ordinance shall not apply to those circumstances described in § 33-14.5-108(1)(a) to (1)(e) and (1)(g) to (1)(i) C.R.S.
- D. Pursuant to § 33-14.5-108.5 C.R.S. the driver of an OHV may directly cross a roadway, including a state highway, at an at-grade crossing to continue using the OHV on the other side. While directly crossing a state highway located within the Town of Cedaredge at an at-grade crossing and under the jurisdiction of the Colorado Department of Transportation, this Town of Cedaredge Off-Highway Vehicle Regulation Ordinance shall apply.



### **10.06.030 Safety Equipment**

- A. No person shall operate an OHV on a designated municipal street unless it is equipped with a muffler properly maintained and in good working order.
- B. No person shall operate an OHV on a designated municipal street unless the muffler conforms to noise abatement standards set forth in § 25-12-110 C.R.S. as amended.
- C. No person shall operate an OHV on a designated municipal street unless it is equipped with a spark arrester in good working order approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of “qualified” or “approved” on the spark arrester.
- D. No person shall operate an OHV on a designated municipal street between the hours of sunset and sunrise unless it is equipped with at least one headlamp having minimum candlepower of sufficient intensity to reveal persons or objects at a distance of at least 100 feet ahead under normal atmospheric conditions. Such headlamp shall be aimed so that glaring rays are not projected into the eyes of operators in oncoming vehicles when operated on a straight level surface.
- E. No person shall operate an OHV on a designated municipal street between the hours of sunset and sunrise unless it is equipped with at least one red tail lamp having minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of at least 500 feet to the rear under normal atmospheric conditions.
- F. No person shall operate an OHV on a designated municipal street unless it is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour. The braking system must be adequate to control the movement of, and stop and hold the OHV stationary on any grade upon which operated.

### **10.06.040 License and Age Requirement**

No person shall operate an OHV on any designated municipal street without having in their possession a valid current driver’s license issued by the State of Colorado, and being at least 16 years of age. Those operators that are exempt from license requirements pursuant to § 42-2-102(1)(c) through (f) C.R.S. are exempt from the license requirement of this Ordinance.

### **10.06.050 Liability Insurance**

When operated on any designated municipal street, OHVs shall be considered a “motor vehicle” as defined in the Colorado Motor Vehicle Financial Responsibility Law, codified at § 42-7-101 C.R.S. *et seq.* and shall maintain at least the minimum liability insurance coverage required by such law.



#### **10.06.060 Miscellaneous Offenses**

- A. No person shall operate an OHV in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the designated municipal street and all other attendant circumstances.
- B. No person shall operate an OHV on a designated municipal street in any position or location of the street except the far right portion of the street.
- C. No person shall operate an OHV on a designated municipal street while riding together with another OHV in any pattern except in single file, except when overtaking or passing another vehicle or OHV proceeding in the same direction under the rules, regulations, statutes or ordinances governing such movement.
- D. No person shall operate an OHV on a designated municipal street while carrying any person or riding in any position that will interfere with the operation or control of an OHV or the view of the operator.

(Ord. 2017-08)