

## ORDINANCE NO. 4110

### AN ORDINANCE ADOPTING BY REFERENCE THE 2003 MODEL TRAFFIC CODE FOR COLORADO (EXCEPT PART 12) AND REPEALING ARTICLES X THROUGH XIV OF THE 1977 MODEL TRAFFIC CODE ADOPTED BY REFERENCE AND ENACTING A PARKING CODE FOR THE CITY OF GRAND JUNCTION

#### Recitals.

In 2003, the Colorado Department of Transportation, Transportation Commission, together with the Colorado Municipal League and a number of member municipalities, issued the 2003 edition of the *Model Traffic Code for Colorado*. Prior to this ordinance, the City of Grand Junction followed the 1995 *Model Traffic Code for Colorado Municipalities* and Articles X through XIV (Parking) of the 1977 *Model Traffic Code for Colorado Municipalities*. The 2003 edition includes changes that are beneficial to the health safety and welfare of the citizens of the City of Grand Junction. Adoption of the 2003 *Model Traffic Code for Colorado* by reference in its entirety (with the exception of Part 12: Parking) promotes the goal of statewide uniformity in traffic regulation. Traffic law uniformity is especially important today, given modern mobility and the influx of motorists from elsewhere. Predictability and certainty allows driver confidence and thus enhances the safe and efficient flow of traffic within the City. Amendments to the 2003 *Model Traffic Code for Colorado* as well as the parking regulations promote the health, safety and welfare of the public.

The repeal of Articles X-XIV of the 1977 *Model Traffic Code for Colorado Municipalities* and the enactment of a City parking code remove discrepancies and inconsistencies among the various parking regulations while still preserving a set of parking rules that have worked well for the City for many years.

New parking provisions enhance the safety and accessibility of the City's commercial centers and public streets and parking areas.

#### **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

Chapter 36 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby repealed.

A new Chapter 36 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby adopted as follows:

#### **Sec. 36-1. Model traffic code--Generally.**

(a) *Adoption.* Pursuant to applicable law including C.R.S. title 31, article 16, parts 1 and 2, there is hereby adopted by reference Articles I and II, inclusive, Part 1-

19, excluding Part 12, Parking; and Article II inclusive, of the 2003 edition of the *Model Traffic Code for Colorado*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the *2003 Model Traffic Code for Colorado* relates primarily to comprehensive traffic control regulations for local governments. The purpose of this section and the code adopted in this section is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and nation. One copy of the 2003 edition of the *Model Traffic Code for Colorado* adopted in this section is now filed in the office of the City Clerk and may be inspected during regular business hours. The 2003 edition of the *Model Traffic Code for Colorado* is adopted as if set out at length in this section.

- (b) *Penalties.* Penalties for violations of this Chapter may include fines, points, incarceration, useful public service and driver education, as determined by the Judge of the municipal court, and in accordance with Section 1-9 of the City of Grand Junction Code of Ordinances.
- (1) It is unlawful for any person to violate any of the provisions stated or adopted in this section.
  - (2) Every person convicted of a violation of any provision stated or adopted in this section shall be punished pursuant to and not in excess of the penalties specified in section 1-9 of the Grand Junction Code of Ordinances.
- (c) *Application.* Except as otherwise provided, the provisions of this Chapter shall apply to every street, alley, sidewalk area, driveway, park, planting strip and to every other public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction to regulate. The provisions of sections 606, 1401, 1402, and 1413 of the adopted *Model Traffic Code*, respectively concerning unauthorized devices, reckless driving, careless driving and eluding officer shall apply not only to public places and ways but also throughout this municipality.
- (d) *Interpretation.* This section shall be so interpreted and construed as to effectuate its general purpose to conform to the state's uniform system for the regulation of vehicles and traffic. Article and section headings of the sections of 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.

### **Section 36-2 Amendments and Deletions.**

The Model Traffic Code adopted in section 36-1 is hereby amended as follows:

**Part 12**, inclusive, is deleted.

**Section 103 (2)(c)** is added to read:

On no portion of any state highway or connecting link within the city shall any person violate any of the provisions of this Code, or any of the laws amending the same, or any of the rules or regulations issued pursuant thereto.

**Section 109.5** is amended to read:

(1) (Deleted)

(2) No person shall operate a neighborhood electric vehicle on a limited access highway.

**Section 238** is added to read:

(a) Definition. For the purposes of this section, "golf cart" means a four-wheel, pneumatic tired vehicle powered by a gasoline or battery driven motor that is designed for use as a transport device on a golf course.

(b) A golf cart may be driven upon streets under the jurisdiction of the city, excluding country roads, state or federal highways, in the area bounded on the west by 26 Road, on the east by 28 Road, on the south by Patterson Road, and on the north by H Road. Golf carts may be driven on 26 Road, 28 Road, and H Road, but are not permitted on Patterson Road or Horizon Drive (however, crossing Horizon Drive at an intersection is permitted).

(c) (1) No person shall operate a golf cart on any public street in the city:

- a. Unless within the boundaries set forth in subsection (b) of this section.
- b. Unless the golf cart is equipped at a minimum with:
  1. A state approved slow triangle mounted on the rear of the cart;
  2. A rearview mirror;
  3. An audible warning device;
  4. A steering wheel;
  5. A foot-controlled accelerator; and
  6. A foot brake.
- c. Except during the time from one-half hour before sunrise to one-half hour after sunset.
- d. Unless in a direct route from the operator's residence to a golf course, or from a golf course to the operator's residence.
- e. Unless such person possesses, on the person of the operator, a valid state driver's license.

- f. In a way or at a speed which impedes the normal flow of traffic; the operator has the affirmative duty to observe traffic behind and around him. If the golf cart is traveling at a speed which is more than five miles per hour below the applicable speed limit, the operator of a golf cart shall pull over to the right side of the road at the first safe opportunity and allow vehicles to pass the golf cart.
- g. While under the influence of, or impaired by, alcohol; nor shall any person operate a golf cart while under the influence of any drug. The definition of, and proof of, intoxication or impairment shall be as set forth in C.R.S. § 42-4-1202. The operator of a golf cart who is arrested for operating a golf cart while under the influence of or impaired by alcohol or drugs shall submit to chemical testing as set forth in C.R.S. title 42. Failure to submit to a test as required shall result in the immediate revocation of the permit issued to an operator.
- h. Without first obtaining a permit from the city police department, which permit shall be attached to the golf cart at all times that such cart being operated upon a city right-of-way.
- i. Unless such person has, on his person, proof of recreational vehicle or similar insurance that is current and provides coverage for injury to persons and property.

(2) The operator of a golf cart on public streets shall comply with the provisions of the Model Traffic Code as adopted by the city.

(3) Nothing in this section authorizes the operation of a golf cart on rights-of-way under the jurisdiction of the county. It is the duty of each operator of a golf cart to ascertain whether a right-of-way is within the city limits.

- (d) The police chief, after having determined that the golf cart and the operator are in compliance with requirements of this section, shall issue a permit. Such permits shall be valid for three years from the date of issuance unless revoked for just cause. Fees for the permit shall be as established by resolution of the city council. The city council may alter such fees by resolution.
- (e) Police officers are authorized to stop a golf cart which is being operated on a city right-of-way, without probable cause or other reason, at any time, to verify that the operator has a valid permit and to inspect for required safety equipment.

- (f) The city council shall, by resolution, establish the minimum requirements of required insurance for operation of golf carts on city rights-of-way.

**Section 705.** Section 705 shall be amended and Sections 705 (b), (c), and (d) added to read:

- (a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer or other authorized emergency personnel.
- (b) Whenever an authorized service vehicle is performing its service function and is displaying audible or visual signals meeting the requirements of section 213 or 222, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking or passing such service vehicle.
- (c) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right of way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (d) of this section.
- (d) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (c) of this section, is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

**Section 1409.** Section 1409 (3) shall be amended to read:

- (3) When requested to do so by a peace officer following any lawful traffic contact or during any traffic investigation, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy

or certificate of insurance in full force and effect as required by sections 10-4-705 and 10-4-716, C.R.S. The Municipal Court shall not have jurisdiction under this section in those cases in which property damage and/or injury results.

Section 1416 shall be added to read:

**Section 1416. Limitations on backing.**

- (a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

Section 1417 shall be added to read:

**Section 1417. Opening and closing vehicle doors.** No person shall open the door of a motor vehicle on a side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Section 1418 shall be added to read:

**Section 1418. Starting parked vehicle.**

The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not start moving a vehicle from a stopped, standing or parked position unless and until such movement can be made with reasonable safety.

**Section 1503.** Section 1503 is hereby amended by adding subsection (6), which shall read as follows:

(6) It shall be unlawful for any person to drive, ride or use a motorcycle, motor-driven cycle, motor scooter, motorbike, minibike, dune buggy, or other similar on- or off-road vehicle upon any public or private property which is not an improved public street or highway, or improved private street approved by the City of Grand Junction, except that this subsection shall not apply in either of the following instances:

- (a) Where such vehicle is being driven, ridden, or used upon property by the owner, resident or tenant of such property, or by an authorized

visitor when such visitor is accompanied by or has a written authorization in his possession from the owner, resident or tenant of the property.

(b) Where such use is permitted pursuant to a use permit or otherwise in accordance with the zoning regulations of the City of Grand Junction.

(7) Nothing herein shall be interpreted to permit the operation on city streets of vehicles otherwise prohibited from such operation.

Article II, Section 102. Section 102 (68) is hereby amended to read as follows:

(68) Sidewalk or sidewalk area means that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines.

Article II. Section 102. Section 102 is hereby amended by the creation of subsection (90) to read as follows:

(90) Golf cart means a four-wheel, pneumatic tired vehicle powered by a gasoline or battery driven motor that is designed for use as a transport device on a golf course.

Article II. Section 102. Section 102 is hereby amended by the creation of subsection (91) to read as follows:

(91) Holidays. Where used in this ordinance or on official signs shall, in addition to Sundays mean New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, General Presidential Election Day, Veterans Day, Thanksgiving Day, and Christmas Day.

(92) Neighborhood electric vehicle means a self-propelled, four-wheeled, pneumatic tire vehicle that is powered by a battery driven motor and can attain a speed of not more than twenty-five (25) miles per hour.

## **PARKING CODE**

### **Section 36-3. Notice on illegally parked vehicle.**

(a) Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice, directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

- (b) If upon the violation of any of the parking restrictions imposed by this ordinance a person produces photographic evidence of a stopping, standing or parking violation and reports the same to the Municipal law enforcement agency, then the Municipal law enforcement agency or the City Attorney, upon a determination of probable cause to believe that a stopping, standing or parking violation has been committed may issue a penalty assessment notice to the registered owner of the vehicle as otherwise provided in this section 36-3. Upon a determination of the registered owner of the vehicle, a penalty assessment may be mailed to the address of record shown on the current registration for the vehicle.
- (c) For purposes of this section 36-3 photographic evidence means still photographs, video or digital images which show the violation, the front and rear license plates of the vehicle and the date and time of the violation. The person procuring the photographic evidence shall for the purposes of prosecution be considered the complaining witness. The person procuring the photographic evidence shall in order for a prosecution thereon to be sustained, be sworn and under oath or affirmation testify that the photographic evidence is true and accurate and faithfully depicts what he/she observed.

**Section 36-4. Failure to comply with notice on parked vehicle.**

- (a) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond with the time specified to a penalty assessment notice affixed to such vehicle, by appearance and payment at the court having jurisdiction, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of said court shall send another notice by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that in the event such notice is disregarded for a period of twenty (20) days from date of mailing, a complaint will be filed and a warrant of arrest will be issued.
- (b) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle or mailed to the registered owner of the vehicle, as provided in section 36-3, by appearance and payment at the Traffic Violations Bureau or court having jurisdiction, or by mailing payment by means of the United States mail or by other disposition of the charges as provided by law, the clerk of said court or Traffic Violations Bureau shall send notice by mail to the registered owner of the vehicle to which the penalty assessment was affixed or another notice to the registered owner of the vehicle to which the first mailed notice was sent, warning him that in the event such notice is disregarded



for a period of twenty (20 ) days from the date of mailing a warrant of arrest will be issued.

(c) When a driver, owner, or person in charge of a vehicle has failed to respond to the following notices of illegal parking:

(1) A notice placed on the vehicle pursuant to section 1203, chapter 36 of the Code of Ordinances of the City of Grand Junction; and

(2) An additional notice mailed to the registered owner of the vehicle;

a police officer or other authorized person of the City of Grand Junction, acting in his official capacity, may temporarily immobilize such vehicle by attaching to it a device designed to restrict the normal movement of the vehicle; provided, however, that the vehicle shall be located on a public right-of-way or in such a place frequented by the public for public purposes, or private property where the public frequents for public purposes, or private property where the public is a business invitee. Prior to immobilization the municipal court shall review the procedure followed and enter an order directing the immobilization.

(d) If a vehicle is immobilized, the officer shall affix a conspicuous notice to the vehicle informing the driver, owner or person in charge of the vehicle that:

(1) The vehicle has been immobilized by the City of Grand Junction for a parking violation pursuant to the Code of Ordinances of the City of Grand Junction by an order issued by the judge of the municipal court.

(2) The owner of the vehicle may request an immediate hearing in the Grand Junction municipal court to contest the citation or immobilization of the vehicle, or the owner of the vehicle shall have the right, upon request, to a post-deprivation hearing within 48 hours after the request for such hearing, excluding Saturdays, Sundays and holidays. In the alternative, the owner may obtain immediate release of the vehicle by posting bond in the amount of the delinquent parking fines and fees plus booting costs as established by resolution of the city council and on file in the city clerk's office with the clerk of the municipal court. If the vehicle is so released, any hearing requested will be set within the normal time limits of any other hearing in municipal court.

(3) Release of the vehicle may be obtained without a hearing by payment of fines, fees and costs as established by resolution of the city council and on file in the city clerk's office to the clerk of the municipal court.

(4) Unless arrangements are made for the release of the vehicle within 72 hours, the vehicle shall be removed from the streets by a police officer pursuant to section 36-6 of the Code of Ordinances of the City of Grand Junction.

(5) That removing or attempting to remove the device before a release is obtained is unlawful.

(e) It shall be unlawful for any person to remove or attempt to remove an immobilized vehicle before a release is obtained or to move any such vehicle before the police department releases it.

**Section 36-5. Presumption in reference to illegal parking.**

In any prosecution charging a violation of any provision of this ordinance 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.

**Sec. 36-6. Abandoned Vehicles and Authority to Impound Vehicles.**

(a) No person shall abandon any motor vehicle upon private property within the City other than his or her own. Subject to other provisions of law concerning junk and/or inoperable motor vehicles, any owner or lessee of property within this municipality, or the owner or lessee's agent, may have an abandoned motor vehicle removed from his or her property by having it towed and impounded by a tow operator.

(b) With respect to any vehicle towed pursuant to subsection (a) of this Section 36-6, the tow operator having in his or her possession any motor vehicle that was abandoned on private property shall, within one hour of impoundment, notify the police department of the following: name of tow operator in possession of the abandoned vehicle, the location of the impound lot where the vehicle is located, a description of the abandoned motor vehicle, including make, model, color and year, the number, issuing state and expiration date of the license plate, and the vehicle identification number.

(c) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within this municipality in such a manner as to constitute a violation of Section 10-5 of the 1977 version of the Model Traffic Code, or left unattended for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by 42-4-2102 C.R.S., such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.

(d) Notice and hearing

(1) As to any vehicle impounded pursuant to this chapter by or at the request of the City, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the City within ten days after such person has learned such vehicle has been impounded or within ten days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or his agent and to the garage where the vehicle is stored within 48 hours, excluding weekends and holidays, after impounding and storage of the vehicle.

(2) A hearing shall be conducted before a hearing officer designated by the City Manager within 48 hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and city holidays are to be excluded from the calculation of the 48-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

“Probable cause to impound” shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer’s decision in no way affects any criminal proceeding in connection with the impounding in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner or his agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

(3) The hearing officer shall only determine that as to the vehicle in issue, either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a

certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor's copy of such certificate, the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the City in accordance with arrangements made between the City and the official police garage. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within 24 hours of its receipt, excluding such days when the official police garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

(4) This subsection (d) shall not apply if the vehicle was towed from private property.

#### **Section 36-7. Parking on state highways during snow removal.**

There shall be no parking whatsoever on any roadway or contiguous shoulder of any state highway or connecting link within the city during the times and places where snow removal operations are in progress.

#### **Section 36-8. Parking at curb or edge of roadway.**

- (a) Except where angle parking is permitted by this Code and, in the case of State highways, is approved by the State Department of Highways, and except as otherwise provided by this Code every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
- (b) Except as otherwise provided by this Code, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

#### **Section 36-9. Obedience to angle-parking signs or markings.**

- (a) On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
- (b) No person shall park a vehicle at an angle upon any street except those streets upon which angle parking is specifically permitted.

- (c) Where signs are posted specifying the direction of a vehicle for angle parking, it shall be unlawful to park a vehicle not in accordance with the signs. No person shall park front-in or head-in in a space or area designated for rear-in angle parking.
- (d) When parked at an angle, a vehicle shall be parked only within the designated angle parking space with the front wheel of the vehicle nearest the curb within twelve inches of the curb or, in those areas specifically designated for back-in angle parking, with the back wheel nearest to the curb within twelve inches of such curb.

**Section 36-10. Lamps on parked vehicles.**

- (a) Whenever a vehicle is lawfully parked upon a highway during the hours between sunset and sunrise, and in the event there is sufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, no lights need be displayed upon such parked vehicle.
- (b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise, and there is not sufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or a combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

- (c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**Section 36-11. Unattended motor vehicle.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon, and, when standing upon any grade, said person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

**Section 36-12. Parking not to obstruct traffic or maintenance.**

No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

**Section 36-13. Parking in alleys.**

- (a) No person shall park a vehicle within an alley accept during the necessary and expeditious loading and unloading of merchandise or freight.
- (b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

**Section 36-14. Moving unattended vehicle.**

No person shall move a vehicle not owned by or in charge of such person into any prohibited area or away from a curb such distance as is unlawful.

**Section 36-15. Clearance between vehicles.**

No person shall stand or park a vehicle in such a manner as to leave available less than 2 feet clearance between vehicles when parked.

**Section 36-16. Waiting for parking space being cleared.**

The driver of a vehicle while waiting for a parking space to be cleared by another vehicle which is in the actual process of leaving such parking space shall stop on the roadway side of an immediately to the rear of such leaving vehicle and shall remain in such position until the parking space has been cleared.

**Section 36-17. Stopping, standing or parking prohibited in specified places.**

- (a) No person, other than a peace officer conducting traffic enforcement in or on a marked patrol vehicle at or along an arterial or collector street or roadway as defined or described in the Grand Valley Circulation Plan, a duly adopted neighborhood plan or street plan, or Transportation Engineering Design Standards 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 or official traffic control device, in any of the following places:
  - (1) On a sidewalk;
  - (2) Within an intersection;
  - (3) On a crosswalk;

- (4) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings; every vehicle shall be parked wholly within a designated parking space. Parking space designations shall be made by markings, signs or other appropriate indication upon the curb and/or pavement. Except where prohibited by other provision of this code, a vehicle which is of a size too large to be parked within a single space shall be permitted to occupy two adjoining spaces when the vehicle will fit wholly and completely within the designated spaces and where, as applicable, the necessary number of parking meter charges have been paid.
  - (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
  - (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - (8) On any railroad tracks;
  - (9) On any controlled-access highway;
  - (10) In the area between roadways of a divided highway, including crossovers;
  - (11) At any other place where official signs prohibit stopping.
- (b) In addition to the restrictions specified in subsection (a) of this section, no person, other than a peace officer conducting traffic enforcement in or on a marked patrol vehicle at or along an arterial or collector street or roadway as defined or described in the Grand Valley Circulation Plan, a duly adopted neighborhood plan or street plan, or Transportation Engineering Design Standards shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:
- (1) Within five feet of a public or private driveway;
  - (2) Within fifteen feet of a fire hydrant;
  - (3) Within twenty feet of a crosswalk at an intersection;
  - (4) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

- (5) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;
  - (6) At any other place where official signs prohibit standing.
- (c) In addition to the restrictions specified in subsections (a) and (b) of this section, no person, other than a peace officer conducting traffic enforcement in or on a marked patrol vehicle at or along an arterial or collector street or roadway as defined or described in the Grand Valley Circulation Plan, a duly adopted neighborhood plan or street plan, or Transportation Engineering Design Standards shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:
- (1) Within fifty feet of the nearest rail of a railroad crossing;
  - (2) At any other place where official signs prohibit parking.
- (d) Nothing in Section 36-17 above shall prohibit persons from parking bicycles in accordance with Section 1412 of the Model Traffic Code adopted by reference herein.

**Section 36-18. Parking for certain purposes prohibited.**

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

- (1) Displaying such vehicle for sale;
- (2) Washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency;
- (3) Displaying advertising.

**Section 36-19. Stopping, standing or parking on highway.**

No person shall stop, stand or park a vehicle on any highway ramp or on any other portion of the main-traveled way of such highway.

**Section 36-20. Regulations not exclusive.**

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

**Section 36-21. Obedience to stopping, standing or parking regulations.**

On any street or at any place within this municipality where official signs are posted giving notice of stopping, standing or parking restrictions or prohibitions



as authorized in this Code and described in traffic control schedules, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic control device or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede or endanger any traffic.

### **Section 36-22. Parking privileges for persons with disabilities**

(a) A vehicle with distinguishing license plates or an identifying placard indicating a person with a disability as defined in section 42-3-204, C.R.S., where such distinguishing license plate or identifying placard has been issued pursuant to section 42-3-204, C.R.S., may be parked along public streets regardless of any time limitation imposed by official signs upon parking in such area; except that such privilege shall not apply to zones in which:

- (1) Stopping, standing, or parking of all vehicles is prohibited at all times;
- (2) Only special vehicles may be parked; or
- (3) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(b) It is unlawful for any person other than a person with a disability as defined in section 42-3-204, C.R.S. to park in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by persons with disabilities unless:

- (1) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and
- (2) A valid license plate or placard is displayed in or on such vehicle.

(c) A person with a disability as defined in section 42-3-204, C.R.S. may park in a parking space identified reserved for use by persons with disabilities whether on public property or private property available for public use, provided that such person has conspicuously displayed at all times on the vehicle parked in such space a placard or license plate obtained pursuant to section 42-3-204, C.R.S.

### **Section 36-23. All-night parking.**

No person, except physicians or other persons on emergency calls, shall park a vehicle on any street signed to prohibit all-night parking, for a period of time longer than 30 minutes between the hours of 2 a.m. and 5 a.m. of any day.

**Section 36-24. Emergency stopping or parking only.**

When official signs are erected giving notice thereof no person shall stop, stand or park a vehicle on the shoulder of any highway or any other facility so marked except in case of emergency involving the vehicle or its occupants.

**Section 36-25. Standing in passenger loading zone.** No person shall stand a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place officially marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective and then only for a period not to exceed 3 minutes.

**Section 36-26.**

(a) No person shall stand a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place officially marked as a freight loading zone during hours when the provisions applicable to such zones are in effect.

(b) In no case shall the standing for loading and unloading of materials exceed 30 minutes.

**Section 36-27. Permits for loading zones.** Whenever special permits are issued, as authorized in section 23-9, to establish or control the use of loading zones or to allow the backing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of any such permit.

**Section 36-28. Bus stops regulated.**

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stop so designated as authorized in section 23-9.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated as authorized in section 23-9, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

**Section 36-29. Taxicab stands regulated.**

- (a) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as authorized in section 23-9.
- (b) This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other parking, standing or stopping regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

**Section 36-30. Standing in restricted parking zone.**

No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time the restriction is effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in loading or unloading passengers when such standing or stopping does not interfere with the kind of traffic for which the zone is reserved.

**Section 36-31. Parking meter zones.**

Wherever parking meter zones have been established on streets or in parking areas regulated by this municipality, the parking of vehicles at places, streets or parts of streets so designated shall be controlled by parking meters between the hours and on the days declared in said schedules or records and specified on authorized parking meter signs or legends.

**Section 36-32. Parking meters.**

Parking meters installed in parking meter zones established as provided in this Code shall be so designed, constructed, installed and set as to meet the following conditions:

- (1) Said meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of one or more coins of United States currency or authorized tokens for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for an appropriate fractional period of time.
- (2) Upon the expiration of the time period registered by the deposit of one or more coins or authorized tokens as provided herein, said meters will indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.

- (3) Each parking meter shall bear thereon an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins or tokens therein shall apply, the value of the coins or tokens to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

**Section 36-33. Parking meter spaces.**

- (a) Parking meter spaces shall be of appropriate length and width as determined by an engineering and traffic investigation and may be designated by appropriate markings upon the curb and/or pavement of the street.
- (b) Every vehicle shall be parked wholly within a metered space with the front end or front portion of such vehicle immediately opposite the parking meter for such space.
- (c) Except where prohibited by other provisions of this Code, a vehicle which is of a size too large to be parked within a single parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins or tokens shall have been deposited in the parking meter for each space so occupied as is required in this ordinance for the parking of other vehicles in such space.

**Section 36-34. Deposit of coins or tokens and time limits.**

- (a) No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency or authorized tokens of the appropriate denomination as provided in this Code shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.
- (b) No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency or authorized tokens, and no person shall deposit any lawful coin or authorized token that is bent, cut, torn, battered or otherwise misshapen.
- (c) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space is expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin(s) or token(s) in such meter.
- (d) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which

parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amount of the coins or tokens deposited in such meter.

- (e) A vehicle may be parked in a parking meter space without operation of the meter on Sundays, on holidays as defined in this Code, and during those hours of the day when the requirement to deposit coins or tokens does not apply as determined from the parking meter sign or legend.
- (f) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

**Section 36-35. Tampering with meter.**

- (a) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.
- (b) No person, firm or corporation shall place any sack or covering over, upon or around any parking meter head, remove any parking meter head, or otherwise indicate or show that the said meter is inoperative or inapplicable without proper authority to do so.

**Section 36-37. Authorized service vehicles.**

The warning lamps authorized by State law for authorized service vehicles and those service vehicles designated as emergency vehicles by the Police Chief shall be activated by the operator only when the vehicle is operating upon the roadway and may create a hazard to other traffic. The use of such lamps shall not relieve the operator from his duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by State law. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

PASSED for first reading this 18<sup>th</sup> day of July, 2007 and authorized the publication in pamphlet form.

PASSED AND ADOPTED this 15<sup>th</sup> day of August, 2007 on Second Reading and authorized the publication in pamphlet form.

/s/ James J. Doody  
President of the Council

Attest:

/s/ Stephanie Tuin  
City Clerk