

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 13
Ordinance No. 1517

Series of 2012

TITLE: AN ORDINANCE ADOPTING BY REFERENCE THE 2010 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO, ADOPTING AMENDMENTS THERETO, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, PROVIDING PENALTIES FOR MODEL TRAFFIC CODE VIOLATIONS AND MAKING CONFORMING AMENDMENTS TO CHAPTER 13 OF THE WHEAT RIDGE CODE OF LAWS

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to Section 5.16 of the Wheat Ridge Home Rule Charter ("Charter") and Part 2 of Article 16 of Title 31 of the Colorado Revised Statutes, the City, acting through its City Council (the "Council"), possesses the authority to adopt standard codes by reference; and

WHEREAS, pursuant to this authority, the City previously adopted the 2003 edition of the Model Traffic Code for Colorado, as promulgated and published by the Colorado Department of Transportation; and

WHEREAS, the Colorado Department of Transportation has prepared and published a 2010 edition of the Model Traffic Code for Colorado; and

WHEREAS, the Council recognizes the value of the Model Traffic Code for Colorado as providing a system of traffic regulation within the City that is consistent with state law and with traffic regulations throughout the state and nation; and

WHEREAS, a public hearing on this Ordinance was conducted and proper notice thereof given in accordance with C.R.S. § 31-16-203; and

WHEREAS, certified copies of the 2010 edition of the Model Traffic Code for Colorado were filed with the City Clerk at least fifteen (15) days prior to public hearing on this Ordinance in accordance with C.R.S. § 31-16-206 and Charter Section 5.16 and such code remains open to public inspection and purchase from the Clerk's office; and

WHEREAS, the City wishes to adopt by reference the 2010 edition of the Model Traffic Code for Colorado, enact certain amendments thereto, provide penalties for Model Traffic Code violations and make conforming amendments to the Wheat Ridge Code of Laws (the "Code").

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 13-2 of the Wheat Ridge Code of Laws, concerning the adoption and amendment of the Model Traffic Code, is hereby repealed and reenacted to read in its entirety as follows:

Sec. 13-2. Model Traffic Code.

- (a) *Adopted.* Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is hereby adopted by reference the 2010 edition of the Model Traffic Code for Colorado, including Appendix I concerning definitions, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222, subject to the amendments set forth herein. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Section and the Code adopted herein 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 (3) copies of the Model Traffic Code adopted herein are filed in the office of the city clerk and may be inspected during regular business hours. The 2010 edition of the Model Traffic Code is adopted as if set out at length, with amendments as set forth herein.
- (b) *Amendments.* The 2010 Model Traffic Code is subject to the following additions or modifications:
- (1) *Section 235*, reserved, is hereby amended to read in its entirety as follows:
- "235. Minimum standards for commercial vehicles - spot inspections.
- (1) A police officer or sheriff's officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer or deputy may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles.
- (2) A police officer or sheriff's officer may immobilize, impound, or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."
- (3) Any person, as defined in section 42-1-102 (69), C.R.S., who violates subsection (1) of this section commits a traffic offense."
- (2) *Section 236*, concerning child restraint systems, is hereby amended to read in its entirety as follows:
- "Section 236. Child restraint systems required – definitions – exemptions.
- (1) As used in this section, unless the context otherwise requires:

(a) "Child care center" means a facility required to be licensed under the "Child Care Licensing Act", article 6 of title 26, C.R.S.

(a.1) "Child restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 CFR 571.213, as amended.

(a.2) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. "Motor vehicle" does not include motorcycles, low-power scooters, motor scooters, motor bicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

(c) "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2) (a) (I) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system, according to the manufacturer's instructions.

(II) If the child is less than one year of age and weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least eight years of age but less than

sixteen years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in section 42-2-105.5 (4), subsection (2) of this section does not apply to a child who:

(a) Repealed.

(b) Is less than eight years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(c) Is being transported in a commercial motor vehicle, as defined in section 42-2-402 (4) (a), that is operated by a child care center;

(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 42-4-237;

(e) Repealed.

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in section 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in section 40-10.1-301, C.R.S.

(4) The division of highway safety shall implement a program for public information and education concerning the use of child restraint systems and the provisions of this section.

(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(7) (a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section commits a class B traffic infraction.

(b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-105.5 (5) (b).

(8) The fine may be waived if the defendant presents the court with satisfactory evidence of proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance."

(3) *Section 501*, concerning the penalty for size and weight violations is hereby amended to read as follows:

"501. Size and weight violations.

(1) Except as provided in this Part 5, it is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within the city any vehicle or vehicles of a size or weight exceeding the limitations set forth in this Part 5.

(2) The provisions of subsection (1) of this section 501 shall not apply to fire apparatus, mobile machinery, self-propelled construction equipment, or to implements of husbandry temporarily moved upon a city-maintained street or to a vehicle operated under the terms of a special permit issued pursuant to section 510 of the Model Traffic Code."

(4) *Subsection 507(3)*, concerning wheel and axle loads of self-compactor vehicles, is hereby amended to read as follows:

"(3) Vehicles equipped with a self-compactor and used solely for the transportation of trash are exempted from the provisions of paragraph (b) of subsection (2) of this section only when such vehicles are travelling on a state-maintained secondary state highway within city limits."

(5) *Section 509*, concerning "Vehicles weighed—Excess removed," is hereby amended by the addition of a new subsection (4), to read in its entirety as follows:

"(4) In the event that a police officer or other city employee must take any action in shifting or removing any portion of an excess load, the driver and/or owner of such vehicle shall reimburse the city for the officer's or employee's efforts in removing or shifting such load at the rate of one hundred dollars (\$100.00) per hour or a minimum of one hundred dollars (\$100.00) for any efforts lasting less than one (1) hour."

- (6) *Part 10*, concerning driving, overtaking and passing, is hereby amended by the addition of a new *Section 1014*, to read in its entirety as follows:

"1014. Driving within bike lanes.

- (1) It shall be unlawful for the driver of any motor vehicle to drive such vehicle within the boundaries of posted bicycle pathways except under the following conditions:

(a) As may be necessary to execute an otherwise lawful turn;
or

(b) As may be necessary in an emergency or in compliance with directions of a police officer.

- (2) A driver of any motor vehicle who shall drive his vehicle into a bicycle pathway in accordance with one (1) of the exceptions provided above in subsection (1) shall operate his motor vehicle with such degree of skill and care as is necessary to avoid colliding with any person or object within the bicycle pathway."

- (7) *Subsections (a) through (f) of Section 1101(2)*, concerning speed limits, are hereby repealed and a new Subsection (a) is added to read as follows:

"(a) Twenty-five (25) miles per hour on all streets within the City of Wheat Ridge boundaries unless otherwise posted."

- (8) *Subsection (4) of Section 1101*, concerning speed limits, is hereby repealed and reenacted to read as follows:

"(4) The speed limits specified in subsection (2) hereof shall be considered maximum lawful speed limits and not prima facie speed limits."

- (9) *Section 1203*, reserved, is hereby amended to read in its entirety as follows:

"1203. Parking of major vehicles.

- (1) It shall be unlawful for any person to park or store, or allow the parking or storing of, a major vehicle upon any dedicated public street or road, or private drive, street or road, or public right-of-way or easement or park within the City of Wheat Ridge, except as hereinafter specified.

- (2) For the purposes of this section 1203, 'major vehicle' is defined as any vehicle:

(a) Eight (8) feet or more in width, and/or

(b) Twenty-five (25) feet or more in length, or

- (c) Regardless of size, a truck tractor or semi-trailer, or
 - (d) Any vehicle licensed in the State of Colorado, or required to be licensed by the Colorado Department of Motor Vehicles in Colorado, or, if not a Colorado vehicle, which would otherwise be required to be licensed by the Department of Motor Vehicles in Colorado under any of the categories COMM, GTM, Metro, apportioned, or farm.
- (3) Notwithstanding the foregoing provisions, the following exceptions apply to the provisions of this section 1203:
- (a) Any major vehicle in immediate and active use, or in the process of actively being loaded or unloaded;
 - (b) Fire trucks, ambulances, emergency rescue vehicles, tow trucks, and other emergency vehicles in use;
 - (c) Passenger buses or vehicles owned or operated by regulated or governmental or quasi-governmental corporations or entities or agencies or public or private schools and/or churches; provided, that said buses or vehicles are parked on the property owned by the governmental or quasi-governmental corporation or entity or agency, or church or school;
 - (d) Motor homes or recreational vehicles if parked or stored upon the property of the owner, or if said vehicles are owned by one other than the property owner where parked, if said motor vehicles or recreational vehicles are stored or parked on said private property with the knowledge and consent of the property owner; provided that no more than two (2) such vehicles are stored on any such lot or parcel at any one (1) time, and said vehicle is parked six (6) feet or more inside the front property line; except that, for the purpose of allowing the loading or unloading of any motor home or recreational vehicle, such motor home or recreational vehicle may be lawfully parked on a public street directly in front of the property of the owner of the vehicle, or directly in front of the property of the person or persons being visited by the owner or operator of the vehicle, for a maximum period of seventy-two (72) hours, no more frequently than once in each two-week period;
 - (e) Passenger or other vans or pickup trucks bearing COMM, Metro, or farm license plates if the vehicle in question is used by the owner as a personal transportation vehicle when the same is not being utilized for business or commercial purposes;
 - (f) Any major vehicle parked in or upon property upon which a special use permit is granted authorizing the parking of

commercial semitrailers and trailers pursuant to the zoning ordinance;

(g) Any equipment, implements, machinery, and/or large trucks, trailers and/or semi-tractor trailers authorized pursuant to the zoning ordinance;

(h) Any major vehicle parked or stored upon property wherein the use or storage of said major vehicle is related to the transportation needs of the business conducted on such property;

(i) No provision of section 1203 of this code shall apply upon state highways within this municipality.

- (4) Enforcement. Notwithstanding any other provisions of this Model Traffic Code or of the Wheat Ridge City Code, any major vehicle as defined herein which is parked or stored in violation of the provisions of section 1203 of this code shall be subject to being towed and stored, at the owner's sole expense, by a towing contractor selected by the chief of police of the City of Wheat Ridge. The towing of illegally parked vehicles is necessary to ensure traffic and pedestrian safety by removing the view impediment created by the illegally parked major vehicles. In addition to the right to tow said illegally parked major vehicles, authority is granted to impose administrative charges upon the owner or operator of said illegally parked vehicle, or the owner of property allowing or permitting such illegal parking, subject to the following requirements:

(a) To defray the cost of enforcement of this provision, a charge of fifty dollars (\$50.00) shall be imposed for the first offense, one hundred dollars (\$100.00) for the second offense, two hundred dollars (\$200.00) for the third offense, and three hundred dollars (\$300.00) for the fourth or subsequent offenses;

(b) Any person subjected to said administrative charges who objects thereto shall be entitled to either:

1. Request a hearing before the municipal court referee appointed pursuant to Section 14-10 of the Wheat Ridge Code of Laws, which hearing shall be held no less than seventy-two (72) hours after the making of said request; or

2. Have a summons and complaint issued directing such person to appear in the Wheat Ridge Municipal Court to answer charges of violating section 1203 of this code. If found guilty in the Wheat Ridge Municipal Court of such charges or if a guilty plea is entered, the court shall impose fines as specified in subsection 1203(4)(a) herein.

(c) No vehicle shall be released from storage after towing unless and until all towing and storage charges have been paid, and all administrative charges specified in this section 1203 have been paid, or evidence is presented by the Wheat Ridge Police Department in the municipal court that the rights granted under section 1203(4)(b)(2) of this code have been invoked. In the event any towing is found to be improper all costs for towing and storage shall be reimbursed by the city to the owner."

- (10) *Section 1204*, concerning stopping, standing or parking in specified places, is hereby amended by the addition of a new subsection 1204(1)(l) to read as follows:

"(l) Within designated and marked emergency access lanes so as to obstruct such access lanes anywhere within the municipality of the City of Wheat Ridge, whether upon public or private property, except emergency vehicles (i.e., police cars, fire department vehicles, ambulances, EMT vehicles, etc.) during the answering of an emergency call."

- (11) *Section 1208*, concerning parking privileges for persons with disabilities, is hereby amended by deleting Subsection (7) and amending the language of subsections (5) and (6) to read as follows:

"(5) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer, in a zone that is designated as a handicapped parking area in a manner which obstructs or may obstruct the use of the designated handicapped parking area by a vehicle with distinguishing license plates or by a vehicle with an identifying placard indicating that the occupant of said vehicle is a person with a disability as defined herein unless the vehicle has a distinguishing license plate or an identifying placard indicating that the occupant of said vehicle is a person with a disability.

- (6) (a) A person who does not have a disability and who exercises the privilege defined in subsection (2) of this section or who violates subsection (5) or (10) of this section commits a class B traffic infraction punishable by a minimum fine of three hundred fifty dollars, not to exceed one thousand dollars, for the first offense and a minimum fine of six hundred dollars, not to exceed one thousand dollars, for a second offense or subsequent offenses.

- (b) A person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in section 42-1-102 (17), shall be subject to a fine of up to twice the penalty imposed in paragraph (a) of this subsection (6), not to exceed one thousand dollars.

- (7) A person who does not have a disability and who uses an identifying license plate or placard in order to receive the benefits or privileges available to a person with a disability under this section commits a misdemeanor punishable by a minimum fine of three hundred fifty dollars, not to exceed one thousand dollars, for the first offense and a minimum fine of six hundred dollars, not to exceed one thousand dollars for a second offense or subsequent offenses.
- (8)(a) A peace officer or authorized parking enforcement official may check the identification of any person using an identifying license plate or placard in order to determine whether such use is authorized.
- (12) *Section 1407*, concerning spilling loads on highways is amended to read as follows:
- "1407. Spilling loads on streets or highways prohibited.
- (1) No vehicle shall be driven or moved on any street or highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.
- (2) Violation of this section constitutes a traffic infraction. In the event that a vehicle unlawfully spills its load on public property, the driver and/or owner of such vehicle shall be liable to the city for any damages caused by such spill. In addition, if city employees must take any action in removal or mitigation of such a spill, the driver and/or owner shall also reimburse the city or its employees' removal or mitigation efforts at the rate of one hundred dollars (\$100.00) for any response lasting less than one (1) hour."
- (13) *Part 14*, concerning other offenses, is hereby amended by the addition of a new section 1416 to read in its entirety as follows:
- "1416. Driving through private property or driveways.
- (1) It is unlawful for any person to drive from a public street or public way of this city over, across or through any private driveway to avoid traffic-control signals, stop signs or other traffic-control devices or as a route or shortcut from one (1) public street or public way to another.
- (2) As used in subsection (1) of this section, 'private property' includes, but is not limited to, any property not dedicated as a public street or public way, alley, right-of-way or easement.

- (3) It shall be an affirmative defense to a charge of violating subsection (1) that the person charged is the owner of or has a leasehold interest in or an easement on or the right to the possession or use of the property or driveway through or across which the motor vehicle is driven."
- (14) *Part 14*, concerning other offenses, is hereby amended by the addition of a new section 1417 to read in its entirety as follows:

"1417. Traffic Violations Committed in Certain Zones

- (1) Any person who commits a moving traffic violation in a school, maintenance, repair, or construction zone, which zone has been marked or posted as such, is subject to double the amount of penalty and surcharge imposed. For the purposes of this section, "school zone" means an area that is designated as a school zone with signs posted on the public right-of-way. If the penalty and surcharge has been doubled because a violation occurred within a highway maintenance, repair, or construction zone which was also a designated school zone, the penalty and surcharge shall not be doubled twice."
- (15) *Section 1701*, concerning the classification of traffic offenses and schedule of fines, is hereby amended to read in its entirety as follows:

"1701. Traffic offenses and infractions classified – penalties – penalty and surcharge schedule

- (1) Except as specifically set forth in this Section 1701, it is a traffic infraction for any person to violate any of the provisions of this code. Any designation or classification of a violation in any other section of this code is inapplicable and expressly superseded by this Section 1701. Traffic infractions shall constitute civil matters. The Colorado Rules of Municipal Procedure shall apply to traffic infraction proceedings, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal traffic infraction and the defendant's driver's license is issued by the State of Colorado or any other state which participates in the Interstate Nonresident Violator Compact, as codified at C.R.S. § 24-60-2101. Instead, the court may enter a judgment of liability by default against the defendant for failure to appear, assess any penalty and costs established by law and report the judgment to the appropriate state motor vehicle department which may assess points against the defendant's driver's license and may take appropriate action to ensure that the judgment is satisfied. There is no right to a trial by jury for any noncriminal traffic infraction.

- (2) The following violations constitute criminal traffic offenses:

- (a) A violation of section 1101 involving driving twenty-five (25) or more miles in excess of the lawful speed limit.
 - (b) A violation of section 1101(8)(a) involving driving twenty-five (25) miles or more in excess of the speed limit on any interstate highway.
 - (c) Violations of sections 1105 (speed contests), 1401 (reckless driving), 1402 (careless driving), 1409 (failure to show compulsory insurance), 1413 (eluding a police officer), 1703 (aiding and abetting a traffic offense) and 1903 (failing to stop for a school bus) of the Model Traffic Code, as amended.
- (3) Notwithstanding any other provision of this code to the contrary, traffic infractions as provided in this code shall be subject to the following maximum penalty: a fine of \$1,000.00. Court costs as authorized by state and local law shall be added to the fine.
- (4) Notwithstanding any other provision of this code to the contrary, criminal traffic offenses as provided in this code shall be subject to the following maximum penalties: 1 year imprisonment or fine of \$1,000.00 or both. Court costs as authorized by state and local law shall be added to any penalty imposed.
- (16) *Section 1709*, concerning penalty assessment notices, is amended by the addition of new subsections (6) and (7) to read in their entirety as follows:
- "(6) Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice.
- (7) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the city, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof if requested. Checks tendered and accepted and on which payment is received shall be deemed sufficient receipt."
- (17) *Part 17*, concerning penalties and procedure, is hereby amended by the addition of a new section 1718 to read in its entirety as follows:
- "1718. Penalty - Compulsory insurance.
- (1) Notwithstanding the provisions of Section 1701 of this Code, any person who violates section 1409 of this Code shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). The court may suspend up to one half of the fine upon a showing that appropriate insurance as

required by law has been obtained. Nothing herein shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(2) Notwithstanding the provisions of Section 1701 of this Code, upon a second or subsequent conviction under section 1409 of this Code within a period of five years following a prior conviction under said section 1409, in addition to any imprisonment imposed, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000.00). The court may suspend up to one half of the fine upon a showing that appropriate insurance as required by law has been obtained.

(3) Fifty percent of all fines collected pursuant to this Section 1718 shall be deposited in the Hotel/Motel Fund to be used for community policing and crime prevention projects and purposes. The remaining fifty percent shall be deposited in the General Fund."

(18) *Part 18*, concerning vehicles abandoned on public property, is deleted in its entirety.

(c) *Purpose; rules of interpretation.* This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. The purpose of this section and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and nation. Article and section headings of this section 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.

(d) *Application.* The provisions of the adopted Model Traffic Code, as amended, shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public parking area, either within or outside the corporate limits of this city, the use of which this city has jurisdiction and authority to regulate. The provisions of sections 606, 1204, 1208, 1211, 1401, 1402, 1409 and 1413, of the adopted Model Traffic Code, respectively, concerning unauthorized devices, parking, parking for persons with disabilities, limitations on backing, reckless driving, careless driving, failing to show compulsory insurance and eluding an officer shall apply not only to public places and ways, but also throughout this city.

(e) *Penalties.* Except as otherwise provided in sections 13-6(b) and (d), any person convicted of any violation of the provisions of this chapter shall be subject to penalties as set forth in section 1701 of the Model Traffic Code, as amended.

Section 2. Section 13-43 of the Wheat Ridge Code of Laws, concerning vehicle tows and impoundments, is hereby amended by deleting subsection (b) thereof, which refers to impoundments pursuant to 1802 and 1803 of the 2003 Model Traffic Code.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect on November 1, 2012 after adoption at second and final reading, as authorized by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 23th day of July, 2012, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for August 13, 2012, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading, after public hearing, by a vote of 7 to 0, this 13th day of August, 2012.

SIGNED by the Mayor on this 13th day of August, 2012.



ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk

Jerry DiTullio
Jerry DiTullio, Mayor

Approved As To Form
Gerald E. Dahl
Gerald E. Dahl, City Attorney

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Wheat Ridge Transcript
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