

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO**

ORDINANCE NO. 2023-681

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE,
COLORADO, REPEALING AND READOPTING ARTICLE I OF CHAPTER 8 OF
THE LOCHBUIE MUNICIPAL CODE CONCERNING VEHICLES AND TRAFFIC
REGULATIONS; ADOPTING BY REFERENCE THE 2020 EDITION OF THE
MODEL TRAFFIC CODE OF COLORADO (REVISION 2 DATED 7/7/2021)
PROMULGATED BY THE COLORADO DEPARTMENT OF TRANSPORTATION
WITH AMENDMENTS, AND SETTING FORTH IN FULL THE PENALTY
PROVISIONS FOR VIOLATIONS THEREOF**

WHEREAS, Sections 42-4-110 and 42-4-111, C.R.S., authorize the Town of Lochbuie (“Town”) to regulate public streets, roads, alleys and other thoroughfares to protect the public health, safety, and welfare, and specifically to adopt by reference a model traffic code which embodies the rules of the road; and

WHEREAS, to protect and preserve the health, safety and welfare of its residents, the Town desires to adopt the 2020 revised edition of the Model Traffic Code for Colorado as promulgated by the Colorado Department of Transportation (Revision 2 Dated 7/7/2021) (the “2020 Model Traffic Code”) by reference with additions, deletions and modifications as specified below; and

WHEREAS, after due and proper notice in accordance with Section 31-16-203, C.R.S., the Board conducted a public hearing on the adoption of this ordinance and the 2020 Model Traffic Code, on the date, time and place noticed and at which all interested parties were afforded an opportunity to be heard; and

WHEREAS, in accordance with C.R.S. § 31-16-206, at least three (3) copies of the 2020 Model Traffic Code are on file in the office of the Town Clerk and have been made available for public inspection at least fifteen (15) days prior to the public hearing for adoption of this ordinance; and

WHEREAS, the penalty provisions applicable to violations of the Model Traffic Code adopted hereby are set forth in full herein; and

WHEREAS, the Board finds that the adoption of this Ordinance is a proper exercise of the Town’s police power and that it is in the best interest of the public health, safety, and welfare of the citizens of the Town to regulate traffic and vehicles using the public rights-of-way and to prescribe the penalties for violations thereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LOCHBUIE,
COLORADO:**

Section 1. Repeal and Reenactment. The entirety of Article I, Chapter 8 of the Lochbuie Municipal Code is hereby repealed and reenacted to read as follows in its entirety:

ARTICLE I – Model Traffic Code

8-1-10. – Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the 2020 edition of the Model Traffic Code for Colorado (Revision 2 Dated 7/7/2021), promulgated and published by the Colorado Department of Transportation (hereinafter referred to as the “Model Traffic Code”). The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and conforming to similar regulations throughout the state and the nation. Three (3) 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.

8-1-20. – Application.

This Article shall apply to every street, alley sidewalk area, driveway, park, and to every other public way, public place, or public parking area, either within or outside the corporate limits of the Town, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding a police officer shall apply not only to public places and ways but also throughout the Town.

8-1-30. – Amendments.

The 2020 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections that shall be subject to the following amendments, deletions and additions:

- (1) All references to Class 1 and 2 and Class A and B in the Model Traffic Code are hereby deleted.
- (2) A new Section 115 is hereby added to read as follows:

115. Authority of Police Department officers.

Officers of the Town’s Police Department, or such special officers as are assigned by the Chief of Police, 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, officers of the Department, and other special officers as are assigned by the Chief of Police, may direct traffic as conditions may require notwithstanding the provisions of the state traffic laws of this Code.

(3) Section 225 of the Model Traffic Code, concerning mufflers and prevention of noise, is hereby amended by the addition of a new Subsection (5) to read in its entirety as follows:

(5) It shall be unlawful for the operator of a vehicle driving on any public or private street within the Town to use or employ the use of 'Jake Brakes' or any other similarly designated auxiliary engine braking system.

(a) For purposes of this Section, a 'Jake Brake' means any device mounted on or adjacent to the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without use of the vehicle's braking system.

(b) This Subsection (5) shall not apply to authorized emergency vehicles employing a 'Jake Brake' in the course of performing emergency response functions.

(c) The first violation of this Subsection (5) by any individual operator shall be punishable by a fine of up to five hundred dollars (\$500.00). A second violation by any operator shall be punishable by a fine of up to seven hundred and fifty dollars (\$750.00). A third or greater violation by any operator shall be punishable by a fine of up to the maximum fine amount authorized in Subsection 1-4-20(b) of this Code.

(4) Section 501 of the Model Traffic Code is hereby amended to designate the current language as Subsection (a) and to add a new Subsection (b) to read as follows in its entirety:

(b) Weight limitations and prohibitions.

(1) In accordance with the authority set forth in Section 42-4-106(3), C.R.S., it shall be unlawful for any person to operate any trucks or commercial vehicles within the Town in violation of the weight limitations set forth in this Section. This section shall supersede and replace any provision of the Model Traffic Code adopted by this Article 1 that is inconsistent herewith.

(2) Unless specifically excepted in subsection (3), the Town hereby imposes a weight limit on all motor vehicles, including trucks and commercial vehicles, applicable to all streets and highways within the Town of ten thousand (10,000) pounds. The Town shall duly erect or cause to be erected and maintained signs designating this weight limitation.

(3) The ten thousand (10,000) pounds weight limit shall not be effective:

- a. On Weld County Road 2;
- b. On Weld County Road 37 north of from Weld County Road 4;
- c. On Weld County Road 4;
- d. On Weld County Road 6;
- e. On The I-76 Frontage Road;
- f. On other Town streets and roads while and if being operated:

- i. For the purpose of providing service, including without limitation, delivery, pick-up, or construction activities, to or at any Town address, access to which requires travel across any Town weight restricted street to access;
 - ii. By a governmental entity such as, without limitation, a school district or fire protection district, providing service for the benefit of the public.
- (5) A new Section 513 is hereby added to the Model Traffic Code, said Subsection providing as follows:

513. Keeping, Storing or Parking of Certain Vehicles Prohibited in Certain Areas.

- (a) It shall be unlawful for any person to park, keep or store any truck-tractor, laden or unladen, or semitrailer, as such terms are defined in Article 1 of Title 42, C.R.S., or other tractor-trailer or truck weighing 10,000 pounds or more, or allow to be parked, kept or stored such truck-tractor, laden or unladen, semitrailer, or other tractor-trailer or truck weighing 10,000 (ten thousand) pounds or more:
 - (1) On any public right-of-way in the Town except while the operator of said vehicle is providing service, including without limitation, delivery, pick-up, or construction activities, to or at any Town address; or
 - (2) In any residential zoned district in the Town on private property, except while the operator of said vehicle is providing service, including without limitation, delivery, pick-up, or construction activities.
- (b) It shall be an affirmative defense to a charge of parking, keeping or storing a vehicle in violation of subsection (a) of this Section, if the defendant can prove that the vehicle became inoperable while the operator of said vehicle was making deliveries in the normal course of his business and the vehicle was actively undergoing necessary repairs to be made immediately operable. No such vehicle may be driven or transported to any private residence for repairs. If the inoperable vehicle cannot be made immediately operable by a short-term repair within twenty-four (24) hours of the time it becomes inoperable, the vehicle shall be towed from the public right-of-way or residentially zoned private property within twenty-four (24) hours to a business establishment that repairs or stores inoperable vehicles.
- (c) Upon conviction, violations of this Section 513 shall be subject to the following:
 - (1) Where the vehicle owner or the last operator of such vehicle has no outstanding summons against him charging a violation of this Section, a summons may be issued charging him with a violation of this Section. Reasonable efforts shall be made to serve the summons on the defendant personally. If personal service is not obtained on the defendant after making reasonable efforts to obtain such personal service, a summons shall be affixed to the subject vehicle and a true copy thereof sent to the defendant by certified mail, along with a notice stating that a failure to appear in court on the date specified in the summons will result in the impounding or immobilizing of said vehicle if a second violation occurs.

- (2) Where there is one (1) or more outstanding summons against the owner or last operator of such vehicle citing him for a violation of this Section, and said defendant has failed to appear in court on the date specified in the prior summons, reasonable efforts shall be made to personally serve said defendant. If such efforts to personally serve the defendant are ineffective, the subject vehicle shall be immobilized or impounded. When a vehicle has been immobilized or impounded pursuant to this Section, the Town shall promptly notify the owner or the last operator of such vehicle by certified mail, that the immobilized or impounded vehicle may be obtained by accepting personal service of a summons citing the vehicle owner or last operator of such vehicle with a violation of this Section.

- (6) A new Section 617 is hereby added to the Model Traffic Code, said new section providing as follows:

617. Special hazard areas - increase in penalties for speeding violations.

- (1) Any person who commits a moving speed violation in a special hazard zone is subject to imposition of increased penalties and surcharges.

- (2) For the purpose of this section, *special hazard zone* means any street or road within the Town where a special hazard exists, as determined by the Lochbuie Police Chief, with the approval of the Town Administrator, that from a reasonable and prudent standard would merit a reduction in maximum speed limits. Such reduced speed limits shall be effective when an appropriate sign giving notice of a special hazard and of increased penalties and surcharges is erected and shall remain effective until such sign has been removed. A special hazard zone begins at the location of the sign indicating that increased penalties and surcharges are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

- (3) Pursuant to the power and authority granted to the Board of Trustees under Section 1101(7), the following absolute speed limits shall be in effect throughout the Town and any other provisions contained within Sections 1101(2) or 1102(4) of the Model Traffic Code providing for maximum speed limits for streets and roads located within the Town are hereby deleted and replaced with the following, which provides for applicable absolute maximum speed limits for the Town:

The absolute maximum speed limit on every street and road within the Town shall be 25 miles per hour unless a different speed limit is established by the Police Chief, with the approval of the Town Administrator, without the necessity of further ordinance amendment or adoption to establish such maximum speed limits, and subject to the proper posting of signs that conform to the Manual for Uniform Traffic Control Devices then in effect.

- (7) Section 901(1)(a) of the Model Traffic Code is hereby amended to read in full as follows:

- (1)(a) **Right turns.** Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. Unless double-turn lanes are clearly marked by official signs, it shall be unlawful for the driver of a vehicle to make a right turn into any traffic lane other than the right-most lane of traffic of the road onto which the turn is made.

(8) Subsections (a)-(g) of Section 1101(2) and Section 1101(4) of the Model Traffic Code, by virtue of the addition of Section 617(4) as set forth in subsection (3) of this section 8-1-20, and pursuant to the authority provided in Section 1101(7), are hereby deleted.

(9) Section 1101(5) of the Model Traffic Code is amended to read as follows:

(5) In every charge of violating subsection (1) or (2) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the applicable maximum speed limit.

(10) The Model Traffic Code is further amended by the addition of a new Section 1214, entitled "Restrictions for certain commercial and recreational vehicles and trailers" to read as follows in its entirety:

1214. Parking restrictions for certain commercial and recreational vehicles and trailers.

(1) Definitions. 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 (1) or more persons.

(d) *Commercial vehicle* means:

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

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

(e) *Commercial utility trailer* means a utility trailer used in commerce.

(f) *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.

- (e) *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.
 - (f) *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.
 - (g) *Occupancy* or *occupy* shall include but is not limited to personal or human occupancy of any kind to include inhabiting, living in, or lodging in, regardless of time.
 - (h) *Operable condition* means in a condition that would allow its normal operation, with functioning headlights, inflated tires, current license plates or tags, and not partially dismantled, lifted on jacks, blocks or other structures.
 - (i) *Recreational trailer* means a trailer used and operated for any purpose other than a predominantly commercial purpose, such as a boat trailer or snowmobile trailer.
 - (j) *Recreational vehicle* means a means a motor home or camping trailer and does not include campers or mobile homes.
 - (k) *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.
 - (l) *Residential district* means the R-1, R-2, R-3 zone districts and the residential areas of any planned unit development within the Town.
 - (m) *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.
 - (n) *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 (25) feet, 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 such semi-tractor.
 - (o) *Trailer* means a recreational trailer and a utility trailer.
 - (p) *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.
 - (q) *Utility trailer* means a trailer built or designed to be used for transporting equipment, goods, materials, junk, debris, construction materials and like items.
- (2) No recreational vehicle or trailer, whether or not attached to a motorized vehicle, or camper unattached to a motor vehicle, or boat unattached to a recreational trailer, or

mobile home shall be parked on any public street or highway within a residential district of the Town, with the exception of a recreational vehicle or trailer if all the following conditions are satisfied:

- (a) The on-street parking is for a maximum of seventy-two (72) hours within a fourteen-day period and for the purposes of cleaning, provisioning and prepping.
 - (b) Recreational vehicles and trailers shall be parked only directly in front of and on the same side of the street as the residence of the owner of the recreational vehicle or trailer. If the residence is located on a signed "no parking" side of a street, the recreational vehicle or trailer must be directly across the street from the residence of the owner of the recreational vehicle or trailer.
 - (c) Recreational vehicles with slide-outs shall be parked with the slide-outs closed at all times while parked in the street.
 - (d) Recreational vehicles and trailers shall not block traffic signage, transportation signage, bus stops, driveways, fire hydrants, alleyways, or access to other lots, parks or schools. Recreational vehicle and trailer parking shall not be permitted to encroach in the sight distance triangle.
 - (e) Recreational vehicles shall not be occupied.
 - (f) The temporary placement of electrical lines or water hoses across the sidewalks is permitted if an adult person is within twelve (12) feet of the recreational vehicle at all times while such connections cross the sidewalk. No such connections are permitted to cross the streets.
 - (g) Coverings such as tarps or cloth screens are not permitted.
 - (h) All recreational vehicles and trailers parked in the street must be in operable condition and display current registration.
 - (i) Repairs of recreational vehicles and trailers in the street are prohibited except for provisioning and cleaning.
 - (j) Parked recreational vehicles and trailers shall not encroach onto sidewalks or travel lanes of the street while parked. This includes any equipment associated with the vehicle or trailer other than as may be allowed by subsection (f).
- (3) On-street parking of commercial vehicles and commercial utility trailers in any residential district is prohibited except in conformity with all of the following:
- (a) A commercial vehicle, including any semi-tractor, commercial utility trailer, or semi-trailer, may temporarily park for only that period of time necessary to expeditiously complete rendering services to real property located within two hundred (200) feet of the commercial vehicle not to exceed seventy-two (72) hours.
 - (b) Loading and/or unloading or rendering of service locally shall not exceed twelve (12) hours between the hours of 7 a.m. and 7 p.m., or four (4) hours between the hours of 7 p.m. and 7 a.m.

- (c) No loading and/or unloading during permissible hours is allowed to extend over more than two (2) consecutive calendar days.
- (4) It shall be an affirmative defense to a violation of this Section if the vehicle otherwise parked in violation of this Section was parked for a period not to exceed four (4) hours as a result of an emergency occurring during such four-hour period.
- (5) It shall be an affirmative defense to a charge of violation of this Section the defendant can prove that the vehicle became inoperable while the operator of said vehicle was making deliveries in the normal course of his business and the vehicle was actively undergoing necessary repairs to be made immediately operable. No such vehicle may be driven or transported to any private residence for repairs. If the inoperable vehicle cannot be made immediately operable by a short-term repair within twenty-four (24) hours of the time it becomes inoperable, the vehicle shall be towed from the public right-of-way within twenty-four (24) hours to a business establishment that repairs or stores inoperable vehicles.
- (6) Upon conviction, violations of this Section 1214 shall be subject to the following:
 - (a) Where the vehicle owner or the last operator of such vehicle has no outstanding summons against him charging a violation of this Section, a summons may be issued charging him with a violation of this Section. Reasonable efforts shall be made to serve the summons on the defendant personally. If personal service is not obtained on the defendant after making reasonable efforts to obtain such personal service, a summons shall be affixed to the subject vehicle and a true copy thereof sent to the defendant by certified mail, along with a notice stating that a failure to appear in court on the date specified in the summons will result in the impounding or immobilizing of said vehicle if a second violation occurs.
 - (b) Where there is one (1) or more outstanding summons against the owner or last operator of such vehicle citing him for a violation of this Section, and said defendant has failed to appear in court on the date specified in the prior summons, reasonable efforts shall be made to personally serve said defendant. If such efforts to personally serve the defendant are ineffective, the subject vehicle shall be immobilized or impounded. When a vehicle has been immobilized or impounded pursuant to this Section, the Town shall promptly notify the owner or the last operator of such vehicle by certified mail, that the immobilized or impounded vehicle may be obtained by accepting personal service of a summons citing the vehicle owner or last operator of such vehicle with a violation of this Section.
 - (c) A violation of this Section 1214 shall be punishable by a minimum fine of two hundred fifty dollars (\$250.00).
- (11) The Model Traffic Code is further amended by the addition of a new Section 1215, entitled "Presumption in reference to illegal parking" to read as follows:

1215. Presumption in reference to illegal parking.

In any prosecution charging a violation of any provision of this Model Traffic Code governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute 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.

- (12) Section 1406(5) of the *Model Traffic Code* is hereby deleted.
- (13) Section 1701 of the Model Traffic Code, concerning the classification of traffic offenses and schedule of fines, is amended to read in its entirety as follows:

1701. Classification of Traffic Violations - Schedule of Fines.

(1) Except as set forth herein, it is a traffic infraction for any person to violate any of the provisions of the *Model Traffic Code*, 2020 edition, as adopted by the Town. Such a traffic infraction shall constitute a civil matter for which there is not a right to a trial by jury.

(2) All traffic violations for which six (6) or greater points are assessed against the driving license of a violator by the Department of Motor Vehicles for the State shall constitute criminal traffic offenses. Additionally, the offenses listed in subparagraphs (a) and (b) below for which fewer than six (6) points are assessed against the driving license of a violator by the Department of Motor Vehicles for the State shall constitute criminal traffic offenses. The following violations are criminal traffic offenses:

(a) Violations of *Model Traffic Code*) involving driving twenty-five (25) miles or more in excess of the lawful speed limit.

(b) Violations of *Model Traffic Code* Sections 1105 (Speed contests), 1401 (Reckless driving), 1402 (Careless driving), 1409 (Compulsory insurance), 1413 (Eluding or attempting to elude a police officer) or 1903 (School buses - stops - signs -passing).

(3) Traffic infractions as provided in this Code shall be subject to a maximum penalty of a fine not to exceed the maximum fine amount authorized in Subsection 1-4-20(b) of this Code. Costs, surcharges and fees as authorized by law may be added to the fine.

(4) Criminal traffic offenses as provided in this Code shall be subject to a maximum penalty of one (1) year of imprisonment or the maximum fine amount authorized in Subsection 1-4-20(b) of this Code, or both. Cost surcharges and fees as authorized by law may be added to the penalty.

(5) Notwithstanding the maximum penalties established by subsections (3) and (4) above, the Court is authorized to impose conditions and requirements other than fines and/or imprisonment, including by way of example and not limitation, required attendance of an organized class on traffic safety or defensive driving, as part of a sentence for a traffic infraction or traffic offense.

(7) Pursuant to CMCR 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the violations, the penalties for which may be paid at the office of the Lochbuie Court Clerk.

(14) Section 1702 of the *Model Traffic Code* is deleted.

(15) Section 1705 of the *Model Traffic Code* is deleted and replaced with the following:

1705. Person arrested for violation.

Whenever any person is arrested by a police officer for any violation of this code, the Lochbuie Police Department will follow its policies and procedures and this code as they pertain to summons and complaint and bond issues.

(16) Section 1707 of the *Model Traffic Code* is deleted and replaced with the following:

1707. Summons and complaint and penalty assessment for traffic violations.

(1) Whenever a person commits a violation of this Article or any statute other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of subsection (2) hereof, 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 Town's Municipal 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) A summons and complaint issued and served pursuant to paragraph (1) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing an advisement to the minor that the minor's parent or legal guardian, if known, shall be notified by the court from which the summons is issued and be required to appear with the minor at the minor's court hearing or hearings.

(3) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant, any defect in form in such summons and complaint regarding 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, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time

before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection.

(4) The Town of Lochbuie 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 the Town's Municipal Court pursuant to Section 1709 of the Model traffic Code adopted by this Article. 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 Town within a specified period of time, as well as provide such other information as may be required by the Town. Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgement 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 Town, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof, if requested.

(5) A penalty assessment notice issued and served on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(I) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(II) Preprinted signature lines following the declaration on which the reviewing person described in subparagraph (I) of this paragraph (4) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(III) An advisement to the minor that:

(A) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(B) The parent or legal guardian of the minor is required by law to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(C) Noncompliance with the requirement set forth in subparagraph (B) of this subparagraph (III) shall result in the minor and the parent or legal guardian of the minor being required to appear in court.

- (17) Subsection (3) of Section 1709 is hereby deleted and references contained therein to “county court” shall be amended to read “municipal court.”
- (18) Section 1802(1) of the Model Traffic Code is hereby amended and replaced with the definition of “Abandoned vehicle” as set forth in Section 8-2-10 of this Municipal Code.

Sec. 8-1-40. Penalties.

The following penalties shall apply to violations of the *Model Traffic Code* as adopted in this article:

- (1) It is unlawful for any person to violate any of the provisions of the *Model Traffic Code*.
- (2) Upon conviction of, or entry of a guilty plea or a plea of nolo contendere to, a violation of the provisions of the *Model Traffic Code* for which a fine only is established as a penalty for the violation thereof, the violation is deemed and shall constitute a civil matter and not a criminal violation. Penalties for traffic infractions shall be as set forth by order of the Municipal Court, as required by the Colorado Municipal Court Rules of Procedure.
- (3) Upon conviction of, or entry of a guilty plea or a plea of nolo contendere to any of the following violations of the provisions of the *Model Traffic Code*, the defendant may be incarcerated for a period not to exceed one (1) year or fined by an amount not to exceed the maximum fine amount authorized in Subsection 1-4-20(b) of this Code, or both, with the points to be assessed against such defendant’s driver’s license as set by state law.

Offense
Speeding violations 25 mph or more over limit
Speed contest
Reckless driving
Careless driving
Eluding or attempting to elude police
Absence of compulsory insurance
Failure to stop for school bus

- (4) As used in Sections 614, 615 and 616 of the *Model Traffic Code*, the term *increased penalties and surcharges* shall mean that whatever penalty is otherwise imposed for a violation, such penalty and surcharges applicable thereto shall be doubled.

Sec. 8-1-50. Interpretation.

This Article 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 the Article and 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.

Sec. 8-1-60. Effect of conflict.

The *Model Traffic Code* adopted herein and the remainder of this Chapter constitute a comprehensive system of regulation and enforcement dealing with vehicles and traffic. In the event that any provision contained in this Chapter is in conflict with applicable state statutes which are deemed to supersede any municipal ordinance, the provision of the applicable state statute shall be controlling. In the event of any conflict between the *Model Traffic Code* and the Municipal Code, the Municipal Code shall control unless state law provides that the specific provision of the *Model Traffic Code* supersedes any municipal ordinance in conflict therewith.

Sec. 8-1-70. Assessment of public safety surcharge.

In addition to any monetary penalties imposed as a result of a violation of the *Model Traffic Code* or other requirements of this Chapter, the surcharge provided for in Section 2-5-50 of this Code shall be assessed by the presiding Municipal Judge against any defendant in Municipal Court.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Safety Clause. The Board of Trustees hereby finds, determines, and declares that the Town has promulgated this Ordinance under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative objective it seeks to obtain.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Section 1-3-60 of the Lochbuie Municipal Code.

ADOPTED by a vote of 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 18 day of April, 2023.

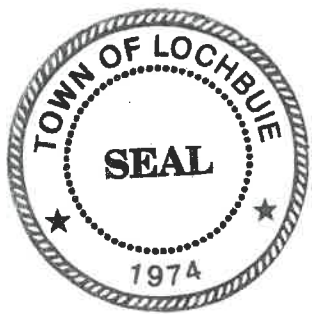
TOWN OF LOCHBUIE, COLORADO




Jamie Jeffery, Mayor Pro Tem

I hereby certify that the Board of Trustees of the Town of Lochbuie adopted the above Ordinance at its meeting of April 18, 2023 and ordered published by title only one time by *The Brighton Blade* newspaper on April 27, _____, 2023.

[SEAL]



ATTEST:



Heather Meierkort, Town Clerk