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**CITY COUNCIL AGENDA
WEDNESDAY, SEPTEMBER 6, 2017
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamation

Proclaiming September 17 - 23, 2017 as "Constitution Week" in the City of Grand Junction

Certificate of Appointment

Certificates of Appointment to the Urban Trails Committee

Citizen Comments

Council Reports

Consent Agenda

1. Approval of Minutes

- a. Minutes of the August 16, 2017 Regular Meeting

2. Set Public Hearings

- a. Quasi-judicial
 - i. Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Holder Annexation, Located at 3040 E Road and Setting a Hearing for November 1, 2017

- ii. Introduction of a Proposed Ordinance Zoning the Caballero Annexation, located at 3149 D 1/2 Road, and Setting a Hearing for September 20, 2017

3. Contract

- a. Construction Contract for the 2017 Roadway Repairs Project

4. Resolutions

- a. Resolution Authorizing a Non-Exclusive License Agreement for Telecommunication Equipment in the City's Right-of-Way
- b. Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for Replacement of Hazardous Chemical Identification Equipment

Regular Agenda

If any item is removed from the Consent Agenda, it will be heard here

5. Public Hearing

- a. Legislative
 - i. An Ordinance Amending Section 2.28.020 of the Grand Junction Municipal Code (GJMC) for the Municipal Court to be a Qualified Court of Record for all Matters and to Repeal Title 10 of the GJMC and Re-enact Title 10 with a Traffic Code for the City of Grand Junction

6. Resolution

- a. Resolution Supporting District 51 Board of Education Ballot Issues 3A and 3B

7. Non-Scheduled Citizens & Visitors

8. Other Business

9. Adjournment



Grand Junction City Council

Regular Session

Item #

Meeting Date: September 6, 2017
Presented By: City Council
Department: City Clerk
Submitted By: Debbie M. Kemp, Interim City Clerk

Information

SUBJECT:

Proclaiming September 17 - 23, 2017 as "Constitution Week" in the City of Grand Junction

RECOMMENDATION:

Read and Present Proclamation.

EXECUTIVE SUMMARY:

Katey Kelly, Regent of the Mt. Garfield Chapter of the National Society of teh D.A.R. will accept the proclamation.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

1. Proclamation Constitution Week



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, it is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve, and defend it against all enemies; and

WHEREAS, signing of the Constitution provides an historic opportunity for all Americans to realize the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities it affords; and

WHEREAS, the independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, as designated by proclamation of the President of the United States of America in accordance with Public Law 915.

NOW, THEREFORE, I, J. Merrick Taggart, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of September 17 through September 23, 2017 as

"CONSTITUTION WEEK"

in the City of Grand Junction and urge all our residents to reflect during that week on the many benefits of our Federal Constitution and American citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 6th day of September, 2017.

Mayor





Grand Junction City Council

Regular Session

Item #

Meeting Date: September 6, 2017
Presented By: City Council
Department: City Clerk
Submitted By: Wanda Winkelmann, City Clerk

Information

SUBJECT:

Certificates of Appointment to the Urban Trails Committee

RECOMMENDATION:

Present Certificates of Appointment to the newly appointed members of the Urban Trails Committee.

EXECUTIVE SUMMARY:

City Council to present Certificates of Appointment to the newly appointed members of the Urban Trail Committee.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

None

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING
August 16, 2017**

The City Council of the City of Grand Junction convened into regular session on the 16th day of August, 2017 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Phyllis Norris, Duncan McArthur, Barbara Traylor Smith, Duke Wortmann, and Council President Rick Taggart. Also present were City Manager Greg Caton, City Attorney John Shaver, and Interim City Clerk Debbie Kemp.

Council President Taggart called the meeting to order. Councilmember Kennedy led the Pledge of Alliance which was followed by the invocation by Jerry Johnson, Baha'is of Grand Junction.

Presentations

Presentation of July Winner of Yard of the Month

Marcia Hutson, 642 Grand View Drive, although not present, was selected to receive the July 2017 Yard of the Month Award. Susan Carter, member of the Forestry Board, displayed photos of Ms. Hutson's yard and congratulated her for receiving the award.

2016 Auditors Report

Ty Holman, Haynie & Company, was present to give the 2016 Auditors Report. He spoke about the scope and methodology of the audit and highlighted parts of the audit.

The scope of the audit looked at several areas of the City's records and processes through a risk based approach. There were Federal monies awarded in 2016 that exceeded a certain threshold and therefore internal controls were looked at to ensure compliance with those awards to ensure the funds are spent as they should be. Internal controls and procedures are addressed.

The findings that were required to be communicated were as follows: There were no new accounting policies, significant estimates identified pension, depreciable lives of capital assets, and self-insurance claims payable, there were no audit adjustments necessary, and they did not identify anything of material deficiency. No other findings or issues arose during the audit.

Mr. Holman highlighted areas of trends which included sales tax, long term liabilities, and investments. Nothing unusual was found. Governmental Fund Balance increased about \$1.3 million over the prior year which is consistent with how it should be.

Significant new accounting pronouncements coming in the future include GASB statements number 74 and 75 which address postemployment benefits and requires

recognition of related liabilities and significantly expanded note disclosures. These are effective for 2017 and 2018 and therefore will be seen next year.

GASB 87 Leases: Requires recognition of assets and liabilities for certain leases that were previously expensed as incurred (effective for 2020). This will be significant as any lease that is carried for over one year will need to be listed as an asset and liability and includes anything from copiers to large equipment.

Mr. Holman shared some general observations and comments about their findings. During the audit, everything was provided in an orderly and very organized manner. They complimented management on their processes, but encouraged continued training for management and key accounting personnel. In terms of financial reporting, everything went very well last year and they saw great improvements in reporting efficiency. The audit went very well and has been filed with State and with the Colorado Government Finance Officers Association (CGFOA).

Councilmember Norris commented on GASB 87 and stated that she would like to learn more about it and how to address it so that the City handles it in the best way possible. She would like to have workshops so that Council could be informed on how to move forward. Mr. Holman said he is staying on top of it and will provide information as needed.

Council President Taggart asked if the calculation of debt coverage ratio would be impacted. Mr. Holman responded that it could but not significantly since there would be an asset recorded to offset the liability.

Councilmember McArthur expressed concern about reserve accounts and asked if they are analyzed. Mr. Holman commented that they are not analyzed in depth, but they make sure any requirements are met. They look at cash balances and reserve balances to make sure what is being reported is what is truly there. City Manager Caton added in response to the question that the fund balance has been increasing despite the budget challenges faced in 2016 which shows that reserves are doing well. He restated the positive information that the audit found, again pointing out the zero adjustments and zero disagreements with management and unmodified opinion which shows constituents the City's processes and internal controls are sound. He gave recognition to Jodi Romero and her staff.

Councilmember Traylor Smith congratulated Jodi Romero and her staff for a great audit.

Proclamation Proclaiming August 13-19, 2017 as "National Health Center Week" in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Kristy Schmidt, Community Relations & Development Director of MarillacHealth, was present to accept the proclamation. Ms. Schmidt thanked the Council for the Proclamation and explained some of their successes. They have been in the valley for 29 years, they serve all ages, have increased the number of people served from 9,000 to 11,000, lower to

middle income can be eligible for sliding fees based on income and she pointed out that one-third of the population are under poverty level in Mesa County. Martha Graf, Development Specialist for MarillacHealth, said she is astounded with the organization and what it does for this community. She is happy to see how the City has supported MarillacHealth and thanked Council for their contributions throughout the years.

Appointments to the Urban Trails Committee

Councilmember Boeschstein moved to appoint Gary Stubler, Sarah Johnson, and Jack Delmore, and reappoint Kristin Heumann to the Urban Trails Committee all for three year terms expiring June 2020. Councilmember Kennedy seconded the motion. Motion carried 6-0 by roll call vote (Councilmember Wortmann had stepped away).

Citizens Comments

Jen Taylor, 447 West Colorado Avenue, spoke to Council on the Jarvis property and the homeless. The recent growth of the tamarisk has brought the homeless back into the area. She is seeing full camps going in and the property is becoming littered and unkempt. She is concerned about this because there was a bigger vision for this area. City Manager Caton said that he received photos from Ms. Taylor and he agrees the situation is unacceptable. He said that staff is mobilizing resources and there are funds in the budget for camp clean up. The sites are a health hazard and therefore the City utilizes a third party who specializes in this function. Once the camps are cleaned up, they will start a habitat clean up. Efforts will be made over the next week.

Council Reports

Councilmember McArthur attended the Faces of Agriculture Luncheon sponsored by the Colorado Department of Agriculture and complimented on the excellent discussion and presentation that discussed some of the challenges of the industry. He commented on the food and drink selection that was all grown locally.

Councilmember Wortmann reported that he has a new computer that is up and running which has proven helpful in reviewing the Council Meeting reports.

Councilmember Boeschstein attended the Historic Preservation Board Meeting on August 1st, and he reported that they are working on plaques for many historic buildings in town and that the historic railroad depot continues to be worked on. On August 8th, he attended the Museum of Western Colorado and Urban Trails meetings. He informed that Urban Trails is working on a 10th street bikeway which will be a great connection between the University and downtown. On August 9th, he went to the Creative Zone meeting. On August 10th, he attended the Downtown Development Authority (DDA)

Meeting. On August 14th, he went to the Avalon meeting where he learned about a film festival they are planning, he also attended a Peace Corp reunion, and finally he reported on attending a Las Colonias concert and expressed how wonderful the venue and concert were. In closing he commented on the tragedy of Charleston, West Virginia and expressed that here in Grand Junction the City does not tolerate that behavior. Instead the City honors Dr. Martin Luther King Jr., celebrates Hispanic Heritage Month, along with other ethnic groups in the community, and he expressed his hope to live peacefully together.

Councilmember Kennedy had phone calls and emails thanking him for not attending the last City Council meeting and he wanted to make it clear that his absence was work related and not a statement for, or against, the invocation. He echoed Councilmember Boeschstein's comments and recognized things that happen across the country do actually affect this community even though we may not think they do. He shared and dedicated a poem, "Still I Rise", by Maya Angelou, to people affected and killed back east.

Councilmember Traylor Smith had been out of town but congratulated those individuals who are responsible for bringing concerts to Las Colonias. She also congratulated Colorado Mesa University for opening their Health and Sciences building on August 17th.

Councilmember Norris thanked the tamarisk group who has worked hard to rid properties of the bothersome weeds and she thanked Jen Taylor for her comments. Councilmember Norris went to the DDA meeting and shared some on the highlights of what the organization does. The DDA taxes themselves to put more money into beautifying the downtown streets and areas, they work hard to promote the Avalon Theatre, work closely with the City on projects, and have supported Las Colonias. They are moving forward with the R-5 property and she is excited about that project. She wanted to add to Councilmember Boeschstein's comments that this City belongs to all people and it is wrong for anyone to attack another person regardless of who it is. We are all citizens and we all need to respect all people, not just one class.

Council President Taggart took a moment to recognize Heather Heyer from Charlottesville who had her funeral that day and also recognized the two state troopers who also passed away during the tragic event. His heart and thoughts go out to their families and to all who were impacted.

Citizens Comments (continued)

Cindy Enos-Martinez, 408-C West Colorado Avenue, spoke to Council regarding the Riverside neighborhood. On behalf of the neighborhood, she encouraged Council to do whatever they can to get the Jarvis property development going. The people in the neighborhood are working hard to get their neighborhood improved and strongly support the Jarvis property development.

Consent Agenda

Councilmember Kennedy moved to approve Items #1 - #4 on the Consent Agenda. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes
 - a. Minutes of the August 2, 2017 Special Session
 - b. Minutes of the August 2, 2017 Regular Meeting
2. Set Public Hearing
 - a. Legislative
 - i. An Ordinance Amending Section 2.28.020 of the Grand Junction Municipal Code (GJMC) for the Municipal Court to be a Qualified Court of Record for all Matters and to Repeal Title 10 of the GJMC and Re-enact Title 10 with a Traffic Code for the City of Grand Junction
3. Resolution
 - a. Resolution Adopting the Strategic Plan
4. Other Action Items
 - a. Grant Offer for Airport Improvement Program (AIP) Project at the Grand Junction Regional Airport

Public Hearing – Weeminuche Annexation, Public Rights-of-Way for Portions of 26 Road, 26 1/2 Road, H 3/4 Road and Summer Hill Way, Located North of H Road

A request to annex 4.516 acres of right of way including half of the right-of-way of 26 Road and H $\frac{3}{4}$ Road that abuts the proposed Weeminuche Subdivision as well as the eastern half of 26 $\frac{1}{2}$ Road and the north half of Summer Hill Way. This annexation works to both correct an error made with the Pomona Park Annexation (1995) that

should have previously annexed the 26 Road and H $\frac{3}{4}$ Road rights-of-way as well as to bring into the City rights-of-way (26 $\frac{1}{2}$ Road and Summer Hill Way) that are adjacent to property planned for development within the City. It has been the practice of the City to annex rights of way that abut development in the City to ensure proper access location and appropriate road infrastructure.

The public hearing opened at 6:57 p.m.

Scott D. Peterson, Senior Planner, presented this item. He reviewed the locations of the rights-of-way. In reviewing the Outline Development Plan (ODP) for the development, it was discovered that these rights-of-way were not annexed into the City limits. This annexation will clean up missing gaps and ensure consistency with the transportation plans. He reviewed the future land use and zoning. The rights-of-way are eligible for annexation per State Statutes.

Councilmember Kennedy asked for clarification about the maintenance numbers in the staff report. Mr. Peterson said that maintenance responsibility would fall back to the City. Councilmember Kennedy asked who was maintaining the rights-of-way previously and Mr. Peterson answered that he believed it was a combination of the County and the City. City Manager Caton said that the County was maintaining it, but the City will be responsible going forward.

Councilmember Boeschstein asked if this annexation is in the Airport Influence Zone to which Mr. Peterson responded yes, but it is not in the critical zone. Mr. Peterson reviewed the process of advising future buyers of those properties about being in the Airport Influence Zone.

Council President Taggart asked if the City would own the right-of-way north and south of the annexation. Mr. Peterson said that the City is annexing the east half of the right-of-way on 26 Road, the west half would be maintained by the County because it is outside the 201 Persigo boundary. Council President Taggart is still concerned about the maintenance. City Manager Caton reassured him that the City has a wonderful working relationship with the County and the City will reciprocate with the County.

The public hearing closed at 7:12 p.m.

Councilmember Traylor Smith moved to adopt Resolution No. 46-17 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, making certain findings, and determining that right-of-way known as the Weeminuche Annexation, Approximately 4.516 acres of public rights-of-way for 26 Road, 26 $\frac{1}{2}$ Road, H $\frac{3}{4}$ Road and Summer Hill Way, Located North of H Road, is

Eligible for Annexation and Ordinance No. 4758 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Weeminuche Annexation, Approximately 4.516 Acres of Public Rights-of-Way for 26 Road, 26 1/2 Road, H 3/4 Road and Summer Hill Way, Located North of H Road, on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by roll call vote.

A Resolution Renaming North Avenue to University Boulevard Between I-70B (on the East) to 1st Street (on the West)

CMU20000, the Grand Junction Area Chamber of Commerce, and the North Avenue Business Owners Association are proposing to change the name of North Avenue to University Boulevard. The street name change would be effective March 1, 2018.

Kathy Portner, Community Development Manager, presented this item. She provided some history about North Avenue and how it was developed. The corridor from 1st Street to the Business Loop on the east is in City limits and would be impacted by this change. Address changes will be coordinated through the Multijurisdictional Addressing Committee. The effective date of the name change would not be until March 2018. She brought attention to a section on North Avenue that has North Avenue addresses, but the City does not have the jurisdiction to change the addresses. The City will work with the business owners to address how to proceed. She reviewed the history of the vision of renaming North Avenue to University Boulevard. She pointed out that both the Chamber of Commerce and North Avenue Owners Association (NAOA) endorse the name change.

Councilmember Traylor Smith asked about the area past 1st Street on North Avenue. Ms. Portner answered that they do not have a North Avenue address. Councilmember Traylor Smith then asked about mapping applications. Ms. Portner said that staff in Geographic Information Systems (GIS) will take care of that.

Councilmember Norris asked for more clarification on the section of North Avenue outside of the City's jurisdiction and how the name change would affect them. Ms. Portner revisited the section and pointed out that it would be a small segment just west of 30 Road. She said those businesses could remain North Avenue, or change to an I-70B address. Councilmember Norris asked if the cemetery is City or County. Ms. Portner stated that all the right-of-ways are in City limits, even though the property is not in City limits, and therefore the name change would impact all those properties.

Councilmember Kennedy asked about the signage and if the Colorado Department of Transportation (CDOT) would change signs out in time. Ms. Portner responded that they would work with CDOT to ensure that takes place. Councilmember Kennedy then

asked if City staff have received any feedback from the postal service. Ms. Portner said that they worked with them closely and that a representative sits on the Multijurisdictional Addressing Committee, and that they don't anticipate any challenges already having experience with name changes such as the Riverside Parkway and Patterson Road.

Councilmember Traylor Smith asked about the fiscal impact keeping in mind the material cost and labor. City Manager Caton explained that the City can fabricate signs and can budget for that next year and feels confident to be able to allocate the resources necessary if Council approves the resolution.

Councilmember Boeschstein asked how many signatures were on the petitions and whether they were owners or renters, but Ms. Portner did not have that information because she had not verified the signatures.

Council President Taggart opened the meeting to public comments.

Kevin Bray, 352 Shadow Lake, has been on NAOA Board for several years. He thanked Council for adding this item to the agenda and thanked Councilmember Boeschstein for his involvement on the committee since 2011. He recognized Mr. Lucero for his efforts for promoting and gathering signatures for the name change. Mr. Bray expressed that this is more than a name change, it is a vision to increase the visibility of the University. He thanked all the supporters and even the people with concerns. He said the vision can't survive without Council's vision and support of this request.

Diane Schwenke, 528 Greenbelt Court, representing the Grand Junction Area Chamber of Commerce (GJACC), thanked Council for their consideration of this request. She said that when the Chamber launched CMU20000, they had a rollout meeting with about 200 community leaders and initially focused outreach in the North Avenue corridor but then started hearing from other businesses as well. She reviewed some of the things that people said in support of the renaming of North Avenue, including that having the University is an economic plus, it is something everyone should be proud of, and that the businesses get much more out of the name change than the University does. She said the Chamber is cognizant of what the name change may mean for businesses and are prepared to assist businesses however they can, noting that there are other partners involved as well.

David Ludlam who introduced himself as a second-generation graduate of Colorado Mesa University, spoke in favor of the name change. He said it is about strengthening the brand of the University and the role it plays in the community. He believes the name

change is a way that everyone can honor one of the most important institutions in Grand Junction. He showed a plaque that hung in his grandfather's filling station on North Avenue many years ago (1950's) to address the point of the street's deep history. Mr. Ludlam said that he will be proud to honor his grandfather's legacy by displaying the plaque in the family business off of the newly named University Boulevard.

Tim Fry, 684 Independence Valley Drive, Chairman of the Grand Junction Economic Partnership (GJEP) which is tasked with bringing economic development into the community, spoke in favor of the name change. Mr. Fry said they are in support of the name change as CMU is an economic driver in the community. The name change fits into the plan to bring redevelopment to North Avenue and brings better visibility to the asset that is CMU. Mr. Fry explained that the university is a critical piece of bringing in prospective businesses and having a University Boulevard is an integral connection in that driver. GJEP is focused on the tech industry which is focused on the energy and culture of a college town, which the name change will allow people to start embracing. He views this change as a way to embrace the history of North Avenue by giving it this "shot in the arm" to revitalize it and bring the much-needed economic development. In closing he thanked Council and stated that this change will have tremendous positive impacts on the community and asked them to approve the request.

Mike Blosser, 2778 ½ Parker Court, student at the University, spoke to the fiscal responsibility of the City as well as that of North Avenue businesses. He feels some businesses can't support the financial burden of the name change. He proposed the Council consider that only a portion of North Avenue be renamed (the portion that CMU runs along).

Chris Higgins, 638 Bradford Drive, Center Director of Star Tek who employs over 600 people with a potential growth to 800, and member of the Grand Junction Area Chamber of Commerce, said that he welcomes the name change. He explained that this is what his company looks for when they place a site in a location. He feels as though it is a start to revitalize the area possibly bringing in new businesses or perhaps bringing back businesses that have left.

Randy Evans, owner of Randy's Southside Diners, said he is for the name change on 12th Street, but is not for the name change of North Avenue. He explained that CMU doesn't own enough property along North Avenue to warrant such a change. Mr. Evans spoke of his memories growing up and what North Avenue means to him. For that reason, he was proud when he was able to buy his corner for his business there. He feels that spending money on renaming streets should not be a priority when there are not enough math books for the kids at Grand Junction High School where his daughter attends. He feels that money should not be spent on renaming the street, but rather it

should be spent on the street itself as he feels that would help North Avenue businesses more than a name change.

Darren Cook, 961 Chipeta Avenue, spoke in support of the resolution as a commercial property owner on North Avenue that houses over 25 businesses. CMU is a visibly thriving entity in an area that, in his opinion, is otherwise in decline and decay. He stated that all the employees and students of CMU directly support those businesses. He said that all the businesses that lease his properties are in favor of the name change. Mr. Cook feels it would positively brand North Avenue. He addressed the concerns of the cost associated with the change, and spoke to this being the digital age where stationary is not what it used to be. He said that CMU has offered to help businesses with address changes through web design and other digital means. The name change benefits the entire community and honors North Avenue through growth and revitalization. As a middle school educator, he addressed the gentleman who felt money could be better spent on schools and said that such a name change is aspirational and beneficial to his students. He urged Council to vote in favor of the resolution.

Merritt Sixby, 2339 Promontory Court, said that North Avenue means a lot to the people who have lived here for a long time. He feels that money should be spent on something else.

Levi Lucero has worked in higher education in Grand Junction since CMU was a junior college. He explained that he and his predecessors saw Mesa State become a four-year college and how it was a very big deal for the community, therefore, it was natural for him to get excited about the opportunity to be involved with this name change. He likes challenges and although a lot of people initially didn't like the idea he feels as though many people have come around and have worked hard to make the name change happen. He is excited and thanked everyone who supported this effort.

There were no more public comments.

Councilmember McArthur said the conversation that has arisen due to a name change has brought forth a real opportunity for the community. It made people aware of the historical significance of North Avenue and he detailed that. He stated his belief that no other road in Grand Junction has the historical significance that North Avenue does. Councilmember McArthur spoke to the proponents stating many intangibles of what a name change may bring, but felt it will further subjugate and bury the historical significance of North Avenue. He said that he would rather see the City embellish the historical nature of North Avenue than bury it.

Councilmember Wortmann is proud of the people's and Mr. Lucero's efforts and he is pleased that this is moving forward.

Councilmember Boeschstein thanked Mr. Lucero for working many years and hours on this. He restated that the businesses will have about a year to make the address change as it will be slowly phased in. He told of his high school which was named University High School after they changed the name of the whole city to University and how he felt it had been a good change. He then said that the City, as well as CMU, has invested a lot in the 12th Street/North Avenue area of Grand Junction and he feels that is the model of the future. These improvements are a new future for North Avenue and this name change would epitomize that.

Councilmember Kennedy appreciates the passion of those who want to keep the history of North Avenue. He spoke of his memories of the city where he grew up, but then said that the next generation that will come will build their own experiences and memories. He expressed there are ways to recognize and celebrate the history of North Avenue while still embracing the new name. He said that their job as a Council is not only to look at what the name change means for North Avenue, but to look at how it will impact Grand Junction as a whole. Changing the name is about rebranding and this will move that forward. He echoed thanks to Mr. Lucero for the work he has done and stated that he respects all of the memories and emotions that people have for the corridor. He then pointed out that, even though CMU has a small footprint on the area as a whole, they are responsible for \$450 million economic input annually and he feels it would do a disservice to the community if the resolution is not moved forward.

Councilmember Traylor Smith started off by saying that one of the goals for Grand Junction is to be a regional center. Those things that contribute to that is medical, university, and retail sales. Retail sales have been moving away, so the City has to look at growing the areas that already exist; one of those is the University. She agreed that the historical nature needs to be maintained and hopes there is a way to maybe memorialize North Avenue down the road. She believes it is beyond a name change and is more about maintaining Grand Junction's status as a regional center. The University has grown from a Junior College to a University in forty to fifty years and she feels that economic engine needs to be embraced. She supports this resolution.

Councilmember Norris thanked all the people for all of their work. She shared her history in growing up in Grand Junction and spoke to the importance of North Avenue in the community. She does not support this resolution because she feels most people in Grand Junction do not support it. She doesn't believe the name change will change the economic condition of North Avenue. She believes that business owners on North

Avenue should look at the model that Downtown or Horizon Drive has provided and decide what needs to be done to improve that area.

Council President Taggart said that change is terrifying. He spoke of his experience as a Chief Executive Officer for three different companies who all went through name changes. He feels that they were needed just like he feels North Avenue needs this name change. He believes it is Council's responsibility to make this name change, not only a change for change sake, but as an impetus to improve this critical corridor of the community. He respects the history of the community but feels he has a responsibility to the people to keep moving forward to the future.

Councilmember Boeschstein moved to adopt Resolution No. 47-17 – A Resolution Renaming North Avenue to University Boulevard Between I-70 B (on the East) to 1st Street (on the West). Councilmember Kennedy seconded the motion. Motion carried by roll call vote with Councilmembers Norris and McArthur voting NO.

The Council took a break at 8:05 p.m.

Councilmember Wortmann left the meeting.

The meeting reconvened at 8:14 p.m.

Resolutions Authorizing Contract with Mesa County for Building Permitting, Inspection, and Contractor Licensing Services and Amending Building Code Fees

Resolutions authorizing contracts with Mesa County for Building Permitting, Inspection, and Contractor Licensing Services and Amending Building Code Fees.

Tamra Allen, Director of Community Development, introduced this item. The City has a long-standing relationship with Mesa County for provision of building services. She highlighted basic components. Mesa County manages everything for Building Code issues at this time. The term of this proposed contract is one year. The County has been tasked with the review and issuance of building permits and Certificates of Occupancy, to make appointments to and operate Building Code Board of Appeals, review and issue Contractor's Licensing, and provide an annual report to the City regarding building activity and budget. The City has obligations to provide developmental clearances and inspect project sites prior to issuance of certificate of occupancy. The structure of the contract outlines fees and compensation. Mesa County charges all fees and retains 100% of those fees. The fee schedule for building permits is set by the contractor (Mesa County) which leads in to the second resolution before Council. The County will charge Contractor Licensing fees based on the City's

adopted fee schedule. Ms. Allen reviewed the revenues that Mesa County collected in 2016.

Ms. Allen then moved to the second resolution and advised that Mesa County's and the City's fee schedules should be consistent. Since Mesa County updated their fee schedule, she advised that the City needs to update theirs as well. She provided a sample of the proposed fee structure. Ms. Allen also provided a graph that showed building trends that went back to 1997. She wrapped up the presentation and said that staff reviewed the contract and recommended its approval along with amending the building code fees.

Councilmember McArthur asked for clarification of the fees. Ms. Allen said there are not separate County and City fees for building permits, but the County enforces the City's fees which are reflective of the County's. City Attorney Shaver said there are two fees only because there is a contractor license fee due to the licensing ordinance. Councilmember McArthur asked if the fees go to the County. City Attorney Shaver said that they do. Councilmember McArthur then asked about the term. Ms. Allen said the term used to be 5 years but due to the modifications made they thought a one year term would be better in this case to make sure everything aligned. She reviewed a couple of new provisions of the contract.

Councilmember Kennedy asked about the County not remitting back 5% as the contract stated. Ms. Allen confirmed that did not occur and deferred to City Manager Caton for comment. City Manager Caton said that he did not know why that wasn't remitted, but wanted to move forward with a clean slate, and that is why staff was recommending a one year contract. Councilmember Kennedy asked about the fees example which Darrell Bay, Chief Building Official with Mesa County, spoke to. Mr. Bay stated that the new fees aligned better with the types of businesses that are coming into Grand Junction. Mr. Bay explained that the old fee schedule was established in 1988 and was based on small businesses. Due to the low fees, the County had to subsidize the building department out of the general fund. The fees have been adjusted to be more comparable with other communities and in response to the larger businesses moving into the area.

Councilmember Norris asked about the County staff reductions and whether it has impacted the building department. Mr. Bay said the building department was not affected, however, the fees had to increase so they could provide the services needed; the previous fee schedule did not support the services necessary. He reviewed the process of how the new fee schedule was established. He said the new fee schedule was at the recommendation of homebuilders and the Western Colorado Contractors Association. Councilmember Norris expressed concerns on the increase in fees noting

the fee has doubled for contractors. She asked if the City looked at any other outlet for contracting for the service. Mr. Bay said that he looked at 22 jurisdictions and the new fees are well below what others charge. City Manager Caton said that there are a number of outsources which he is not familiar with using and in his experience this function is done in-house, although bringing this function in-house has not been evaluated. He said that they wanted Council to see the revenue that Mesa County generated on behalf of the City keeping in mind future growth.

Councilmember McArthur said that being in the contracting business, he would have to go to different places to get permits in different areas and was faced with different requirements. He said he believes it is so convenient for the County to provide the service for the City because it offers builders a “one-stop-shop” that provides consistency. In the past, fees were kept low to help the builders during downturned economic times. This caused the County to not be able to afford to provide the services necessary. For this reason, the builders and contractors supported the increase in fees; they needed the services to continue. He pointed out the fees are still at the lower end of the spectrum.

Councilmember Norris said that in the past she had heard of issues with performance from the building department. She asked if the City had monitored that performance. Mr. Bay said the problem was that they were short staffed and couldn't get it all done; the fee increase allowed them to hire two new staff members to help resolve this.

Councilmember Norris asked if the contractor license fee increased. Ms. Allen said it has not gone up. They were adopted in 1991 but not being proposed to increase.

Ms. Allen clarified that the previous contract was only 2 years.

Councilmember Kennedy moved to adopt Resolution 48-17 – A Resolution Authorizing Execution of a Contract with Mesa County for Building Permitting, Inspection, and Contractor Licensing Services and Resolution No. 49-17 – A Resolution Amending Building Code Fees Under the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes and the National Electric Code in the City of Grand Junction, Colorado. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Contract for 28 ½ Road Sewer and Water Line Replacement and Overlay Project

Contract for 28 ½ Road Sewer and Water Line Replacement and Overlay Project.

Trent Prall, Engineering Manager, presented this request. This request is to award a construction contract for sewer and water line replacement as well as asphalt overlay on

28 ½ Road from I-70B to North Avenue. This contract is between the City and M A Concrete Construction of Grand Junction in the amount of \$615,409.29. There are a number of high density residents to the north of the project. This work consists of the replacement of aging sewer and water lines that have surpassed their design life. In all, a total of 2,150 lineal feet of sewer main line (which is 55-60 years old) and 1,870 lineal feet of water line (which is about 57 years old) will be replaced and approximately 1,260 tons of hot mix asphalt is to be placed as part of this project. The road will be widened by about 4 feet on each side to provide for some bike lanes. Four bids were received on the project and the schedule for completion is late August through early November. The funding is coming from the water and sewer fund and ¾ cent sales tax for capital improvements that was allocated for overlays earlier in the year.

Councilmember Boeschstein asked Mr. Prall if he had researched grants available since there was no money for curbs, gutters, and sidewalks. Mr. Prall responded that the Community Development Block Grants (CDBG) have been allocated for neighborhood connections closer to schools. This project doesn't preclude the City from doing that in the future, but the project is able to utilize existing funds. Traffic volumes are 2,500 to 3,500 cars per day; most curb, gutter, and sidewalk corridors have been much busier (6,000 cars per day) with younger school students walking to school.

Councilmember Kennedy moved to authorize the City Purchasing Division to enter into a contract with M A Concrete Construction, Inc. of Grand Junction, CO for the 28 ½ Road Sewer and Water Line Replacements and Overlay Project in the estimated amount of \$615,409.29. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

With no further business, the meeting adjourned at 8:55 p.m.

Debbie Kemp, MMC
Interim City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: September 6, 2017

Presented By: Kristen Ashbeck, Senior Planner/ CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, Senior Planner

Information

SUBJECT:

Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Holder Annexation, Located at 3040 E Road and Setting a Hearing for November 1, 2017

RECOMMENDATION:

City Staff recommends approval.

EXECUTIVE SUMMARY:

A request to annex a 2.833 acre property located on E Road just east of 30 Road with a specific address of 3040 E Road. The applicants, Kenneth Holder and Wayne Holder, have requested annexation pursuant to the Persigo Agreement so that the property may be sold to a buyer that is proposing to develop the property for self-storage units. The property is currently vacant and the Applicants will be seeking a B-1, Neighborhood Business zoning district. The annexation includes the north half of the E Road right-of-way along the frontage of the property which is approximately 302 linear feet however there is no dedicated right-of-way for this portion of E Road. It is City practice to request the dedication of right-of-way at the time the property is developed.

BACKGROUND OR DETAILED INFORMATION:

The Holder annexation consists of one 2.833 acre parcel of land located at 3040 E Road. The property is currently vacant and is adjacent to existing city limits, within the Persigo 201 boundary and is annexable development as defined in the Persigo Agreement. The property owners have signed a petition for annexation and the

potential buyer will be submitting an application for the proposed self-storage units concurrent with the annexation process. The annexation includes the north half of the E Road right-of-way along the frontage of the property which is approximately 302 linear feet (LF) but there is no dedicated right-of-way for this portion of E Road. It is City practice to request the dedication of right-of-way at the time the property is developed.

Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Holder Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The proposed annexation and zoning schedule with a summary is attached.

FISCAL IMPACT:

The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation. The annexation includes the north half of the E Road right-of-way along the frontage of the property which is approximately 302 linear feet (LF) , or 470 square yards (SY) of pavement. All road pavement is satisfactory,

however there is no curb, gutter, sidewalk present. Given the condition of the roads a chipseal will be required in 2 years (as part of planned cycle), and an overlay in 9 years at a present value of \$1,000, and \$8,260 respectively. Annual costs including street sweeping, snow and ice control, signage and striping, snow removal, and storm drain maintenance are approximately \$133/year, for a 20 year present value of \$1,800. There currently are no street lights along this road section and therefore they have not been included in this analysis.

Total road maintenance related costs for this annexation are estimated to have 20 year present value of \$11,825. Said differently, this is the amount of money the City would have to set aside in a financial account today, earning 4% interest, to generate enough funds to pay for the ongoing maintenance of this road infrastructure.

The cost estimate to improve the road frontage to collector standard (as shown on Grand Valley Circulation Plan) is \$110,091.

SUGGESTED MOTION:

I move to (approve or deny) Resolution No. 50-17 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Introducing Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Exercising Land Use Control and set a hearing for November 1, 2017 for the Holder Annexation, Approximately 2.833 Acres, Located at 3040 E Road.

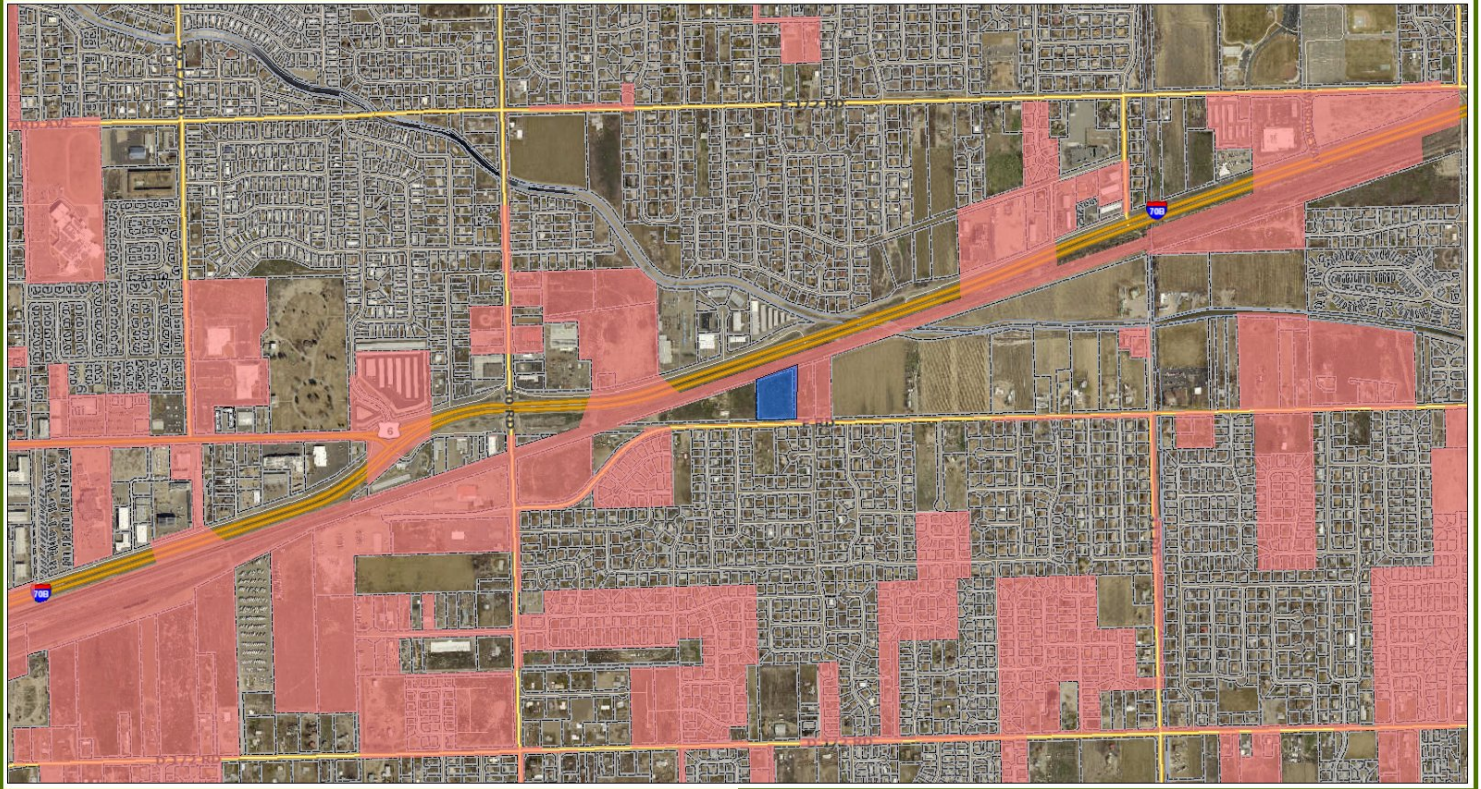
Attachments

1. Annexation Background Schedule and Summary
2. Annexation Maps
3. Referral Resolution
4. Proposed Ordinance

ANNEXATION BACKGROUND INFORMATION			
Existing Population:		0	
Tax Parcel #(s):		2943-093-00-086	
# of Parcels occupied by the owner		0	
# of Dwelling Units:		0	
Existing Land Use:		Vacant	
Proposed Land Use:			
Surrounding Land Use:	North:	I-70B and Railroad Tracks	
	South:	Residential	
	East:	Vacant	
	West:	Large Lot Residential	
Comprehensive Plan Designation:			
Zoning within Comprehensive Plan Designation		X	Yes
Developable Acres Remaining:		2.833	
Special Districts:	Water:	Clifton	
	Sewer:	Within 201	
	Fire:	Clifton	
	Irrigation/Drainage:	GVIC/GVDD	
	School:	SD 51; Fruitvale; Grand Mesa; Central	
	Pest:	Upper Grand Valley	
Previous County Zoning:		RSF-4	
Proposed City Zoning:		Neighborhood Business (B-1)	
Surrounding Zoning:	North:	PUD (County)	
	South:	RSF-4 (County)	
	East:	B-1	
	West:	PUD (County)	
Acres land annexed:		2.833	
Right-of-way in Annexation:		NA	
Values:	Assessed:	\$95,000	
	Actual:	\$95,000	
Address Ranges:		3034-3046 E Road	
Annexation Schedule:	1st Reading/Ref/LU	September 6, 2017	
	Planning Commission	September 26, 2017	
	1st Reading Zoning	October 18, 2017	
	2nd Reading Annex & Zoning	November 1, 2017	
	Effective date of Annexation	December 1, 2017	

HOLDER ANNEXATION SCHEDULE		
September 6, 2017	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use	
September 26, 2017	Planning Commission considers Zone of Annexation	
October 18, 2017	Introduction of a Proposed Ordinance on Zoning by City Council	
November 1, 2017	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council	
December 1, 2017	Effective date of Annexation and Zoning	
ANNEXATION SUMMARY		
File Number:	ANX-2017-325	
Location:	East of 3034 E Road (no address)	
Tax ID Number:	2943-093-00-086	
# of Parcels:	1	
Existing Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	2.833	
Developable Acres Remaining:	2.833	
Right-of-way in Annexation:	NA	
Previous County Zoning:	RSF-4	
Proposed City Zoning:	Neighborhood Business (B-1)	
Current Land Use:	Vacant	
Future Land Use:	Neighborhood Business	
Values:	Assessed:	\$95,000
	Actual:	\$95,000
Address Ranges:	3034-3046 E Road	
Special Districts:	Water:	Clifton
	Sewer:	Within 201
	Fire:	Clifton
	Irrigation/Drainage:	GVIC/GJDD
	School:	SD 51; Fruitvale; Grand Mesa; Central
	Pest:	Upper Grand Valley

Expanded City Limits Location Map

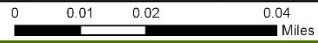
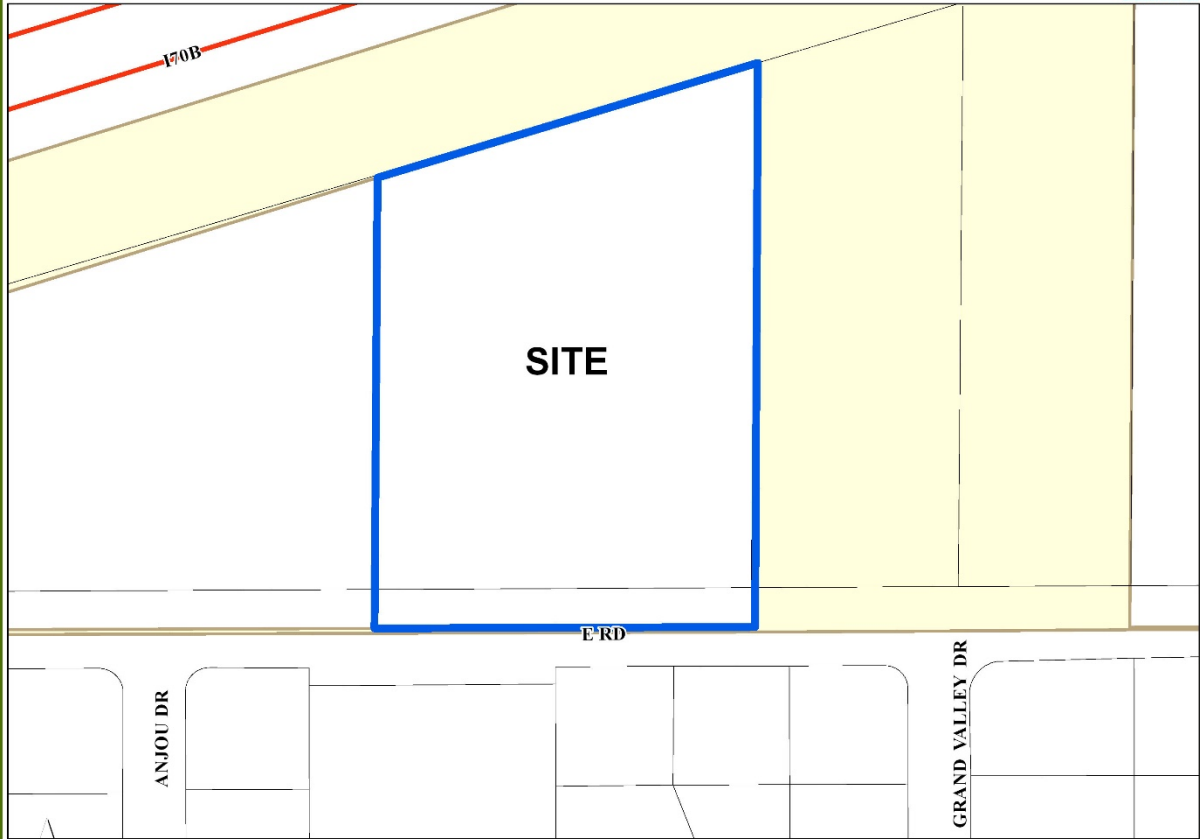


Date: 8/29/2017

1 inch = 732 feet

CITY OF
Grand Junction
COLORADO
GEOGRAPHIC INFORMATION SYSTEM

Holder Annexation



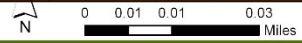
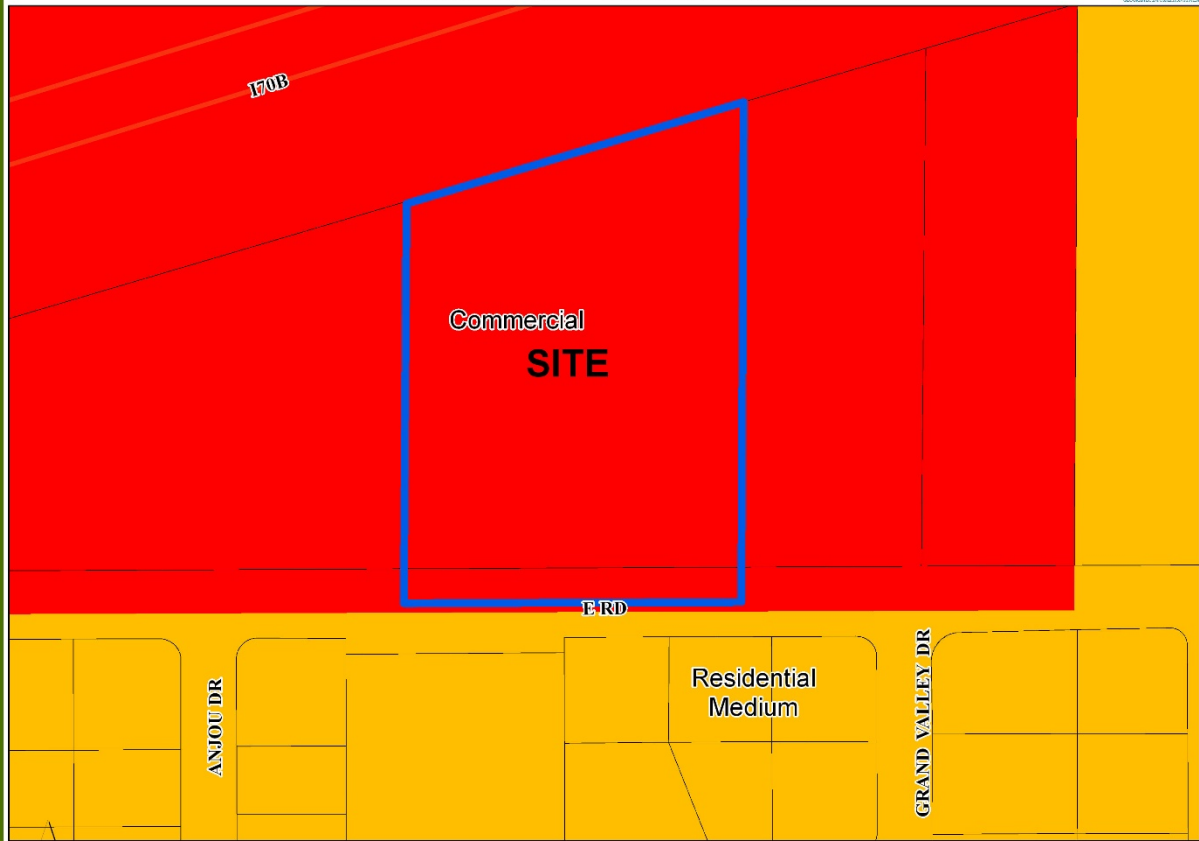
 Annexation Boundary

Date: 8/15/2017

Holder Annexation



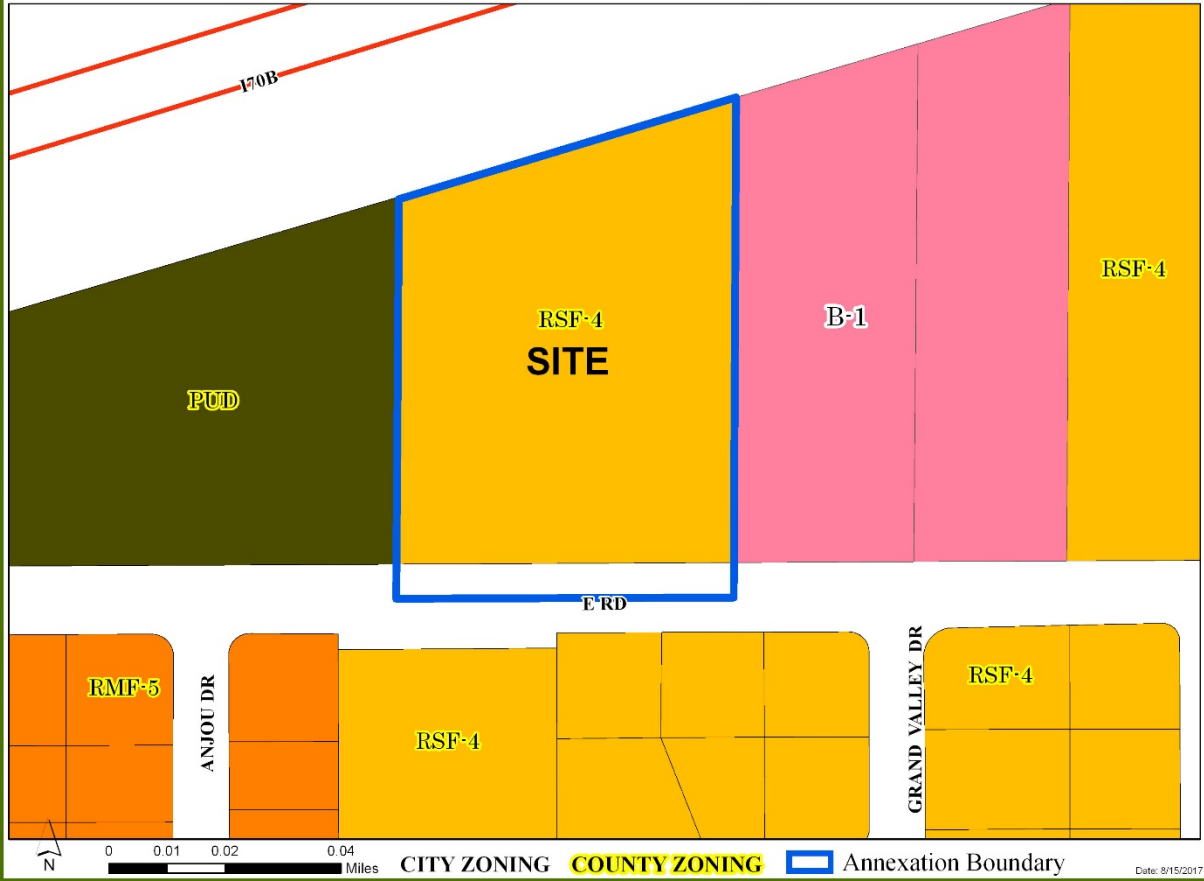
Holder Annexation - Future Land Use



Annexation Boundary

Date: 8/15/2017

Holder Annexation - Zoning



0 0.01 0.02 0.04 Miles

CITY ZONING

COUNTY ZONING

Annexation Boundary

Date: 8/15/2017

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 6th day of September, 2017, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

HOLDER ANNEXATION

APPROXIMATELY 2.833 ACRES LOCATED AT 3040 E ROAD

WHEREAS, on the 6th day of September, 2017, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

HOLDER ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 9 and assuming the South line of the SE 1/4 SW 1/4 of said Section 9 bears S 89°54'32" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°05'46" W along the East line of the SE 1/4 SW 1/4 of said Section 9, a distance of 2.00 feet; thence S 89°54'32" W, along the North line of Timm Annexation No. 2, Ordinance No. 3186 as recorded in Book 2646, Page 308, Public Records of Mesa County, Colorado, being a line 2.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 9, a distance of 201.67 feet; thence N 00°05'37" W along the East line Timm Annexation No. 1, Ordinance No. 3185 as recorded in Book 2646, Page 305, Public Records of Mesa County, Colorado, a distance of 2.00 feet; thence S 89°54'32" W, along the North line of said Timm Annexation No. 1, being a line 4.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 9, a distance of 100.34 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°54'32" E, a distance of 302.00 feet; thence N 00°05'27" W, along the West line of that certain parcel of land described in Book 2150, Page 734, Public Records of Mesa County, Colorado, a distance of 362.71 feet, more or less, to the South line of Southern Pacific Railroad Annexation No. 2, Ordinance No. 3159 as recorded in Book 2616, Page 715, Public Records of Mesa County, Colorado; thence N 72°58'00" E, along the South line of said annexation, a distance of 315.70 feet; thence S 00°05'24" E, along the East line of said parcel of land recorded in Book 2616, Page 715 and the West line of Pine E Road Commercial Annexation, Ordinance No. 3186 as recorded in Book 4253,

Page 720, Public Records of Mesa County, Colorado, a distance of 454.71 feet, more or less, to the Point of Beginning.

CONTAINING 123,430 Square Feet or 2.833 Acres, as described above.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a hearing will be held on the 1st day of November, 2017, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 6:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2017.

President of the Council

Attest:

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
September 8, 2017
September 15, 2017
September 22, 2017
September 29, 2017

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

HOLDER ANNEXATION

APPROXIMATELY 2.833 ACRES LOCATED AT 3040 E ROAD

WHEREAS, on the 6th day of September, 2017, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 1st day of November, 2017; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the property situate in Mesa County, Colorado, and described to wit:

HOLDER ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 9 and assuming the South line of the SE 1/4 SW 1/4 of said Section 9 bears S 89°54'32" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°05'46" W along the East line of the SE 1/4 SW 1/4 of said Section 9, a distance of 2.00 feet; thence S 89°54'32" W, along the North line of Timm Annexation No. 2, Ordinance No. 3186 as recorded in Book 2646, Page 308, Public Records of Mesa County, Colorado, being a line 2.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 9, a distance of 201.67 feet; thence N 00°05'37" W along the East line Timm Annexation No. 1, Ordinance No. 3185 as recorded in Book 2646, Page 305, Public Records of Mesa County, Colorado, a distance of 2.00 feet; thence S 89°54'32" W, along the North line of said Timm Annexation No. 1, being a line 4.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 9, a distance

of 100.34 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°54'32" E, a distance of 302.00 feet; thence N 00°05'27" W, along the West line of that certain parcel of land described in Book 2150, Page 734, Public Records of Mesa County, Colorado, a distance of 362.71 feet, more or less, to the South line of Southern Pacific Railroad Annexation No. 2, Ordinance No. 3159 as recorded in Book 2616, Page 715, Public Records of Mesa County, Colorado; thence N 72°58'00" E, along the South line of said annexation, a distance of 315.70 feet; thence S 00°05'24" E, along the East line of said parcel of land recorded in Book 2616, Page 715 and the West line of Pine E Road Commercial Annexation, Ordinance No. 3186 as recorded in Book 4253, Page 720, Public Records of Mesa County, Colorado, a distance of 454.71 feet, more or less, to the Point of Beginning.

CONTAINING 123,430 Square Feet or 2.833 Acres, as described above

be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the _____ day of _____, 2017 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2017 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: September 6, 2017

Presented By: Lori Bowers, Senior Planner

Department: Community Development

Submitted By: Lori Bowers, Senior Planner

Information

SUBJECT:

Introduction of a Proposed Ordinance Zoning the Caballero Annexation, located at 3149 D 1/2 Road, and Setting a Hearing for September 20, 2017

RECOMMENDATION:

At the August 22, 2017 hearing, Planning Commission recommended approval to zone the Caballero Annexation from County RSF-R (Residential Single Family – Rural) to a City R-8 (Residential – 8 du/ac) zone district.

EXECUTIVE SUMMARY:

The 4.89 acre Caballero Annexation is located at 3149 D ½ Road. The Applicant has requested annexation into the City due to the Persigo Agreement and a zoning designation of R-8 (Residential, 8 units per acre). The R-8 zoning would allow them to expand an existing in-home day care facility and to allow for the future subdivision of the property. The R-8 zoning is compliant with the Comprehensive Plan Future Land Use Map designation.

BACKGROUND OR DETAILED INFORMATION:

The 4.89-acre Caballero Annexation consists of one parcel located at 3149 D ½ Road. The existing county zoning is RSF-R (Residential Single-family - Rural). The property owners have requested annexation into the City and a zoning of R-8 (Residential – 8 du/ac) to allow for an expansion of their current day care use as well as a future subdivision of property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment 201 boundary requires annexation and review by the City and zoning that is either identical to current County zoning or to a

zone district that implements the Comprehensive Plan Future Land Use Map.

The proposed R-8 zoning implements the Future Land Use Map, which has designated the property as Residential Medium (4-8 units per acre), the county zoning of RSF-R (Residential Single-family - Rural) does not. Properties adjacent to and surrounding the subject parcel are zoned R-5 (Residential, 5 units per acre). Section 21.02.160(f) of the Code states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and at a density equal to or greater than the allowed density of the applicable County zoning district. The proposed R-8 zoning is consistent with the Comprehensive Plan designation of Residential Medium, while the existing county zoning of RSF-R is not consistent with the Comprehensive Plan.

A Neighborhood Meeting was held on July 6, 2017. Seven citizens were present at the meeting. Weeds and traffic in the general area were the main topics of discussion. Those in attendance seemed in favor of the proposal. Staff has received no additional comments from the public since the meeting.

FISCAL IMPACT:

The zoning of the annexation is a land use action and does not have a direct fiscal impact. As the area is further developed, sales, use and property taxes will be applicable.

SUGGESTED MOTION:

I move to Introduce Ordinance Zoning the Caballero Annexation to R-8 (Residential - 8 du/ac), Located at 3149 D 1/2 Road and Set a Hearing for September 20, 2017.

Attachments

1. PC Staff Report Caballero Annex
2. Maps for Caballero Annex
3. Zoning Ordinance Caballero

STAFF REPORT / BACKGROUND INFORMATION				
Location:		3149 D ½ Road		
Applicants:		Audel and Guadalupe Caballero, owners		
Existing Land Use:		Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential Subdivision		
	South	Residential Subdivision		
	East	Agricultural		
	West	Residential Subdivision		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City R-8 (Residential – 8 du/ac)		
Surrounding Zoning:	North	R-8 (Residential – 8du/ac) and County RSF-R		
	South	County RMF-5		
	East	County RSF-R		
	West	R-5 (Residential – 5du/ac) County PUD		
Future Land Use Designation:		Residential Medium		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request to zone the 4.89-acre Caballero Annexation, consisting of one parcel located at 3149 D ½ Road, to an R-8 (Residential – 8 du/ac) zone district.

RECOMMENDATION: Recommendation to the City Council of the R-8 (Residential – 8 du/ac) zone district.

ANALYSIS:

Background:

The 4.89-acre Caballero Annexation consists of one parcel located at 3149 D ½ Road. The property owners have requested annexation into the City and a zoning of R-8. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone district that is either identical to current County zoning or to a zone district that implements the City's Comprehensive Plan Future Land Use Map. The proposed zoning of R-8 implements the Future Land Use Map, which has designated the property as Residential Medium.

Section 21.02.140(a) of the Grand Junction Municipal Code:

Zone of Annexation: The requested zone of annexation to the R-8 (Residential – 8 du/ac) zone district implements the Comprehensive Plan designation of Residential Medium. The existing County zoning is RSF-R (Residential Single Family - Rural). Section 21.02.160(f) of the Grand Junction Municipal Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district. The request is consistent with the Comprehensive Plan and the density is greater than the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Grand Junction Municipal Code must be made per Section 21.02.140(a) as follows:

(1) Subsequent events have invalidated the original premises and findings; and/or

Response: The requested annexation and zoning is being triggered by the 1998 Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of expanding a home-based day care and possible future subdivision development.

The Comprehensive Plan Future Land Use Map, adopted in 2010, has designated the property as Residential Medium (4-8 du/ac). The zoning in unincorporated Mesa County is RSF-R (Residential Single Family Rural), which is inconsistent with the Future Land Use Map designation. Therefore, the zoning of the property to R-8 and the pending annexation will remedy this inconsistency.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: Attached air photos best show the character of this area. It is a patch work of developed properties, some in the City and some remain under County jurisdiction. The latest development in this area occurred in 2006, Chatfield III Subdivision, which is located northeast of the subject site and is within the City limits. To the east is Dove Creek Subdivision, constructed in 2005 and is not within the City limits. To the west is Brookdale Subdivision. Homes in this area were constructed in the '80s, and are not within the City limits except the undeveloped portion on the south is within the City limits. On the south end of the property is Grove Creek Subdivision, platted in 2001 and is in not within the City limits. As these larger lots are no longer used for agricultural purposes the owners see the potential for further residential subdivisions which require annexation into the City.

The applicants used their property for agricultural purposes for many years but have recently ceased those activities. They have two requests, the first is to expand their home-based day care, which under Mesa County regulations requires a Conditional Use Permit (CUP). Under the City's regulations a CUP is not required for home based daycare, for up to 12 individuals. The applicants also hope to subdivide the southern portion of the lot creating additional lots for their children to construct homes on.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Response: There are public utilities available in D ½ Road, including potable water provided by the Clifton Water District, sanitary sewer service maintained by the City and/or the Clifton Sanitation District, and electricity from Xcel Energy (a franchise utility). Utility mains and/or individual service connections will be extended into the property as part of future development of the parcel(s).

The property is within the Chatfield Elementary school attendance boundary; Grand Mesa Middle School and Central High School. There is sidewalk extending down D ½ Road to Chatfield Elementary.

The property will remain served by the Clifton Fire Protection District, under an agreement with the City of Grand Junction. The Clifton Fire Station is just over two (2) miles northeast on F Road.

Commercial uses, primarily convenience oriented, are located along 32 Road, one half mile to the east.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: R-5 is the predominant zoning designation on either side of D ½ Road between 30 and 32 Road. There is also R-8 zoning across the street to the west along Duffy Drive, Summit View Meadows Subdivision. R-8 zoning will allow the

existing homes to remain on one lot, with one owner. The southernmost portion of the lot may be subdivided for additional residential lots. R-8 zoning also allows home-based day care as an allowed use.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Response: The immediate benefit to the community is the City's regulations regarding daycare. Mesa County requires a Conditional Use Permit for more than four individuals in home-based day care. The does not require a CUP for up to twelve individuals in home-based day care. A larger day care facility recently closed in this area. By expanding their current day care they can fill a small void for day care in this area.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also implement the Comprehensive Plan designation for the subject property.

- a. R-4 (Residential – 4 du/ac)
- b. R-5 (Residential – 5 du/ac)

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Caballero Annexation, ANX-2017-211, for a Zone of Annexation, staff recommends that the Planning Commission make the following findings of fact and conclusions:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the R-8 (Residential – 8 du/ac) zone district for the Caballero Annexation, ANX-2017-211 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Caballero Zone of Annexation, ANX-2017-211, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 (Residential -8 du/ac) zone district for the Caballero Annexation with the facts and conclusions listed in the staff report.

Attachments:

City Location Map

Annexation boundary Map

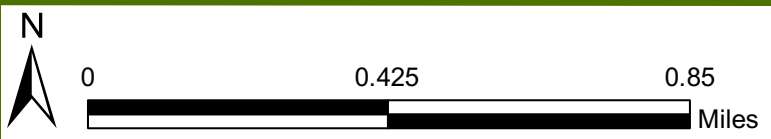
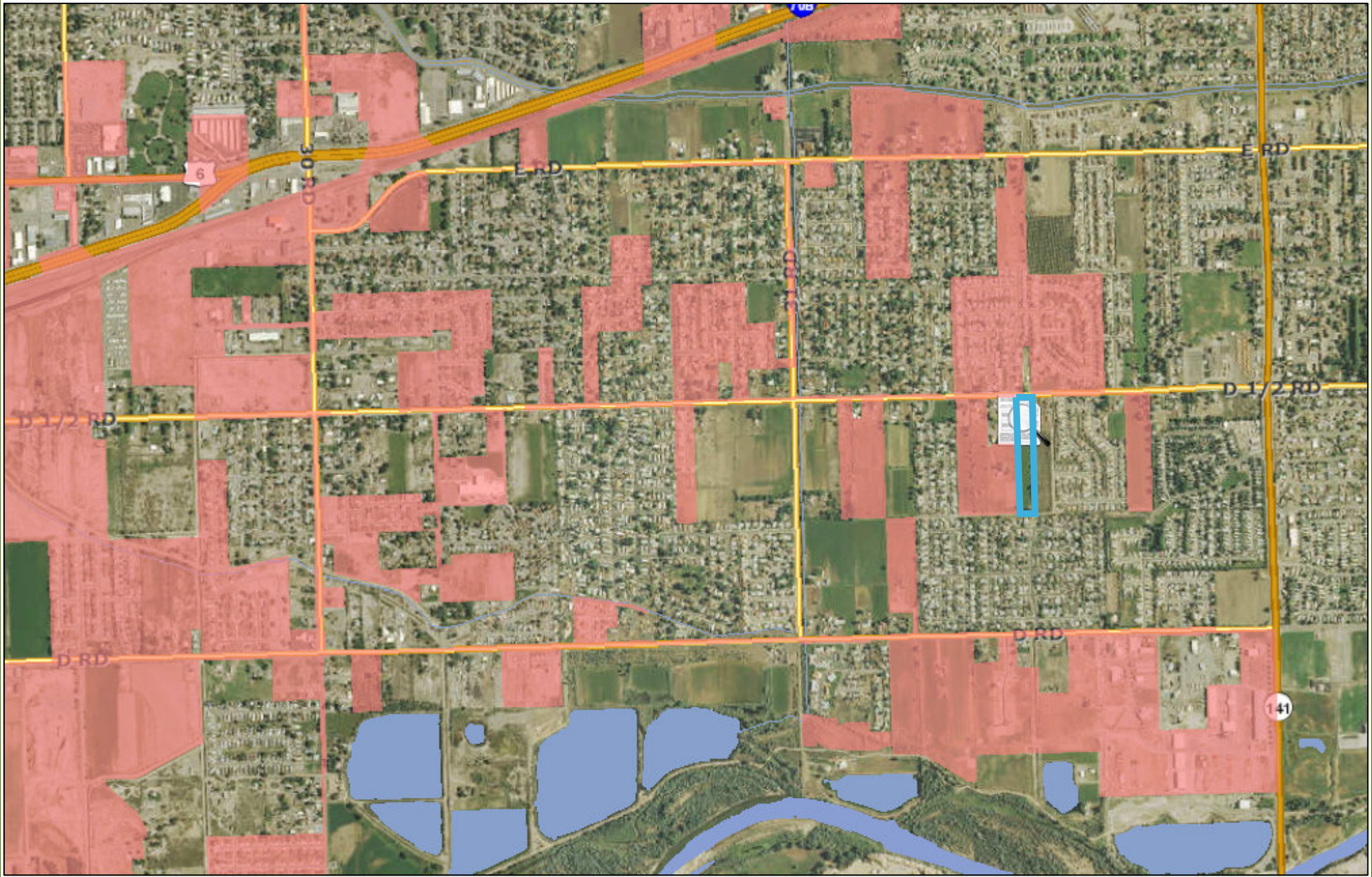
City Limits Map

Future Land Use Map

City Zoning Map

Zoning Ordinance

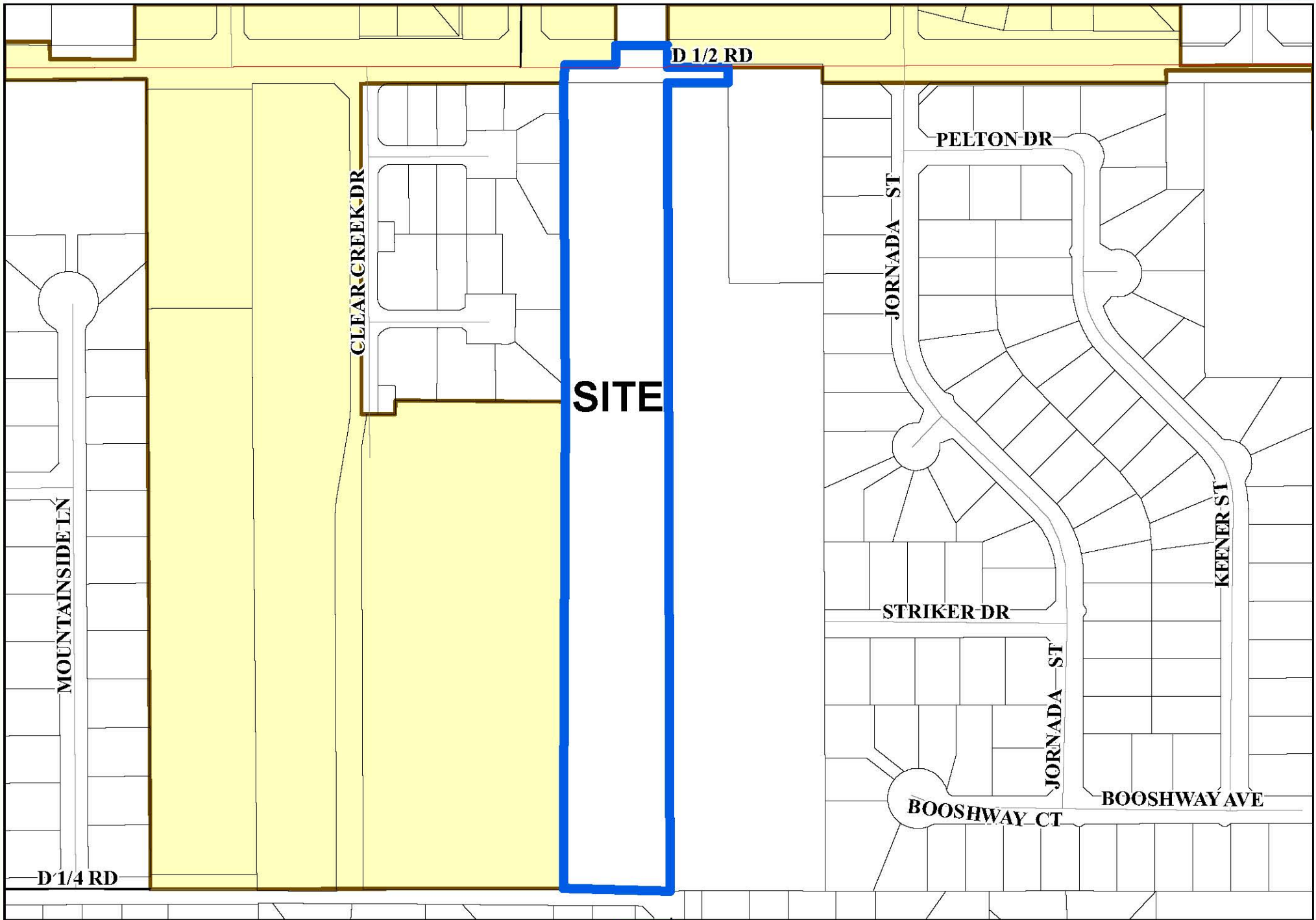
City of Grand Junction - City Limits shown in pink



Printed: 7/19/2017

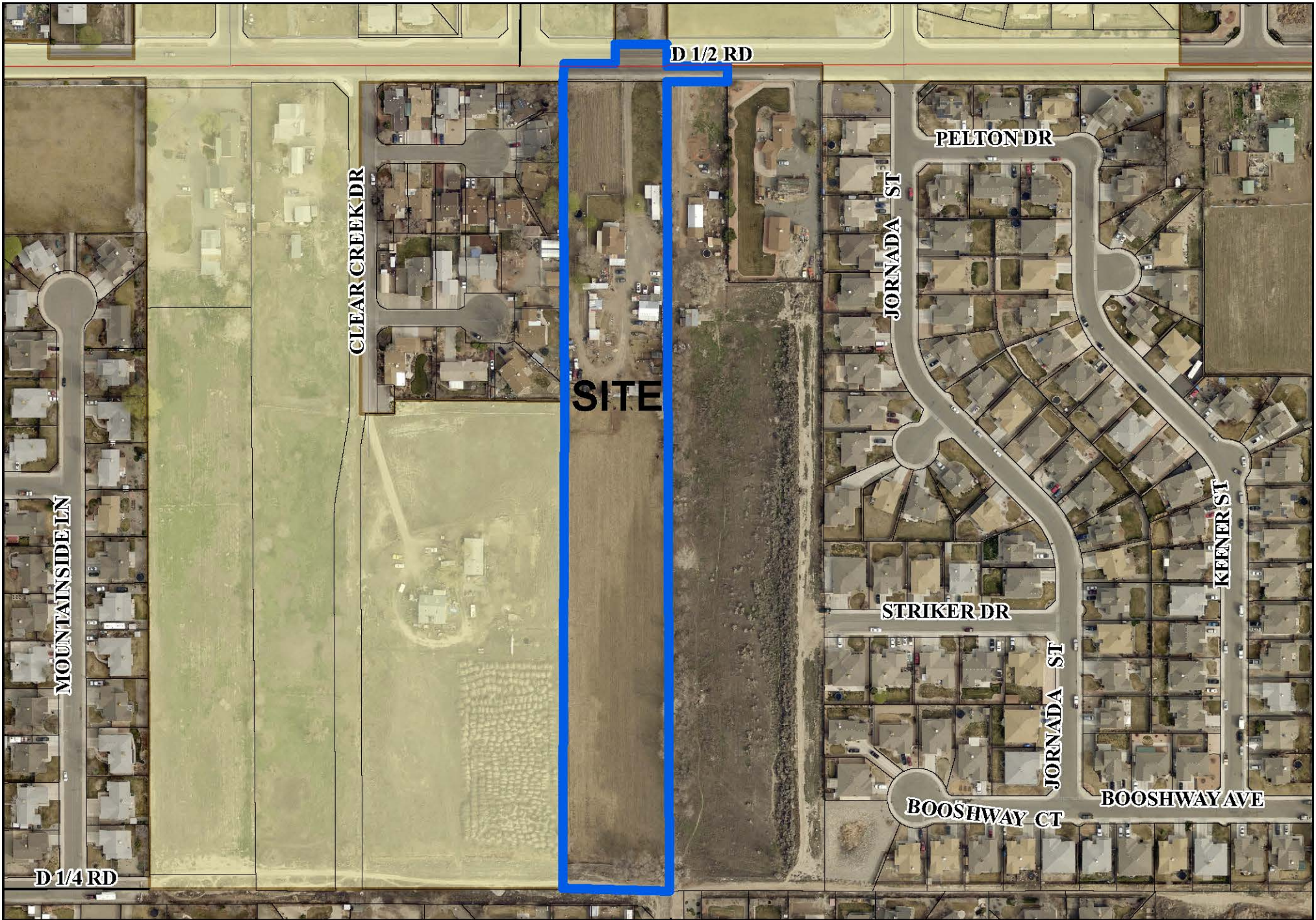
1 inch = 1,433 feet

Caballero Annexation



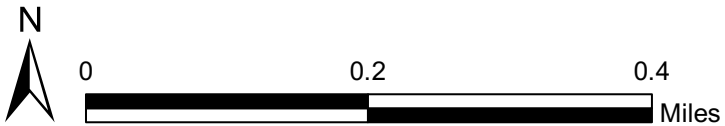
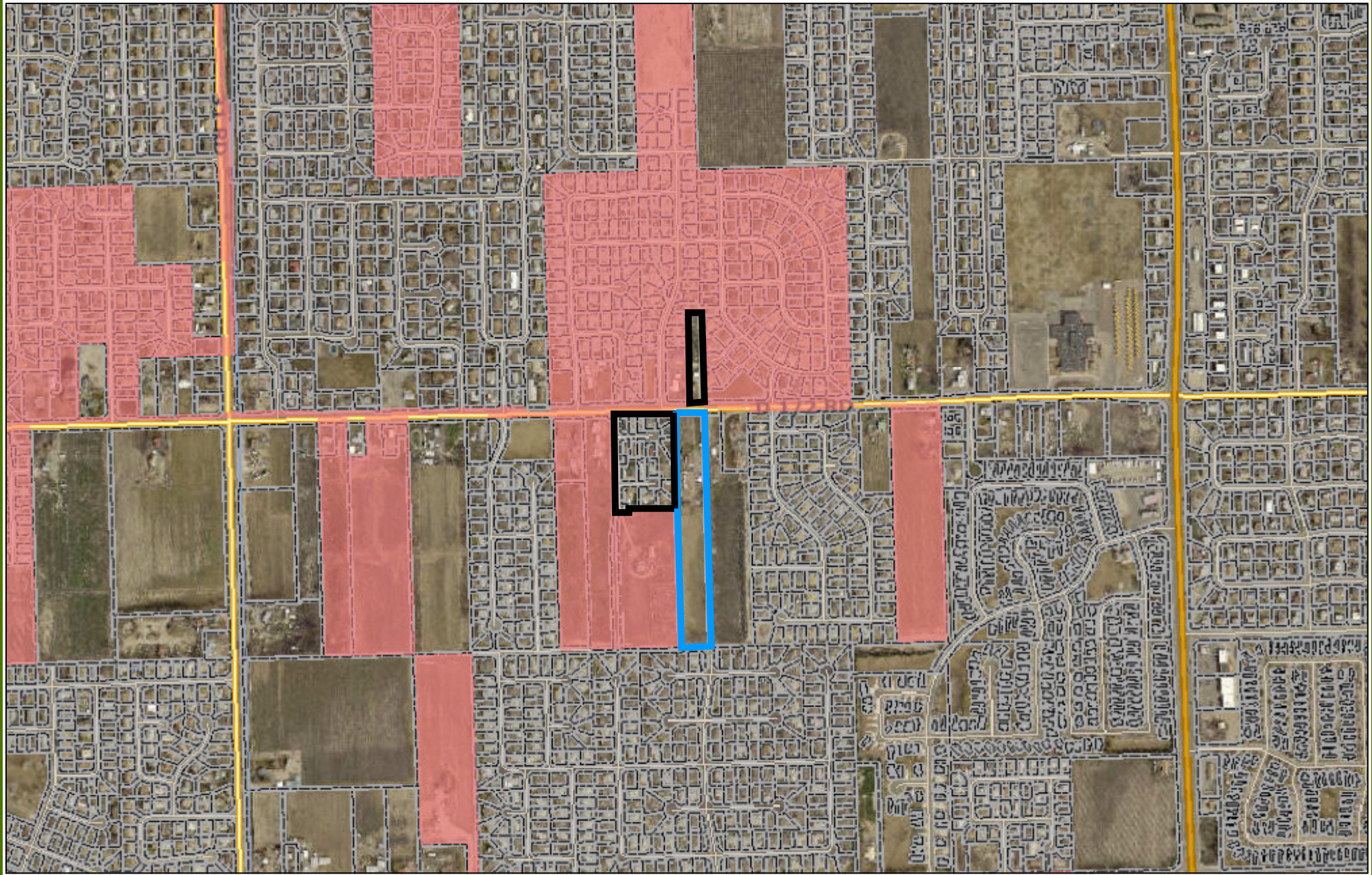
 City Limits  Annexation Boundary

Caballero Annexation



 City Limits  Annexation Boundary

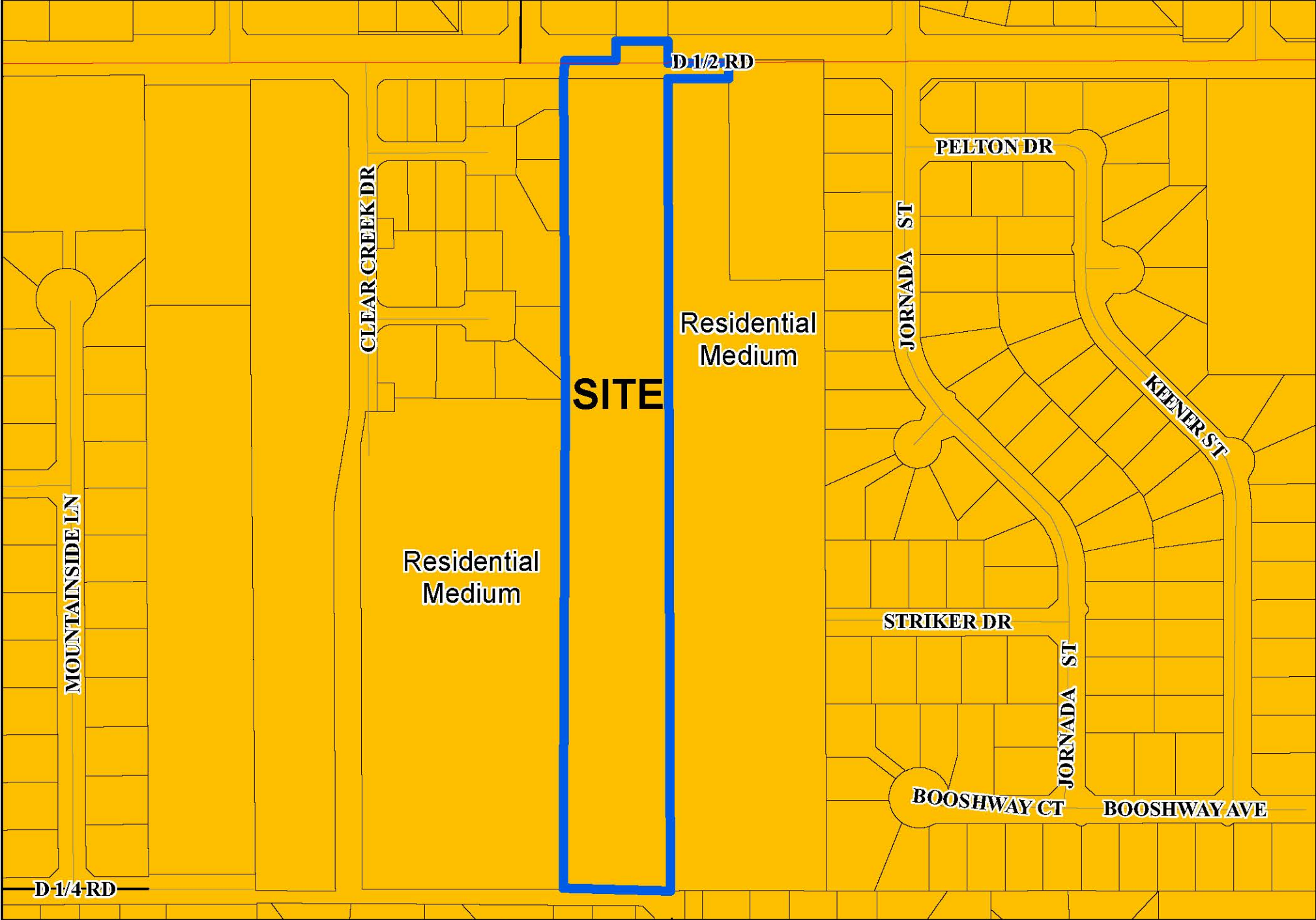
City Limits and Enclaved Parcels



Printed: 8/24/2017

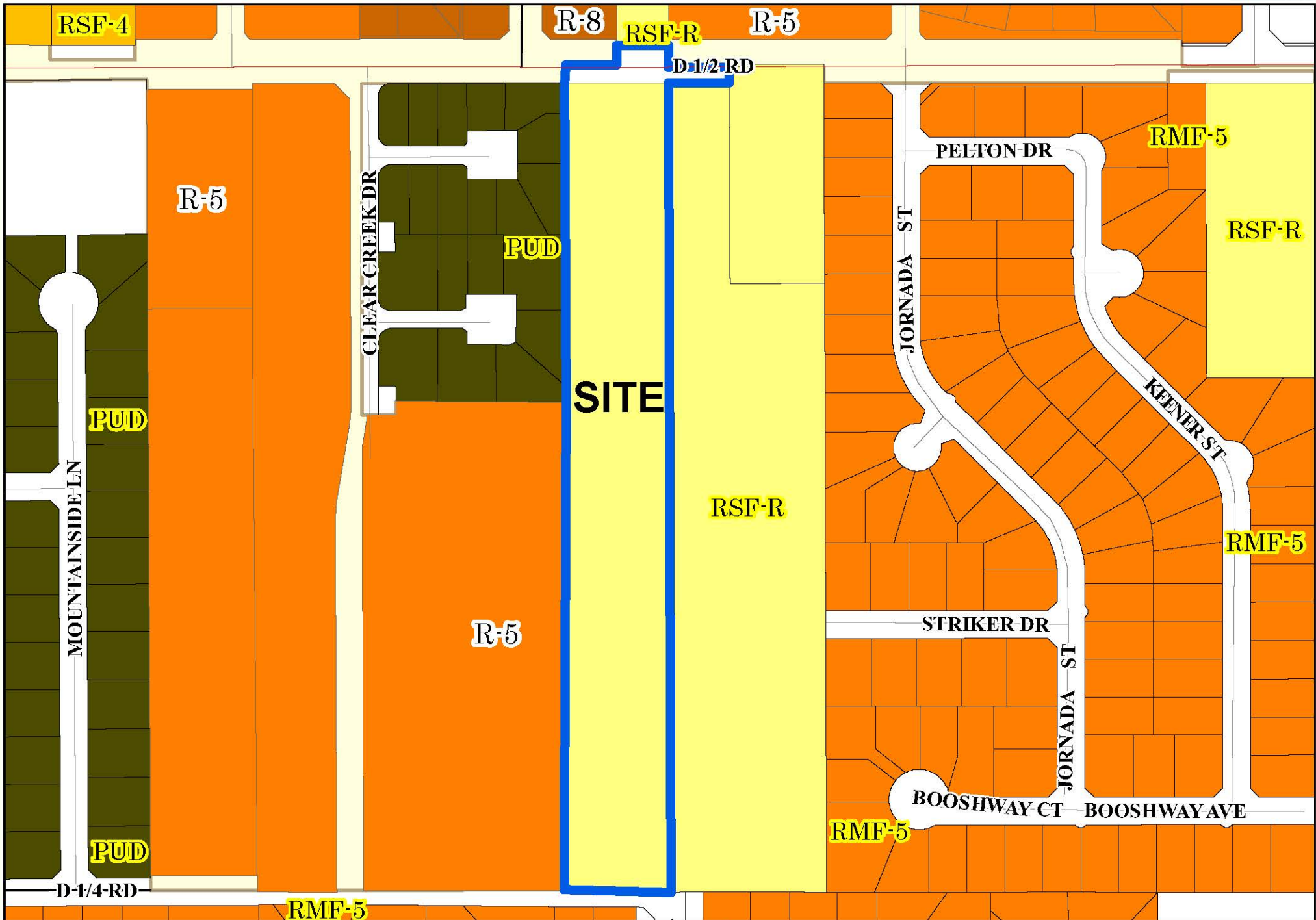
1 inch = 716 feet

Caballero Annexation - Future Land Use



 Annexation Boundary

Caballero Annexation - Zoning



CITY ZONING COUNTY ZONING  Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE CABALLERO ANNEXATION
TO R-8 (RESIDENTIAL – 8 DU/AC)**

LOCATED AT 3149 D ½ ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Caballero Annexation to the R-8 (Residential – 8 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential – 8 du/ac) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned R-8 (Residential – 8 du/ac).

CABALLERO ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4), the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 15, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 15 and assuming the North line of the NE 1/4 SW 1/4 of said Section 15 bears S 89°54'30" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°01'13" E, along the East line of the NE 1/4 SW 1/4 of said Section 15 and the West line of Fox Meadows Annexation No. 1, Ordinance No. 4687, as same is recorded with Reception No. 2751924, Public Records of Mesa County, Colorado, a distance of 5.00 feet; thence S 89°54'16" E, along the South line of said Fox Meadows Annexation No. 1, a distance of 97.01 feet; thence S 00°01'13" E, a distance of 25.00 feet to a point on the South right of way for D-1/2 Road, per deed recorded in Book 5262, Page 881, Public Records of Mesa County, Colorado; thence N 89°54'16" W, along said South right of way, a distance of 97.00 feet to a point

on the East line of the NE 1/4 SW 1/4 of said Section 15; thence S 00°01'13" E, along said East line, a distance of 1,289.60 feet, more or less, to a point being the Southeast corner of the NE 1/4 SW 1/4 of said Section 15; thence N 89°54'11" W, along the South line of the NE 1/4 SW 1/4 of said Section 15, a distance of 163.75 feet, more or less, to the Southeast corner of Third Replat of Brookdale, as same is recorded in Plat Book 13, Page 411, Public Records of Mesa County, Colorado and the Southeast corner of Ingle Annexation, Ordinance No. 4149, as same is recorded in Book 4562, Page 637, Public Records of Mesa County, Colorado; thence N 00°04'40" W, along the East line of said Third Replat of Brookdale, the East line of said Ingle Annexation and the East line of Replat of Brookdale, as same is recorded in Plat Book 13, Pages 262 and 263, Public Records of Mesa County, Colorado, a distance of 1319.59 feet, more or less, to a point on the North line of the NE 1/4 SW 1/4 of said Section 15; thence S 89°54'30" E, along said North line, a distance of 82.61 feet; thence N 00°05'30" E, a distance of 30.00 feet; thence S 89°54'30" E, along the North right of way for D-1/2 Road, per deed recorded in Book 5262, Page 884, Public Records of Mesa County, Colorado, a distance of 82.50 feet; thence S 00°05'30" W, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 221,880 Square Feet or 5.093 Acres, more or less, as described.

INTRODUCED on first reading the ___ day of ___, 2017 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2017 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: September 6, 2017

Presented By: Trent Prall, Engineering Manager, Jay Valentine, Deputy Finance Director

Department: Public Works - Streets

Submitted By: Jerod Timothy, Project Manager

Information

SUBJECT:

Construction Contract for the 2017 Roadway Repairs Project

RECOMMENDATION:

Authorize the City Purchasing Department to Enter into a Contract with Oldcastle SW Group, Inc. dba United Companies from Grand Junction, CO for the 2017 Roadway Repairs Project in the Amount of \$ 632,132.25.

EXECUTIVE SUMMARY:

This construction contract will utilize measure 2B funds and Contract Street Maintenance funds for selected roadways throughout the City of Grand Junction. In total 10 segments will be treated. The treatments will range from the installation of a thin asphalt mat to a complete reconstruction of the roadway. The proposed contract is with United Companies in the amount of \$ 632,132.25.

BACKGROUND OR DETAILED INFORMATION:

The streets that were selected for this scope of work are sections of roadway that have been observed by staff or have been the subject of a large number of phone calls or FixIt requests from the general public.

Below are the selected street sections:

1. Mariposa Drive West of Monument Road
2. Gunnison Ridge Court
3. 6th Street from Tiger Way to North Avenue
4. Wellington Court

5. 25 Road and G Road Round-A-Bout
6. 28 3/4 Road from North Avenue to Orchard Avenue
7. Intersection of Mulberry Street and W. Gunnison Avenue
8. Broadway at 20 1/2 Road
9. 24 Road from Fellowship Church to H Road
10. 26 1/2 Road south of H 3/4 Road

A Formal Invitation for Bids was issued via BidNet, an on line site for government agencies to post solicitations, posted on the City's Purchasing web-site, sent to the Grand Junction Chamber of Commerce, the Western Colorado Contractors Association and advertised in the Daily Sentinel. Five Companies attended the mandatory pre-bid meeting. Two Companies submitted formal bids, which were found to be responsive and responsible in the following amount:

<u>Firm</u>	<u>Location</u>	<u>Amount</u>
Oldcastle SW Group Inc. dba United Companies	Grand Junction, CO	\$632,132.25
Asphalt Specialists & Supply, Inc.	Grand Junction, CO	\$698,067.00

The 2017 Roadway Repairs Project is scheduled to begin September 11, 2017 and be completed by late November 2017.

FISCAL IMPACT:

Funding for this project shall come from the 2B and the Contract Street Maintenance Fund. All funding sources have adequate appropriations for the proposed work.

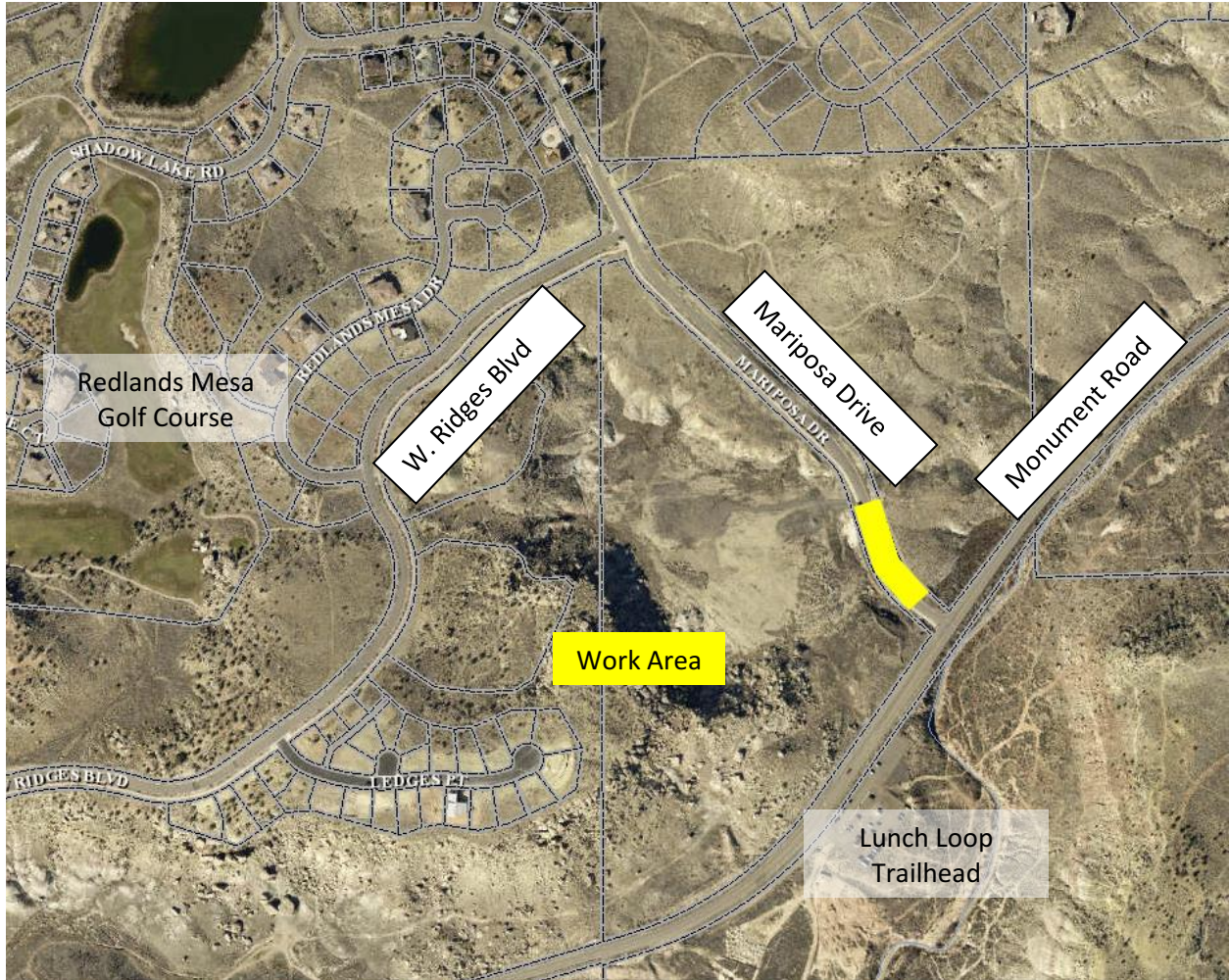
CIP-Contract Street Maint	\$200,000.00
2B	\$432,132.25
Total Project Sources	\$632,132.25

SUGGESTED MOTION:

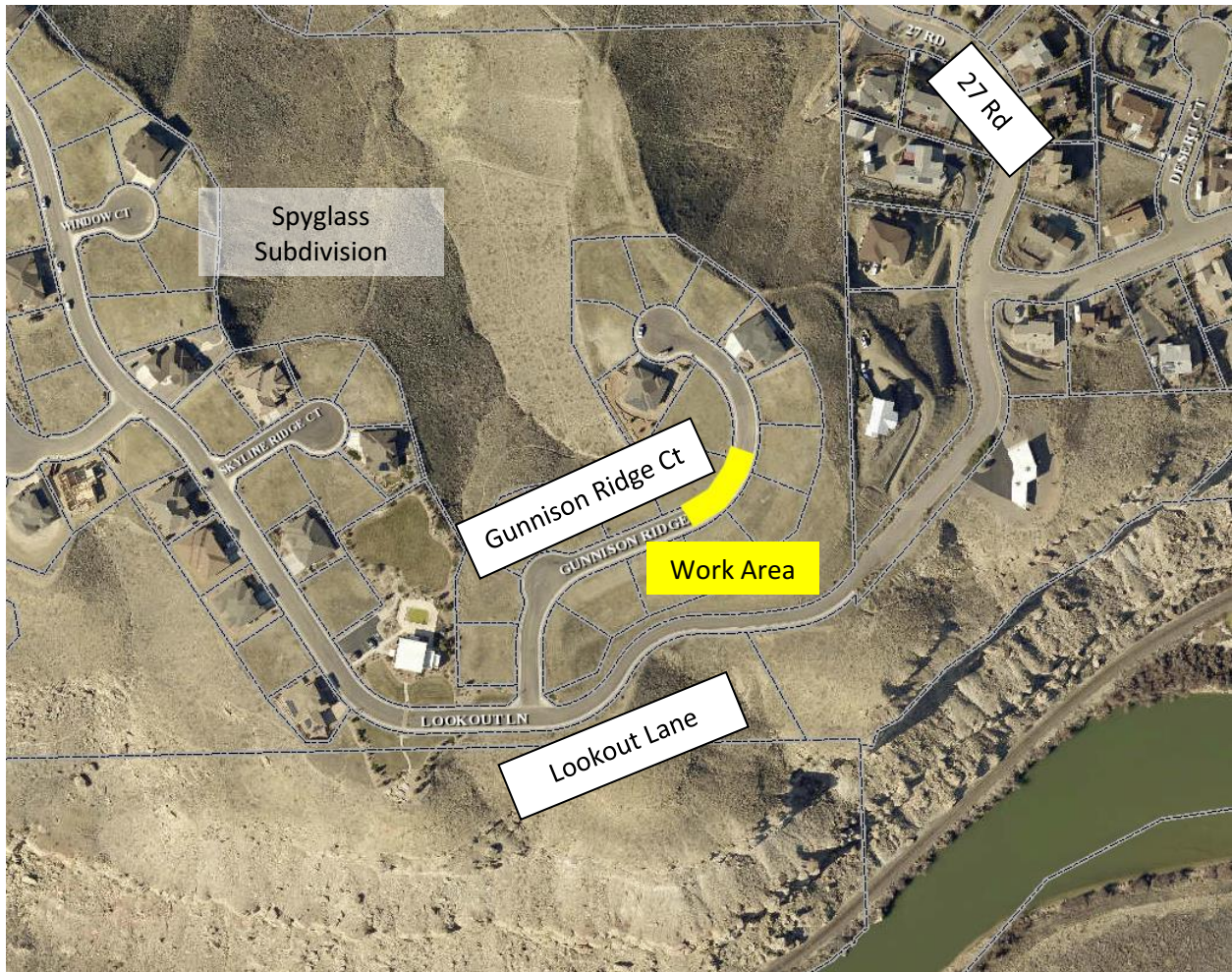
I Move to Authorize the City Purchasing Division to Enter into a Contract with Oldcastle SW Group, Inc. dba United Companies for the 2017 Roadway Repairs in the Amount of \$632,132.25.

Attachments

1. 2017 Roadway Repair Locations



2017 Roadway Repairs
Area 1 – Redlands – Redlands Mesa Subdivision - Mariposa Drive
Full reconstruction



2017 Roadway Repairs
Area 2 – Orchard Mesa - Spyglass Subdivision - Gunnison Ridge Ct
Minor reconstruction



2017 Roadway Repairs
Area 3 – Downtown -6th Street – Tiger Way to North Ave
Reconstruction



2017 Roadway Repairs
Area 4 – Northeast – The Cottages at Wellington – Wellington Ct
Overlay



2017 Roadway Repairs
Area 5 – North 25 and G Road Roundabout
Partial Reconstruction



2017 Roadway Repairs
Area 7 – El Poso Neighborhood – Mulberry and W. Gunnison
Mill and Overlay



2017 Roadway Repairs
Area 8 – Tiara Rado Area – S. Broadway west of 20 ½ Rd
Mill and Overlay



2017 Roadway Repairs
Area 9 – North – 24 Road – Fellowship Church to H Road
Overlay



2017 Roadway Repairs
Area 10 – North – 26 1/2 Road – South of H 3/4 Rd
Mill and Overlay



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: September 6, 2017

Presented By: Scott Hockins, Purchasing Supervisor

Department: Finance

Submitted By: Scott Hockins, Purchasing Supervisor

Information

SUBJECT:

Resolution Authorizing a Non-Exclusive License Agreement for Telecommunication Equipment in the City's Right-of-Way

RECOMMENDATION:

Staff recommends the City enter into a non-exclusive license agreement for telecommunication equipment in the City's right-of-way.

EXECUTIVE SUMMARY:

Mobilitie has identified City of Grand Junction Right-of-Way to deploy telecommunications facilities to provide enhanced voice and data wireless services to Sprint customers. This includes more accurate location detection for emergency fire and police calls; faster data speeds on smartphones; tablets and other devices; and better reliability and quality of voice calls. These facilities will provide capacity to better service the mobile data usage of Grand Junction's residents, businesses, and customers. The non-exclusive license agreement establishes a general framework for Mobilitie's use of Public Rights-of-Way for equipment and its proprietary poles.

BACKGROUND OR DETAILED INFORMATION:

In May 2014, the Grand Junction City Council adopted a three to five-year Economic Development Plan (EDP) for the purpose of creating a clear plan of action for improving business conditions and attracting and retaining employers. Section 1.4 of the EDP focuses on providing technology infrastructure that enables and supports private investment. Expanding broadband capabilities and improving wireless and/or cellular coverage are key objectives of the EDP.

In June 2016, City Council adopted a Wireless Master Plan (WMP) to serve as a general planning tool to limit unnecessary proliferation of wireless infrastructure while maintaining compliance with state and federal regulations and allowing expansion and improvement of networks and greater access to wireless technology in the community. The WMP identifies areas where coverage is needed, and provides a framework for development of towers that will help maximize network coverage while minimizing the number of new telecommunication facilities. It includes siting standards and preferences for new communication facilities to ensure compatibility with the community and neighborhood character(s).

The proposed 15 year license agreement establishes a general framework for the Mobilitie's use of Public Rights-of-Way for telecommunications equipment and its proprietary poles. Mobilitie will maintain, operate and control a wireless and fiber telecommunications network serving wireless and backhaul customers in accordance with Federal Communications Commission regulations. The license agreement does not replace the standards of the Grand Junction Municipal Code or preclude the need for the company to obtain land use approval and right-of-way work permits before installing equipment.

FISCAL IMPACT:

Mobilitie will pay the City a license fee of \$250 per month, to be paid for each Macro Wireless Site deployed on a Mobilitie Pole in the Public Right-of-Way. This revenue will be accounted for in the General Fund.

SUGGESTED MOTION:

I move to (adopt or deny) Resolution No. 51-17 - A Resolution Authorizing the City Finance Department to Enter into a non-exclusive License Agreement with Mobilitie for the Placement of telecommunication equipment in the City's Right-of-Way.

Attachments

1. License Agreement
2. Resolution

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2017, (“Effective Date”) by and between the City of Grand Junction, Colorado (“City”), a Colorado home rule municipality, and Mobilitie, LLC (“Company”), a Nevada limited liability corporation _____, with its principal office located at 2200 University Drive, Newport Beach, CA 92660.

RECITALS

A. The Company maintains, operates and controls a wireless and fiber telecommunications network serving Mobilitie’s wireless and backhaul customers (collectively, the “Network,” as more fully described in Section 1 below) in accordance with regulations promulgated by the Federal Communications Commission.

B. For purpose of operating the Network, the Company wishes to locate, place, attach, install, operate, control, and maintain Telecommunications Equipment in the Public Rights-of-Way (as defined in Section 1.10 and Section 1.7 below).

C. The purpose of this License Agreement is to establish a general framework for the Company’s use of Public Rights-of-Way for Telecommunications Equipment and for its proprietary poles.

D. This License Agreement does not supplant or supersede the requirements, rules or standards of the Grand Junction Municipal Code nor obviate the need for the Company to obtain land use approval and right-of-way work permits before installing Telecommunications Equipment or Company Poles in any Public Right-of-Way.

SECTION 1. DEFINITIONS

For the purpose of this Agreement, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning. The word “shall” is always mandatory and not merely directory.

- 1.1 “Applicable Laws” means any and all statutes, constitutions, charters, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, franchises, administrative orders, certificates, orders, or other requirements of the City or other governmental or judicial authority having the force and effect of law that determines the legal standing of a matter relating to the parties and/or this Agreement.
- 1.2 “City Facility or Facilities” means the City’s traffic signal, utility, or other poles, and city-owned structures within the Public Rights-of-Way.

- 1.3 “FCC” means the Federal Communications Commission.
- 1.4 “Network” or collectively “Networks” means one or more of the wireless and fiber-based telecommunications facilities controlled by the Company to serve its wireless and backhaul customers in the City.
- 1.5 “Person” means any corporation, partnership, proprietorship, individual or organization, governmental organization, or any natural person.
- 1.6 “Public Property” means any real property owned by the City other than Public Rights-of-Way.
- 1.7 “Public Rights-of-Way” or “PROW” means the surface, air space above the surface, and the area below any public street, road, highway, freeway, lane, path, public way, alley, court, sidewalk, boulevard, parkway, drive, bridge, tunnel, parkway, waterway, or easement now or hereafter held by the City, or dedicated for use by the City, use by the general public, or use compatible with the service or operations of the Telecommunications Equipment.
- 1.8 “ROW Work Permit” shall mean and refer to a permit pursuant to Chapter 12.28 of the Grand Junction Municipal Code.
- 1.9 “Service” or “Services” means the Telecommunications services provided through the Network by the Company to its customers.
- 1.10 “Telecommunications Equipment” or “Equipment” means facilities used by the Company and located on Wireless Sites in the Public Rights-of-Way to provide Services, including but not limited to antennas, cables, fibers, wires, lines, waveguides, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, or other associated conductors, converters, equipment or facilities, and related hardware. Telecommunications Equipment does not include poles, towers and other vertical structures on which such facilities may be attached.
- 1.11 “Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing.
- 1.12 “Wireless Site” means a location on Public Rights-of-Way selected for the Company’s deployment of Telecommunications Equipment on a Company Pole.
- 1.13 “Macro Wireless Site” means a Wireless Site that does not meet the definitions, requirements and standards of Grand Junction Municipal Code §21.04.030(q) applicable to small cell telecommunications facilities.
- 1.14 “Small Cell Wireless Site” means a Wireless Site that meets the definitions, requirements and standards of GJMC §21.040.030(q) applicable to small cell telecommunications facilities.

- 1.15 “Wireless Site Inventory” is the complete and current inventory of Wireless Sites in the City maintained by the Company in accordance with this Agreement.

SECTION 2. GRANT OF AUTHORITY

- 2.1 Grant of License. The City hereby grants to the Company, a non-exclusive license to use and occupy parts of the PROW within the City in accordance with this Agreement for the purpose of installing and maintaining Telecommunications Equipment, including the right to attach, operate, maintain, and replace Telecommunications Equipment on the Company’s proprietary poles/vertical support structures (“Company Pole”) and the right to install Company Poles so long as such are used to support/attach Telecommunications Equipment and to provide Telecommunications Service(s), subject to the conditions outlined in this Agreement. Nothing in this Agreement authorizes the installation of a “spec” pole by the Company in any PROW (that is, a pole for which there is no carrier who has committed to attaching, installing or utilizing Telecommunications Equipment thereon). The Company shall install its Telecommunications Equipment and Company Poles consistent with the City’s applicable ordinances and regulations. Section 127 of Article XIV of the City Charter is not applicable to this Agreement but is applicable to permits granted under this Agreement. This Agreement does not grant any right, authority or permission to the Company to install or operate a cable TV system within the City of Grand Junction, or to allow any third party to do so over the Company’s network or Equipment.
- 2.2 All Telecommunications Equipment and Company Poles must comply with height and other zoning restrictions applicable to poles and/or structures in the zone district in which they are located and shall otherwise comply with the City’s Zoning and Development Code (Chapter 21 of the Grand Junction Municipal Code).
- 2.3 No equipment shelters or cabinets, and no electrical distribution panels may be installed at ground level, except after all reasonable alternative pole locations have been explored and found unavailable or lacking in some substantial way and only with the prior written approval of the City upon a good faith showing of necessity, and upon such conditions as the City deems appropriate under the circumstances. The City shall reasonably weigh such requests against historic preservation policies, aesthetic considerations, pedestrian and disabled person access to sidewalks, public safety concerns, technical installation conflicts, and compliance with Applicable Law. The permitted use of PROW shall include the installation, on a set alone basis, of wireless backhaul transmission equipment owned by the Company on any eligible pole as necessary for the operation of Telecommunication Equipment.
- 2.4 License Term. The initial term of this Agreement shall commence upon the Effective Date, and shall expire fifteen (15) years from the Effective Date (the “Term”), unless renewed as herein provided.
- 2.5 Conditions. The rights afforded to the Company under this Section 2 are granted subject to the conditions herein provided and all Applicable Laws.

- 2.6 Non-Exclusive License. The Company’s right to use and occupy the PROW and attach to Company Poles therein shall not be exclusive. The City reserves the right to grant a similar use of the PROW to itself or any person or entity at any time during any term of this Agreement.
- 2.7 Waiver of Claims. In consideration for the rights granted under this Agreement, the Company waives all claims, demands, causes of action, and rights (“Claims”) it may assert against the City and its officials, personnel, agents, and representatives because of any loss, damage, or injury to any Telecommunications Equipment, or any loss or degradation of Service resulting from the installation, operation, maintenance or malfunction of Telecommunications Equipment regardless of cause, except with respect to Claims the Company may assert against the City and its officials, personnel, agents, and representatives in connection with their gross negligence or willful misconduct provided that such Claims are not barred by the Colorado governmental immunity statutes, as codified currently at Sections 24-10-106, 24-10-106.1 and 24-10-106.3, C.R.S., and as may be revised from time to time. Notwithstanding the foregoing, nothing in this Agreement may be construed to waive, alter, supersede or negate the City’s sovereign or governmental immunity rights, privileges, immunities and protections afforded by statute or by common law.
- 2.8 For the purpose of this Agreement, the City is acting as a landlord and not acting in a regulatory capacity; therefore the terms of this Agreement and the parties’ conduct hereunder are not subject to the limitations on local government regulatory authority over “personal wireless service facilities” as that term is defined at 47 U.S.C. § 332(c)(7)(C)(ii), whether such limitations are created by statute, regulation or case law construing the same. The zoning and development approval process is outside the purview of this Agreement and is subject to such limitations. Nothing under this Agreement shall be interpreted to create or vest in the Company any easement or other ownership or property interest to any Public Property or PROW or constitute an assignment of any City rights to Public Property or PROW. The Company shall, at all times, be and remain a licensee only.
- 2.9 No Illegal Activity Permitted. The Company shall not use or permit the Wireless Sites to be used for any activity violating any Applicable Laws.
- 2.10 Fees. To defray the increased costs of administration, of increased maintenance of the PROW, and of maintenance, repair and replacement of other utilities in the PROW caused and/or necessitated by the Company’s facilities in the PROW, Company shall pay \$250 per month per Macro Wireless Site deployed on a Company Pole in the PROW (“License Fees”). The City will not charge a license fee for the installation of Small Cell Wireless Sites (or Company Poles supporting the same) in the PROW.
- 2.11 Payment of License Fees. Company shall pay any applicable License Fee, without requirement for invoice or reminder from the City, on or about January 1 of each year this Agreement remains in effect, but in no event later than January 15 (the “Due Date”). Each initial License Fee shall be prorated to cover a period commencing upon

the installation of a Macro Wireless Site deployed on a Company Pole and conclude on December 31 of the same year, and each subsequent annual License Fee shall commence on the following January 1 and conclude on December 31 of the subsequent year, unless the Macro Wireless Site deployed on the Company Pole is removed from the Wireless Site during the subsequent year, in which case the associated License Fee shall be prorated. When delivering License Fee payments, Company shall set forth the location and the installation date (and the removal date if applicable) of each Macro Wireless Site on a Company Pole and the total number of such Macro Wireless Sites deployed on Company Poles in the PROW. If any License Fee described in this paragraph, or any portion thereof, is not postmarked or delivered on or before the Due Date, interest thereon shall accrue from the Due Date until received, at the rate of eighteen percent (18%) per annum. Company shall pay License Fees in the form of a money transfer or a check made out to the order of the City of Grand Junction and sent to:

City of Grand Junction
Attn: Scott Hockins, Purchasing Manager
250 N. 5th Street
Grand Junction, Colorado 81501

- 2.12 Unauthorized installations of Macro Wireless Site on Company Poles shall be subject to an additional 50% as described in Section 3.8 below.

SECTION 3. PERMITS, CONSTRUCTION, OPERATION AND MAINTENANCE IN THE PUBLIC RIGHTS-OF-WAY

- 3.1 Permitted Use of PROW. PROW may be used by the Company, seven (7) days a week, twenty-four (24) hours a day, only for the selection of Wireless Sites and, following the completion of the required permitting process, for the installation, maintenance, repair, modification, replacement and upgrade of Telecommunications Equipment for the transmission and reception of radio communication signals, and for the construction, installation, maintenance, repair and replacement of Company Poles used for the provision of Telecommunication Service, and not for any other purpose. It is understood that the purpose for installing Telecommunications Equipment and Company Poles at designated Wireless Sites in the PROW is to augment Network capacity otherwise provided through the installation of other facilities, such as traditional tower structures. This Agreement shall include new types of Telecommunications Equipment that may evolve or be adopted using wireless technologies. The Company shall, at its expense, comply with all Applicable Laws in connection with the use, installation, operation, maintenance, and replacement of Telecommunications Equipment on PROW.
- 3.2 Land Use/Development and ROW Work Permit Requirements.

- 3.2.1 For installations, construction, operation, maintenance, and removal of Telecommunications Equipment pursuant to this Agreement, the Company shall obtain a ROW Work Permit and shall post all performance and warranty guarantees as required by Chapter 12.28 of the Grand Junction Municipal Code (GJMC). The Company's work in the PROW hereunder shall be governed by this Agreement and by the provisions of Chapter 12.28 GJMC. The City will process all permit applications in a non-discriminatory and competitively neutral manner.
- 3.2.2 Company shall obtain a land use/development permit in accordance with the zoning and Development Code for each wireless site. Land use permitting is outside the purview of this Agreement. It is the general policy of the City to comply with the City's Zoning and Development Code in the development and use of City property. This License Agreement shall not be construed to create or constitute any exception to that policy.
- 3.2.3 The Company is responsible for obtaining any and all land use approval(s) and for complying with the provisions of the City's Zoning and Development Code prior to installing or modifying Wireless Sites.
- 3.2.4 Any Equipment or Company Poles installed prior to obtaining all required land use permits/approvals may be removed by the City in accordance with Section 3.5 below. This is in addition to and not a limitation of any remedies that the City may have pursuant to its land use authority as set forth in the Zoning and Development Code, Title 21, GJMC.
- 3.3 Utilities. The Company will be responsible for telephone, electric and any other utility service used or consumed by the Company in connection with its Telecommunications Equipment. In no event will the Company secure its utilities by sub-metering from the City.
- 3.4 Duty to Minimize Interference. The Company shall not impede, obstruct or otherwise interfere with the installation, existence or operation of any other facility or City-authorized activity in the PROW, including sanitary sewers, water mains, storm water drains, pipes and related facilities, gas mains, poles, aerial and underground electrical infrastructure, cable television and telecommunication wires, vehicular, pedestrian and bicycle traffic, public safety and City networks, and other telecommunications, utility, or Public Property. All Company activities in the PROW shall be carried on as to minimize interference with the use of the PROW and with the use of private property, in accordance with all regulations of the City necessary to provide for and protect public health, safety and convenience. The Company's facilities shall not create any physical obstruction or dangerous visual obstruction for vehicular, bicycle or pedestrian traffic on the PROW.
- 3.5 Relocations.

- 3.5.1 The City shall have the right to require the Company to relocate, remove, replace, modify or disconnect Telecommunications Equipment or Company Pole(s) located in the PROW for public purposes, in the event of an emergency, or when the public health, safety or welfare requires such change (for example, without limitation, by reason of traffic conditions, public safety, PROW vacation, PROW construction, change or establishment of PROW grade, installation of sewers, drains, electric lines, gas or water pipes, conduits, cables, or any other types of structures or improvements by the City for public purposes). Such work shall be performed at the Company's expense. Except during an emergency, the City shall provide reasonable notice to the Company, of not less than ninety (90) days, and allow the Company the opportunity to perform such action. Following notice by the City, the Company shall relocate, remove, replace, modify or disconnect any of its Telecommunications Equipment within any PROW. If the City requires the Company to relocate its Telecommunications Equipment located within the PROW, the City shall make a reasonable effort to provide the Company with an alternate location within the PROW. During such relocation, if necessary, in the Company's reasonable determination, and consistent with any applicable permit requirements, it may place a temporary installation in the PROW (e.g. cell-on-wheels).
- 3.5.2 If the Company fails to complete the relocation within the time prescribed, which shall be no less than 90 days, and to the City's reasonable satisfaction, the City may remove the Telecommunications Equipment or otherwise cause such work to be done and bill the cost of the work to the Company, including all reasonable costs and expenses incurred by the City due to the Company's delay. In such event, the City shall not be liable for any damage to any portion of the Network. Company shall defend, indemnify and hold harmless the City from any claim(s) by telecommunications carriers and/or Service providers using the Network arising in any way out of the City's removal of an installation. The Company shall make full payment to the City within thirty (30) days of receipt of an itemized list of such costs.
- 3.6 Duty to Repair. Any PROW, Public Property or private property that is disturbed or damaged during, or as a result of, the construction, reconstruction, repair, replacement, relocation, operation or maintenance of the Telecommunications Equipment shall be promptly repaired and restored to substantially its prior condition by the Company, at its sole expense.
- 3.7 Inventory of Wireless Sites. The Company shall maintain a current Wireless Site Inventory throughout the Term. The Company shall provide to the City a copy of the Wireless Site Inventory every year on the anniversary date of this Agreement until the end of the Term. The inventory shall include GIS coordinates, date of installation, the Company Site ID #, type of pole used for installation, and description/type of installation for each Wireless Site and of the Telecommunications Equipment installed. Concerning Wireless Sites that become inactive, the Wireless Site Inventory shall include the same information as active installations in addition to the date the Wireless

Site was deactivated and the date the Telecommunications Equipment was removed from the PROW. The City will compare the Wireless Site Inventory to its records to identify any discrepancies.

3.8 Unauthorized Installations. Any unauthorized Wireless Sites identified by the City as a result of comparing the Wireless Site Inventory to internal records or through any other means will be subject to the payment of unauthorized installation charges by the Company, which charges shall exceed by 50% the charges that would be due if such installations had been authorized, based on the actual installation date and the best evidence thereof. The City shall provide written notice to the Company of any unauthorized Wireless Site identified by City staff and the Company shall have thirty (30) days thereafter in which to acquire the necessary approvals for that site. If the Company fails to acquire necessary approvals, the Company shall remove the Wireless Site Telecommunications Equipment and Company Pole(s) from the Right-of-Way within ninety (90) days. Failure of the Company to pay the unauthorized installation charges, or to timely remove the unauthorized installation in accordance with this subsection, may, in the City's sole discretion, result in removal of the installation by the City. If the City elects to remove the unauthorized installation(s), the City shall not be liable for any damage to any portion of the Network or damages based on interruption of Service. Company shall defend, indemnify and hold harmless the City from any claim(s) by telecommunications carriers and/or Service providers using the Network arising in any way out of the City's removal of an installation.

3.9 Signal Interference Prohibited.

3.9.1 Notice; Company Response. In the event the Telecommunications Equipment interferes with the City's traffic signal system, public safety radio system, or other City communications infrastructure operating on spectrum where the City is legally authorized to operate, the Company will respond to the City's written request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving such request, pursuant to protocol outlined in Section 3.9.2 below and shall follow the escalation process outlined in Section 5.3 of this Agreement.

3.9.2 Response Protocol. The protocol for responding to events of interference will require the Company to provide the City an interference remediation report that includes the following items:

- (a) Remediation Plan. Devise a remediation plan to stop the event of interference;
- (b) Time Frame for Execution. Provide the expected time frame for execution of the remediation plan; and
- (c) Additional Information. Include any additional information relevant to the execution of the remediation plan.

3.9.3 Removal; Relocation. In the event interference with City facilities cannot be eliminated, the Company shall shut down the Telecommunications Equipment and pursuant to Section 3.5 remove or relocate the Telecommunications Equipment that is the source of the interference to a suitable alternative location as soon as possible.

3.10 Deactivated Wireless Sites/Installations. When a Wireless Site is deactivated and/or all the Telecommunications Equipment removed therefrom, Company shall remove any Company Poles and substantially restore the site to its prior condition, excluding normal wear and tear, within ninety (90) days of the date of deactivation/removal. Company Poles on deactivated sites/installations that have not been removed by the Company within the prescribed time can be removed by the City and site restored to its prior condition, and the Company shall be responsible for the costs thereof. Invoices for costs of removal/restoration shall be paid by the Company within 45 days of the invoice date.

SECTION 4. ATTACHMENT TO CITY FACILITIES

4.1 This Agreement does not authorize Company to locate telecommunications equipment on City Facilities, although such may be authorized by separate agreement.

SECTION 5. EMERGENCY CONTACTS

5.1 Coordination of Emergency Events. In case of an emergency due to interference, failure of traffic signal or utility systems, or any unforeseen events, the City will act to protect the public health and safety of its citizens, and to protect public and private property, notwithstanding any provision in this Agreement. The City will make every reasonable effort to coordinate its emergency response with the Company. To that end, the City will use the following emergency contacts:

5.1.1 Level One Contact: The Company's network operations center may be reached 24/7 at: 877-244-7889 and email: mnoc@mobilitie.com.

5.1.2 Level Two Contact: In the event the Company's network operations center cannot be reached, or the network operations center staff cannot address the emergency situation, the City may contact:

Gail Allen, Manager, Operations Phone: 702-777-4508 Email: GAllen@mobilitie.com or

Nam King, Sr. Director Network Operations Phone: 312-638-5409 Email: nam@mobilitie.com

5.1.3 Level Three Contact: In the event the emergency situation calls for a coordinated effort between the City's and Company's management team, the City may contact:

Scott Holt, VP, Network Operations, Phone: 206-510-4658 Email: scott.holt@mobilitie.com.

- 5.2 Company's Duty to Maintain Current Emergency Contacts. The Company shall maintain the emergency contact information current at all times with the Director of Public Works.
- 5.3 Company's Response to Network Emergency. In case of a Network emergency due to any unforeseen event, the Company may access its Telecommunications Equipment without first obtaining a ROW Work Permit provided the Company has conducted Network trouble-shooting and diagnostic tests and has reasonably identified the point or points of network failure or malfunction. While acting under this provision to address a Network emergency, the Company shall conduct its activities within the PROW in such a manner as to protect public and private property. The Company will make every reasonable effort to coordinate its emergency response with the City. To that end, prior to entering the PROW, the Company will use the following emergency contacts to give notice to the City of the Network emergency and an estimated time period to address the situation:
 - 5.3.1 The City's Facility Manager may be reached 24/7 at: (970) 256-4021. In addition, the City's Purchasing Manager may be reached during the City's business hours at: (970) 244-2484.
- 5.4 City's Duty to Maintain Emergency Contacts. The City will maintain the Company's current emergency contact information at all times.

SECTION 6. INDEMNITY AND INSURANCE

- 6.1 Indemnity.
 - 6.1.1 The Company shall indemnify, defend and hold the City, its employees, officers, elected officials, agents and contractors (the "Indemnified Parties") harmless from and against all injury, loss, damage or liability (or any claims in respect of the foregoing), costs or expenses caused by the installation, use, maintenance, repair or removal of the Telecommunications Equipment or the Company's breach of any provision of this Agreement, except to the extent attributable to the negligent or intentional act or omission of one or more of the Indemnified Parties.
 - 6.1.2 Notwithstanding anything to the contrary in this Agreement, the Company and the City each waives any claims that each may have against the other with respect to consequential, incidental, indirect or special damages.
 - 6.1.3 The City will give the Company timely written notice of the making of any claim or of the commencement of any action, suit or other proceeding in connection with the Telecommunications Equipment. In the event such claim arises, the City or any other Indemnified Party shall tender the defense thereof

to the Company and the Company shall have the right to defend, settle or compromise any claims arising hereunder and the Company shall consult and cooperate with the City while conducting its defense of the City. The City shall cooperate fully therein.

6.2 If separate representation to fully protect the interests of both parties is or becomes necessary, such as a conflict of interest between the City and the counsel selected by Company to represent the City, the Company shall pay, from the date such separate representation is required forward, all reasonable expenses incurred by the City in defending itself with regard to any action, suit or proceeding indemnified by the Company. Provided, however, that in the event that such separate representation is or becomes necessary, and the City desires to hire counsel or any other outside experts or consultants and desires the Company to pay those expenses, then the City shall be required to obtain the Company's consent to the engagement of such counsel, experts or consultants, which consent shall not be unreasonably withheld. The City's expenses hereunder shall include all reasonable out of pocket expenses, such as consultants' fees, and shall also include the reasonable value of any services rendered by the City Attorney or his/her assistants or any employees of the City or its agents but shall not include outside attorneys' fees for services that are unnecessarily duplicative of services provided the City by the Company.

6.3 Insurance.

6.3.1 The Company shall carry during the Term, at its own cost and expense, the following insurance: (i) commercial general liability insurance with a minimum limit of liability of \$2,500,000 combined single limit for bodily injury or death/property damage arising out of any one occurrence; and (ii) Workers' Compensation Insurance as required by law.

6.3.2 The coverage afforded by the Company's commercial general liability insurance shall apply to and name the City as an additional insured, and shall provide a defense and indemnification to the City regardless of the City's fault or wrongdoing. The insurance shall indemnify and defend the City against all loss, damage, expense and liability o the extent obligated under this agreement.

6.3.3 Within thirty (30) days following the Effective Date, the Company shall provide the City with a Certificate of Insurance and any endorsements or copies of policies determined by the City to be necessary to provide evidence of the coverage required by this Section 6.3. The insurance policy/ies may be modified or cancelled only after a 30-day written notice to the City.

6.3.4 The Company shall provide thirty (30) days advance notice to the City in the event of cancellation of any coverage.

6.3.5 Evidence of all insurance required hereunder shall be furnished upon request to the City.

SECTION 7. DEFAULT AND REMEDIES

- 7.1 Notice of Violation. A party shall provide the other party with a detailed written notice of any violation of this Agreement, and a thirty (30) day period within which the breaching party may: (a) demonstrate that a violation does not exist or cure an alleged violation, (b) cure the alleged violation, or (c) if the nature of the alleged violation prevents correction thereof within 30 days, to initiate a reasonable plan of action to correct such violation (including a projected date by which it will be completed) and notify the non-breaching party of such plan of action.
- 7.2 Default. If the breaching party fails to disprove or correct the violation within thirty (30) days or, in the case of a violation which cannot be corrected in thirty (30) days and the breaching party has failed to initiate a reasonable plan of corrective action and to correct the violation within the specified time frame, then the non-breaching may declare in writing that the breaching party is in default.
- 7.3 Bankruptcy. The parties expressly agree and acknowledge that it is their intent that in the event the Company shall become a debtor in any voluntary or involuntary bankruptcy proceeding (a “Proceeding”) under the United States Bankruptcy Code, 11 U.S.C. 101, *et seq.* (the “Code”), for the purposes of proceeding under the Code, this Agreement shall be treated as an unexpired lease of nonresidential real property under Section 365 of the Code, 11 U.S.C. 365 (as may be amended), and, accordingly, shall be subject to the provisions of subsections (d)(3) and (d)(4) of said Section 365. Any Person or entity, to which the Company’s rights, duties and obligations under this Agreement are assigned pursuant to the provisions of the Code, shall be deemed without further act to have assumed all of the obligations of the Company arising under this Agreement both before and after the date of such assignment. Any such assignee shall upon demand execute and deliver to the City an instrument confirming such assumption. Any monies or other considerations payable or otherwise to be delivered in connection with such assignment shall be paid to the City, shall be the exclusive property of the City, and shall not constitute property of the Company or of the estate of the Company within the meaning of the Code. Any monies or other considerations constituting the City’s property under the preceding sentence not paid or delivered to the City shall be held in trust for the benefit of the City and be promptly paid to the City.
- 7.4 Hearing Available to Company. Within fifteen (15) days after receipt of a written declaration of default from the City, the Company may make a written request for a hearing before the City Council or its designee, in a public proceeding affording due process. If a hearing is not requested, the City may seek any remedy available under Applicable Law. If a hearing is requested, such hearing shall be held within sixty (60) days of the receipt of the request therefor and a decision rendered within fifteen (15) days after the conclusion of the hearing. The City Council may revoke based upon a finding of default or a dangerous condition in or on the PROW caused or created by or substantially related to the Company’s pole(s), equipment, or facility in the PROW. Any decision shall be in writing and shall be based upon written findings of fact.

- 7.5 Appeal of Default. The Company may appeal a finding of default and/or imposition of remedies by the City Council or its designee, which appeal shall be pursuant to C.R.C.P. 106, and based upon the written record. Alternatively, the parties may, by mutual agreement, agree to address the finding of default through arbitration.

SECTION 8. AMENDMENT AND RENEWAL.

- 8.1 Amendment. Written requests to amend this Agreement for any purposes may be made by either party. The parties shall engage in good faith discussions and endeavor to reach agreement within sixty (60) days of receipt of such written request. Any amendment shall become effective after being duly executed by both parties. Notwithstanding the foregoing, nothing shall require either party to agree to any amendment request.
- 8.2 Renewal.
- 8.2.1 Unless earlier terminated by either party pursuant to the provisions of this Agreement, this Agreement shall renew automatically on the same terms and conditions as herein for one (1) successive term of fifteen (15) years, for a total of up to fifteen (15) years beyond the initial Term of this Agreement, provided that the Company has complied with the material terms of this Agreement. If the City does not believe that the Company is entitled to renewal as requested, the City shall provide written notification to the Company at least ninety (90) days prior to the expiration date of this Agreement, in which notice the City shall provide support for its position.
- 8.2.2 As between the City and the Company, the Company shall at all times retain ownership of the Telecommunications Equipment. Upon expiration of this Agreement, within ninety (90) days of the expiration of the then-current Term, the Company shall be permitted to remove Telecommunications Equipment installed within the PROW, or alternatively, sell the same to a qualified buyer consistent with Applicable Law. In no event may Company abandon in place any Telecommunications Equipment installed in or on the PROW, unless ownership of the installation is transferred to the City and the City accepts ownership of the installation in writing.
- 8.2.3 The Company may terminate this Agreement in part, as it applies to any or all Wireless Sites, at any time for convenience by providing the County with forty-five (45) days advanced written notice. In event of termination, Company shall remove installation and restore the site substantially to its prior condition within ninety (90) days of the date of the termination notice. Liability and indemnity obligations of the Company survive termination by the Company for a period of three years following the notice. Following the removal of the installation and complete restoration of the site, the parties shall adjust all rates pro rata and on a going forward basis from the date such restoration is complete.

SECTION 9. ASSIGNMENT/TRANSFER OF OWNERSHIP OR CONTROL.

- 9.1 Definitions. In this Section, the following words have the meanings indicated:
- 9.1.1 “Control” means actual working control in whatever manner exercised. “Control” includes, but may not necessarily require, majority stock ownership or control of 51 percent or more of the voting rights in the Company.
- 9.1.2 “Proposed Transferee” means a proposed purchaser, transferee, lessee, assignee or person acquiring ownership or control of this Agreement in its entirety or of the Company.
- 9.2 No Transfer. The Company shall not sell, transfer, lease, assign, sublet or dispose of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation or otherwise, this Agreement, or any of the rights or privileges therein granted, without prior notice to the City, except that such notice shall not be required for an assignment by the Company to the Company’s principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of the Company’s assets in the market defined by the FCC in which the PROW is located by reason of a merger, acquisition or other business reorganization provided that such acquiring entity is bound by all of the terms and conditions of this Agreement.
- The parties agree and acknowledge that, notwithstanding anything in this Agreement to the contrary, certain Telecommunications Equipment deployed by Company in the PROW pursuant to this Agreement may be owned and/or operated by Company’s third-party wireless carrier customers (“Carriers”) and installed and maintained by Company pursuant to license agreements between Company and such Carriers. Such Telecommunications Equipment shall be treated as Company’s Telecommunications Equipment for all purposes under this Agreement provided that (i) Company remains responsible and liable for all performance obligations under the Agreement with respect to such Telecommunications Equipment and (ii) City’s sole point of contact regarding such Telecommunications Equipment shall be Company;
- 9.3 Company Control. The requirements of Section 9.2 shall also apply to any change in control of the Company. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any Person or group of Persons of fifty-one percent (51%) or more of the voting shares of the Company.
- 9.4 Required Information. In its notice of any change in ownership or control, as provided for in Sections 9.2 and 9.3, the Company shall require the Proposed Transferee to indicate whether it:
- 9.4.1 Has ever been convicted or held liable for acts involving deceit including any violation of Applicable Laws, or is currently under an indictment, investigation or complaint charging such acts;

- 9.4.2 Has ever had a judgment in an action for fraud, deceit, or misrepresentation entered against the proposed transferee by any court of competent jurisdiction;
 - 9.4.3 Has pending any material legal claim, law suit, or administrative proceeding arising out of or involving a network and/or equipment similar to that contemplated by this Agreement, except that any such claims, suits or proceedings relating to insurance claims, theft of service, or employment matters need not be disclosed;
 - 9.4.4 Is financially solvent by submitting the financial data including financial statements that are audited or reviewed by a certified public accountant who may also be an officer of the parent corporation along with any other data that the City may reasonably require; and
 - 9.4.5 Has the financial and technical capability to enable it to maintain and operate the Network and Telecommunications Equipment for the remainder of the Term; and shall provide such information to the City together with its Notice. The Company's failure to provide the required notice and information to the City may, in the City's sole discretion, result in revocation of this Agreement and/or any license assigned or transferred hereunder.
- 9.5 Company's Compliance with Terms. In its notice of any change in ownership or control, the Company shall indicate whether it has failed to comply in all material respects with any material provision of this Agreement at any point during the term of this Agreement.
- 9.6 No Waiver. Any transfer shall by its own terms be expressly subject to the terms and conditions of this Agreement.
- 9.7 Agreement Binding. Any sale, transfer or assignment of this Agreement will bind the successor in interest to the terms of this Agreement.
- 9.8 Pledge of Assets. Notwithstanding anything contained in this Agreement, the Company may pledge the assets of the Network and Telecommunications Equipment for the purpose of financing provided that such pledge of assets shall not impair the Company or mitigate the Company's responsibility and capability to meet all its obligations under the provisions of this Agreement.

SECTION 10. MISCELLANEOUS

- 10.1 Severability. If any law, ordinance, regulation or court decision renders any provision of this Agreement invalid, the remaining provisions of the Agreement shall remain in full force and effect.
- 10.2 Force Majeure. Neither party shall be deemed to be in default, non-compliance, or in violation of any provision of this Agreement where performance was hindered or rendered impossible by war or riots, civil disturbances, natural catastrophes or other

circumstances beyond the Company's control, provided the Company took steps to mitigate damages and accepts responsibility to cure the default, non-compliance or violation in a manner and within a time period reasonably acceptable to the City.

10.3 No Waiver.

10.3.1 The failure of either party on one or more occasions to exercise a right or to require compliance or performance under this Agreement shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by such party, unless such right or such compliance or performance has been specifically waived in writing.

10.3.2 Both the City and the Company expressly reserve all rights they may have under law to the maximum extent possible, and neither the City nor the Company shall be deemed to have waived any rights they may now have or may acquire in the future by entering into this Agreement.

10.3.3 Nothing in this Agreement shall constitute or be construed to effect a waiver of the City's governmental immunity under statute or common law.

10.4 Attorney Fees. Should any dispute arising out of this Agreement lead to arbitration or litigation, the prevailing party shall be entitled to recover its costs of suit, including (without limitation) reasonable attorneys' fees.

10.5 Consent Criteria. In any instance where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably delay, condition, or withhold its approval or consent.

10.6 Notice. All notices that shall or may be given pursuant to this Agreement must be in writing and delivered by hand or (a) through the United States mail, by registered or certified mail; (b) by prepaid overnight delivery service; or (c) by email transmission. If a hard copy of the same is delivered through the U. S. Postal Service or by overnight delivery service, it shall be delivered to the following addresses:

If to City:

Scott Hockins, Purchasing Manager
City of Grand Junction
250 N. 5th Street
Grand Junction, Colorado 81501

If to Company:

Attn: Legal Department
660 Newport Center Drive
Suite 200
Newport Beach, California 92660

With a copy to:

Attn: Asset Management
660 Newport Center Drive
Suite 200
Newport Beach, CA 92660

Each party shall provide timely notice to the other of changes in the address for notification under this provision. Notice shall be deemed effective upon receipt in the case of hand delivery, three days after delivery to the U.S. Postal Service, or the next business day if delivery is effectuated by email or overnight delivery service.

- 10.7 Representations and Warranties. Each party to this Agreement represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform its respective obligations hereunder and that such obligations shall be binding upon it without the requirement of the approval or consent of any other Person or entity in connection herewith.
- 10.8 Amendment. This Agreement may not be amended except pursuant to a written instrument signed by both parties.
- 10.9 Other PROW Users. The parties understand and agree that the City permits other Persons and entities to install utility facilities in the PROW. In permitting such work to be done by others, the City shall not be liable to Company for any damage caused by those Persons or entities.
- 10.10 Entire Agreement. This Agreement and all attachments hereto represent the entire understanding and agreement between the parties hereto with respect to the subject matter hereof, supersedes all prior oral negotiations between the parties, and can be amended, supplemented, modified or changed only by an agreement in writing which makes specific reference to this Agreement or the appropriate attachment and which is signed by the party against whom enforcement of any such amendment, supplement, modification or change is sought.
- 10.11 Laws Governing/Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado, and applicable federal law. Venue for any proceeding brought pursuant to this Agreement shall be in the District Court located in Mesa County, Colorado.
- 10.12 No Third-Party Beneficiaries. This Agreement benefits only the parties hereto and their successors and permitted assigns. There are no third-party beneficiaries.
- 10.13 Counterparts; Electronic Disposition. This Agreement may be executed in multiple counterparts, each of which constitutes an original hereof. Regardless of the number of counterparts, all shall constitute only one agreement. In making proof of this

Agreement, it is not necessary to produce or account for more counterparts than are necessary to show execution by or on behalf of all parties. Furthermore, the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.

- 10.14 Public Disclosure. The Company acknowledges that this Agreement is public record within the meaning of the Colorado Open Records Act, C.R.S. § 24-72-202(6), and accordingly may be disclosed to the public.

[Signatures on next page.]

[Signature page for License Agreement.]

IN WITNESS WHEREOF, and in order to bind themselves legally to the terms and conditions of this Agreement, the duly authorized representatives of the parties have executed this Agreement as of the Effective Date.

CITY OF GRAND JUNCTION

By: _____
Name: _____
Its: _____
Date: _____

MOBILITIE, LLC

By: _____
Name: _____
Its: _____
Date: _____

RESOLUTION NO. __-17

A RESOLUTION AUTHORIZING THE CITY FINANCE DEPARTMENT TO ENTER INTO THE NON-EXCLUSIVE LICENSE AGREEMENT WITH MOBILITIE TO MAINTAIN, OPERATE AND CONTROL A WIRELESS AND FIBER TELECOMMUNICATIONS NETWORK IN THE PUBLIC RIGHT-OF-WAY

Recitals:

In May 2014, the Grand Junction City Council adopted a three to five-year Economic Development Plan (EDP) for the purpose of creating a clear plan of action for improving business conditions and attracting and retaining employers. Section 1.4 of the EDP focuses on providing technology infrastructure that enables and supports private investment. Expanding broadband capabilities and improving wireless and/or cellular coverage are key objectives of the EDP.

In June 2016, City Council adopted a Wireless Master Plan (WMP) to serve as a general planning tool to limit unnecessary proliferation of wireless infrastructure while maintaining compliance with state and federal regulations and allowing expansion and improvement of networks and greater access to wireless technology in the community. The WMP identifies areas where coverage is needed, and provides a framework for development of towers that will help maximize network coverage while minimizing the number of new telecommunication facilities. It includes siting standards and preferences for new communication facilities to ensure compatibility with the community and neighborhood character(s).

The proposed 15-year license agreement establishes a general framework for the Mobilitie's use of Public Rights-of-Way for telecommunications equipment and its proprietary poles. The company will maintain, operate and control a wireless and fiber telecommunications network serving Mobilitie's wireless and backhaul customers in accordance with Federal Communications Commission regulations. The license agreement does not replace the standards of the Grand Junction Municipal Code or preclude the need for the company to obtain land use approval and right-of-way work permits before installing equipment.

Public property provides a stable platform for wireless companies and the compensation received for the tower lease can support the telecommunications needs of the City and help to control costs of public communications facilities. The Comprehensive Plan's Future Land Use Map (attached) identifies growth opportunities and density increases for this area as Grand Junction grows over the next 25 years.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The City of Grand Junction Finance Department is authorized to enter into the Non-Exclusive License Agreement for the placement of telecommunication in the City of Grand Junction Public Right-of-Way. (Exhibit A).

PASSED AND APPROVED this ____ day of _____, 2017.

President of the Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #4.b.

Meeting Date: September 6, 2017

Presented By: Ken Watkins, Fire Chief, Gus Hendricks, Emergency Manager/Fire Training Chief

Department: Fire

Submitted By: Gus Hendricks, Emergency Manager/Fire Training Chief

Information

SUBJECT:

Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for Replacement of Hazardous Chemical Identification Equipment

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to submit a grant request to the Mesa County Federal Mineral Lease District for the purchase of the HazMatID Elite handheld chemical identifier.

EXECUTIVE SUMMARY:

This request is for authorization to submit a request to the Mesa County Federal Mineral Lease District for a \$50,000.00 grant to replace the Grand Junction Fire Department's HazMatID Elite chemical identifier. The HazMatID Elite chemical identifier is a handheld unit that identifies unknown solid and liquid chemicals. The new chemical identifier will have updated chemical databases for identifying new unknown substances such as Fentanyl and will be the only identifier on the western slope.

BACKGROUND OR DETAILED INFORMATION:

The existing HazMatID chemical identifier used the by the Grand Junction Fire Department was purchased in 2004 and is well past its life expectancy. This piece of equipment is the only one of its kind regularly positioned on the western slope. The Colorado State Patrol also has a similar piece of equipment but it is not always readily available for use.

The HazMatID Elite chemical identifier is a next-generation handheld unknown solid and liquid chemical identifier that performs analysis in one minute or less. The identifier is used by hazardous materials teams to analyze unknown substances in order to determine appropriate protective clothing to be used when handling the unknown substance and determine the most appropriate means to collect and dispose of the material.

Chemical analysis is performed by placing a small solid or liquid sample in the handheld unit and the chemical make-up of the sample is compared against a list of known chemicals in the equipment's database. It is this analysis that can be used to identify an unknown substance so that proper steps can be taken to safely collect and dispose of the solid or liquid. The original HazMat ID was purchased at a time when the fire department was responding to multiple calls for white powders around the Grand Junction area during the national Anthrax scare. The equipment quickly identified all of these substances so that they could be safely disposed. We are now entering a time when Fentanyl and its derivatives are becoming more prevalent in society and the need for rapid and accurate identification of substances is critical. This spectral identification is then used to safely collect and package for disposal.

The chemical inventory database in this new unit is updated to include a wider range of known chemicals from what is in the current HazMatID. This chemical inventory database is included in the purchase price of the HazMatID Elite and contains an advanced software package for data management and spectral reprocessing against 35,000 chemical spectra.

The Grand Junction Fire Department is the Designated Emergency Response Authority (DERA) for Mesa County through a contractual agreement with Mesa County. As the DERA, the fire department shall provide emergency hazardous substance response services to all of Mesa County and take actions necessary to minimize the effects or threat of adverse effects of the incident on human health or the environment. The HazMatID Elite handheld chemical identifier will be used to identify the unknown substances in accordance with this requirement to provide safety to the responders, the community, and the environment.

FISCAL IMPACT:

The total estimated equipment cost is \$59,950.00 and has been requested in the 2018 fire department budget. The grant request is for \$50,000 with no local match. The fire department would make up the \$9,950.00 difference, if approved in the 2018 budgeted capital expenditures for hazmat equipment.

SUGGESTED MOTION:

I move to (adopt or deny) Resolution No. 52-17 – A Resolution Authorizing the City

Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for Purchase of the HazmatID Elite Handheld Chemical Identifier.

Attachments

1. Resolution

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT REQUEST TO THE MESA COUNTY FEDERAL MINERAL LEASE DISTRICT FOR REPLACEMENT OF HAZARDOUS CHEMICAL IDENTIFICATION EQUIPMENT

RECITALS.

At its September 6, 2017 meeting the City Council considered and for the reasons stated, authorizes an application for a grant to replace the Grand Junction Fire Department's HazMatID Elite chemical identifier.

The existing HazMatID chemical identifier was purchased in 2004, is well past its life expectancy and is the only one of its kind regularly positioned on the western slope. The HazMatID Elite chemical identifier is a next-generation handheld unknown solid and liquid chemical identifier that performs analysis in one minute or less. The identifier is used by hazardous materials teams to analyze unknown substances in order to determine appropriate protective clothing to be used when handling the unknown substance and determine the most appropriate means to collect and dispose of the material.

Chemical analysis is performed by placing a small solid or liquid sample in the handheld unit and the chemical make-up of the sample is compared against a list of known chemicals in the equipment's database. It is this analysis that can be used to identify an unknown substance so that proper steps can be taken to safely collect and dispose of the solid or liquid. The chemical inventory database in this new unit is updated to include a wider range of known chemicals from the current HazMatID and contains an advanced software package for data management and spectral reprocessing against 35,000 chemical spectra.

The Grand Junction Fire Department is the Designated Emergency Response Authority (DERA) for Mesa County through a contractual agreement with Mesa County. As the DERA, the fire department shall provide emergency hazardous substance response services to all of Mesa County and take actions necessary to minimize the effects or threat of adverse effects of the incident on human health or the environment. The HazMatID Elite handheld chemical identifier will be used to identify the unknown substances in accordance with this requirement to provide safety to the responders, the community, and the environment.

The total estimated equipment cost is \$59,950.00 and has been requested in the 2018 fire department budget. If awarded the grant would pay \$50,000 and the fire department would make up the balance of \$9,950.00 through funds requested in the 2018 budget.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction supports and authorized submittal of a grant request to the Mesa County Federal Mineral Lease District for \$50,000 for replacement of Hazardous Chemicals Identification Equipment, in accordance with and pursuant to the recitals stated above and authorizes the City Manager to enter into a grant agreement with MCFMLD if the grant is awarded.

PASSED and ADOPTED this _____ day of September 2017

President of the City Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #5.a.i.

Meeting Date: September 6, 2017

Presented By: Jamie Beard, Asst. City Attorney

Department: Police

Submitted By: Jamie B. Beard, Assistant City Attorney

Information

SUBJECT:

An Ordinance Amending Section 2.28.020 of the Grand Junction Municipal Code (GJMC) for the Municipal Court to be a Qualified Court of Record for all Matters and to Repeal Title 10 of the GJMC and Re-enact Title 10 with a Traffic Code for the City of Grand Junction

RECOMMENDATION:

Adopt an Ordinance Amending Section 2.28.020(c) of the Grand Junction Municipal Code (GJMC) Making the Municipal Court a Qualified Court of Record for all Matters, Repealing Title 10 of GJMC, and Re-enacting Title 10 to Adopt the City of Grand Junction Traffic Code

EXECUTIVE SUMMARY:

The Municipal Court is legally a qualified court of record for all matters except traffic and parking violations. With adoption of the proposed ordinance traffic matters will be included as record matters and appeals will be on the record.

Title 10 of the Grand Junction Municipal Code concerns traffic regulations; those regulations are principally derived from the State's 2003 Model Traffic Code. Changes have occurred and revisions are necessary and are proposed with this ordinance. If adopted the City traffic code will provide relative uniformity with the State law and will promote consistency and understanding which enhances the health, safety, and welfare of the citizens of Grand Junction without need of re-adoption of the various versions of the Model Traffic Code.

BACKGROUND OR DETAILED INFORMATION:

The City adopted the 2003 Model Traffic Code with amendments and deletions in 2007. The model traffic codes for Colorado are produced by the Colorado Department of Transportation; 2010 is the newest edition. Changes have occurred within the State's traffic laws since 2010 and those are not included in the 2010 version. To have the most current laws and to still be uniform with the State's laws, the City proposes its own traffic code.

The 2003 Model Traffic Code is not available electronically. Hard copies of this version are hard to find. The 2010 Model Traffic Code is available electronically as is the 2009, but it can be challenging for a defendant to be sure he/she is referring to the correct version. Having the City's own traffic code included within the Grand Junction Municipal Code simplifies the time and reduces the chances for error when trying to find the law. The City traffic code will be available at the City's website with all the information in one location.

The City's traffic code will include offenses involving minor drivers, offenses for use of cell phone while operating a vehicle, and inclusion of low power scooters and electric bicycles.

The parking portion of the new traffic code will remain the same as the present City's parking code but for ease of reference parking will be included in its own chapter.

With the adoption of the new traffic code and to more closely follow the operations of the Municipal Court, staff recommends that the Municipal Court become a qualified court of record for all matters. The Municipal Court operates as a court of record, except that the trials for violations of traffic infractions are not recorded.

If all traffic matters are handled by a qualified court of record, then many efficiencies may be created. Presently, when a defendant appeals a decision in a traffic case a second trial takes place in the Mesa County Court. This may include a second jury trial for traffic misdemeanors if requested by the defendant. With a qualified court of record, any appeal will be heard by the District Court on the record. Presently, more defendants appeal traffic matters than appeal other matters because an appeal may be had by just asking for it. With a court of record appeals error(s) in the process or the decision must be alleged.

When the court does not act as a court of record, the court is limited to a \$300 fine or less and up to 90 days in jail. In many instances, this is not an issue as the scheduled fines are within this range, but for second, third, or subsequent offenses a larger fine may be more appropriate.

FISCAL IMPACT:

Incorporating the ordinance into the code is an estimated 125 pages at a rate of \$21.45 per page, resulting in an estimated cost of \$2,681.25.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4759 - An Ordinance Amending Section 2.28.020(c) of the Grand Junction Municipal Code (GJMC) for the Municipal Court to be a Qualified Court of Record for all Matters, Repealing Title 10 of GJMC, and Adopting the City of Grand Junction Traffic Code on final passage and order final publication in pamphlet form.

Attachments

1. Ordinance
2. Exhibit "A" to Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 2.28.020(c) OF THE GRAND JUNCTION MUNICIPAL CODE (GJMC) FOR THE MUNICIPAL COURT TO BE A QUALIFIED COURT OF RECORD FOR ALL MATTERS, REPEALING TITLE 10 OF THE GJMC AND ADOPTING THE GRAND JUNCTION TRAFFIC CODE

Recitals.

In 2007, the City of Grand Junction (City) adopted the 2003 edition of the *Model Traffic Code for Colorado*. Prior to that the City followed the 1995 *Model Traffic Code for Colorado Municipalities* and Articles X through XIV of the 1977 *Model Traffic Code for Colorado Municipalities* to regulate parking. The 2003 Model Traffic Code has since been updated.

After review of the other possible Model Traffic Code editions and experiencing a problem concerning the numbering of the Code, staff determined that the City would be best served by adopting its own Traffic Code which will be generally consistent with the State's traffic statutes. Traffic law uniformity continues to be very important given modern mobility, predictability and certainty allows driver confidence and thus enhances the safe and efficient flow of traffic within the City. The uniformity also creates efficiency for enforcement purposes.

The Traffic Code will include parking with no substantive changes, only the chapter designation will change.

The repeal of Title 10 and the enactment of a City Traffic Code removes discrepancies and inconsistencies in numbering.

The Municipal Court is a court of record for all matters except traffic issues. When the Municipal Court does act on traffic matters a defendant may appeal the decision to County Court without an allegation of error by the Municipal Court. For efficiency of the City's resources, witnesses time, and reasonable resolution, traffic matters should be heard by the Court as a "court of record" and staff recommends adoption of the ordinance to make that change.

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

Section 2.28.020(c) is amended to read as follows:

(c) For purposes of hearing cases arising out of or under the Charter, the code or any other ordinance, regulation or resolution of the City the Municipal Court is a qualified court of record and shall comply with requirements of State law for courts of record. The Municipal Court shall furnish the record of proceedings to

any party wishing to appeal from a judgment of the Court for transcription at such party's sole expense.

Title 10 of the Grand Junction Municipal Code, City of Grand Junction, Colorado, is hereby repealed.

A new Title 10 of the Grand Junction Municipal Code, City of Grand Junction, Colorado, is hereby adopted as follows:

Please see attached Exhibit "A" incorporated herein.

PASSED for first reading this 16th day of August, 2017 and authorized the publication in pamphlet form.

PASSED AND ADOPTED this ____ day of _____, 2017 on Second Reading and authorized the publication in pamphlet form.

President of the Council

Attest:

City Clerk

EXHIBIT "A"

**Title 10
TRAFFIC AND VEHICLES**

**Chapter 10.04
TRAFFIC**

Part 1 Traffic Regulation – Generally

10.04.010 Purpose.

- (1) The purpose of this title is to provide a system of traffic regulations consistent with State law and generally conforming to similar regulations throughout the State and the nation.
- (2) Penalties for violations of this title may include fines, points, incarceration, useful public service and driver education, as determined by the Judge of the Municipal Court. Every person convicted of a violation of any provision stated or adopted in this title 10 shall be punished pursuant to and not in excess of the penalties specified in GJMC [10.04.1701](#).
- (3) Section headings of this title shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any section thereof.
- (4) This chapter 10.04 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. As such, the City has followed and shall retain the section and numbering system as set up in article 4 of title 42 of the State statutes. Not all sections, paragraphs, subsections, or subparagraphs have been adopted and any changes or deletions are reflected in the language of the code.

10.04.020 Definitions.

As used in this title, unless context otherwise requires:

- (1) "Acceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.
- (2) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.
- (3) "Appurtenance" means a piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task, including awnings, support hardware, and extractable equipment. "Appurtenance" does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.
- (4) "Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a

governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

- (a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or
 - (b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies.
- (5) "Authorized service vehicle" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and tow trucks, as determined by the department of transportation under section 42-4-214(5), C.R.S. Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.
- (6) "Autocycle" means a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in GJMC 10.04.237(1)(b). For purposes of this subsection, "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.
- (7) "Automobile" means any motor vehicle.
- (8) "Bicycle" means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than 14 inches in diameter.
- (9) "Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.
- (10) "Calendar year" means the 12 calendar months beginning January 1 and ending December 31 of any year.
- (11) "Camper coach" means an item of mounted equipment, weighing more than 500 pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.
- (12) "Camper trailer" means a wheeled vehicle having an overall length of less than 26 feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

- (13) "Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.
- (14) "Commercial carrier" means any owner of a motor vehicle, truck, laden or unladen truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.
- (15) "Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This subsection shall not apply for purposes of GJMC 10.04.235 and 10.04.707(1).
- (16) "Convicted" or "conviction" means:
- (a) A plea of guilty or nolo contendere;
 - (b) A verdict of guilty;
 - (c) An adjudication of delinquency under title 19, C.R.S.; and
 - (d) The payment of a penalty assessment under GJMC 10.04.1701 if the summons states clearly the points to be assessed for the offense.
- (17) "Court" means the municipal court, county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.
- (18) "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.
- (19) "Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.
- (20) "Department" means the Colorado department of revenue acting directly or through its duly authorized officers and agents.
- (21) "Divided highway" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the City traffic control manual.
- (22) "Drive-away transporter" or "tow-away transporter" means every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or transported singly, or by saddlemount, towbar, or fullmount methods, or by any lawful combination thereof.

- (23) "Driver" means every person, including a minor driver under the age of 21 years, who drives or is in actual physical control of a vehicle.
- (24) "Electrical assisted bicycle" means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding 750 watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:
- (a) "Class 1 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.
 - (b) "Class 2 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.
 - (c) "Class 3 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.
- (25) "Electric personal assistive mobility device" or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.
- (26) "Empty weight" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.
- (27) "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.
- (28) "Explosives and hazardous materials" means any substance so defined by the Code of Federal Regulations, title 49, chapter 1, parts 173.50 through 173.389.
- (29) "Farm tractor" means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.
- (30) "Flammable liquid" means any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.
- (31) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which is brought into Colorado otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in Colorado.
- (32) "Fullmount" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

- (33) "Garage" means any public building or place of business for the storage or repair of automobiles.
- (34) "Golf car" means a self-propelled vehicle not designed primarily for operation on roadways and that has:
- (a) A design speed of less than 20 miles per hour;
 - (b) At least three wheels in contact with the ground;
 - (c) An empty weight of not more than 1,300 pounds; and
 - (d) A carrying capacity of not more than four persons.
- (35) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of the City or State.
- (36) "Holiday" where used in this title and on official signs shall in addition, to Sundays mean New Year's Day., Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, General Presidential Election Day, Veteran's Day, Thanksgiving Day, and Christmas Day.
- (37) "Human operator" means a natural person in the vehicle with immediate access to controls for steering, braking, and acceleration.
- (38) "Immediate family" means a person who is related by blood, marriage, or adoption.
- (39) (a) On and after July 1, 2000, "implements of husbandry" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of this title, be considered as component parts of such implements of husbandry.
- (b) Effective July 1, 2013, for purposes of this section, "implements of husbandry" includes personal property valued by the county assessor as silvicultural.
- (40) "Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of such divided highway by an

intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

- (41) "Lane" means the portion of a roadway for the movement of a single line of vehicles.
- (42) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
- (43) "Local authorities" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.
- (44) (a) "Low-power scooter" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:
 - (I) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or
 - (II) A wattage not exceeding 4,476 if powered by electricity.
- (b) "Low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights-of-way.
- (45) "Low-speed electric vehicle" means a vehicle that:
 - (a) Is self-propelled utilizing electricity as its primary propulsion method;
 - (b) Has at least three wheels in contact with the ground;
 - (c) Does not use handlebars to steer; and
 - (d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a 17-character vehicle identification number as provided in 49 CFR 565.
- (46) "Markings" means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning, or guiding traffic.
- (47) "Metal tires" means all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
- (48) "Motorcycle" means an auticycle or a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three

wheels in contact with the ground; except that the term does not include a farm tractor, low-speed electric vehicle, or low-power scooter.

- (49) "Motor home" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.
- (50) "Motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in GJMC 10.04.1401 for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), C.R.S., operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle.
- (51) (a) "Motorscooter" and "motorbicycle" mean every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "farm tractor" as defined in this section and any motorized bicycle as defined in paragraph (b) of this subsection, which motor vehicle is powered by an engine of not to exceed six-brake horsepower.
- (b) "Motorized bicycle" means a vehicle having two or three wheels, a cylinder capacity not exceeding 50 C.C. and an automatic transmission which produces a maximum design speed of not more than 30 miles per hour on a flat surface.
- (52) "Mounted equipment" means any item weighing more than 500 pounds that is permanently mounted on a vehicle, including mounting by means such as welding or bolting the equipment to a vehicle.
- (53) "Multipurpose trailer" means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose trailer" is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.
- (54) "Noncommercial or recreational vehicle" means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.
- (55) "Nonresident" means every person who is not a resident of Colorado.
- (56) "Off-highway vehicle" shall have the same meaning as set forth in section 33-14.5-101(3), C.R.S.
- (57) "Official traffic control devices" means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

- (58) "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- (59) "Owner" means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of 30 days or more.
- (60) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.
- (61) "Pedestrian" means any person afoot or any person using a wheelchair.
- (62) "Person" means a natural person, estate, trust, firm, copartnership, association, corporation, or business entity.
- (63) "Pneumatic tires" means all tires inflated with compressed air.
- (64) "Pole", "pipe trailer", or "dolly" means every vehicle of the trailer type having one or more axles not more than 48 inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle.
- (65) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (66) "Private road" or "driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.
- (67) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (68) "Reconstructed vehicle" means any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.
- (69) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

- (70) "Resident" means any person who owns or operates any business in Colorado or any person who has resided within Colorado continuously for a period of 90 days or has obtained gainful employment within Colorado, whichever shall occur first.
- (71) "Right-of-way" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (72) "Road" means any highway.
- (73) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.
- (74) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.
- (75) "Saddlemount combination" means a combination of vehicles in which a truck or laden or unladen truck tractor tows one or more additional trucks or laden or unladen truck tractors and in which each such towed truck or laden or unladen truck tractor is connected by a saddle to the frame or fifth wheel of the vehicle immediately in front of such truck or laden or unladen truck tractor. For the purposes of this subsection, "saddle" means a mechanism which connects the front axle of a towed vehicle to the frame or fifth wheel of a vehicle immediately in front of such towed vehicle and which functions like a fifth wheel kingpin connection. A saddlemount combination may include one fullmount.
- (76) "Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.
- (77) "School bus" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.
- (78) (a) "School vehicle" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity.

- (b) "School vehicle" does not include:
 - (I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or
 - (II) A motor vehicle that is owned by or under contract to a child care center, as defined in section 26-6-102(5), C.R.S., and that is used for the transportation of children who are served by the child care center.

- (79) "Semitrailer" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

- (80) "Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

- (81) "Snowplow" means any vehicle originally designed for highway snow and ice removal or control or subsequently adapted for such purposes which is operated by or for the state of Colorado or any political subdivision thereof.

- (82) "Solid rubber tires" means every tire made of rubber other than a pneumatic tire.

- (83) "Specially constructed vehicle" means any vehicle which has not been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

- (84) (a) "Special mobile machinery" means machinery that is pulled, hauled, or driven over a highway and is either:
 - (I) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or
 - (II) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways.

- (b) "Special mobile machinery" includes vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

- (85) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

- (86) "State motor vehicle licensing agency" means the department of revenue.

- (87) "Steam and electric trains" includes:
- (a) "Railroad", which means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails;
 - (b) "Railroad train", which means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars; and
 - (c) "Streetcar", which means a car other than a railroad train for transporting persons or property upon rails principally within a municipality.
- (88) "Stinger-steered" means a semitrailer combination configuration wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.
- (89) "Stop" or "stopping" means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- (90) "Stop line" or "limit line" means a line which indicates where drivers shall stop when directed by an official traffic control device or a police officer.
- (91) "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by law.
- (92) (a) "Toy vehicle" means any vehicle that has wheels and is not designed for use on public highways or for off-road use.
- (b) "Toy vehicle" includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.
- (c) "Toy vehicle" does not include off-highway vehicles or snowmobiles.
- (93) "Traffic" means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any highway for the purposes of travel.
- (94) "Traffic control manual" means the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", including any supplement thereto, as adopted by the City.
- (95) "Trailer" means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and

commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers as defined in subsection (50) of this section.

- (96) (a) "Trailer coach" means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than 26 feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.
- (b) "Manufactured home" means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.
- (97) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of title 42, C.R.S., from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.
- (98) "Truck" means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.
- (99) "Truck tractor - laden" or "laden truck tractor" means any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing, a semitrailer or trailer and its cargo load over the public highways.
- (100) "Truck tractor - unladen" or "unladentruck tractor" means any motor vehicle not carrying cargo that is generally used to draw a semitrailer or trailer and its cargo load over the public highways.
- (101) "Used vehicle" means every motor vehicle which has been sold, bargained for, exchanged, or given away, or has had the title transferred from the person who first acquired it from the manufacturer or importer, and has been so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.
- (102) "Utility trailer" means any wheeled vehicle weighing 2,000 pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.
- (103) "Vehicle" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(104) "Wheelchair" means a motorized or nonmotorized wheeled device designed for use by a person with a physical disability.

10.04.103 Scope and effect - exceptions to provisions.

- (1) This title constitutes the traffic code of the City and may be referred to as such. The provisions of the traffic code shall be applicable and uniform throughout the City
- (2) Except as otherwise provided, the provisions of this title 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 GJMC 10.04.606, 10.04.1401, 10.04.1402, 10.04.1413, and 10.04.1416 respectively concerning unauthorized devices, reckless driving, careless driving, eluding officer, and unsafe backing shall apply not only to public places and ways but also throughout this municipality.

10.04.104 through 10.04.106 Reserved.

10.04.107 Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. Any person who violates any provision of this section commits a misdemeanor.

10.04.108 Public officers to obey provisions - exceptions for emergency vehicles.

- (1) The provisions of this title applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
- (2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this chapter. The driver of an authorized emergency vehicle may:
 - (a) Park or stand, irrespective of the provisions of this title;
 - (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (c) Exceed the lawful speeds set forth in GJMC 10.04.1101(2) or exceed the maximum lawful speed limits set forth in GJMC 10.04.1101(8) so long as said driver does not endanger life or property;
 - (d) Disregard regulations governing directions of movement or turning in specified directions.

- (3) The exemptions and conditions provided in paragraphs (2) to (4), in their entirety, of subsection (2) of this section for an authorized emergency vehicle shall continue to apply to section 24-10-106(1)(a), C.R.S., only when such vehicle is making use of audible or visual signals meeting the requirements of GJMC 10.04.213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of GJMC 10.04.213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this code need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.
- (4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of such driver's reckless disregard for the safety of others.

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

- (1) A person riding a low-power scooter upon a roadway where low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this chapter except those provisions of chapter that, by their very nature, can have no application.
- (2) A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (3) No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (4) No person riding upon any low-power scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.
- (5) A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (6) Persons riding low-power scooters upon a roadway shall not ride more than two abreast.
- (6.5) A person under the age of 18 years may not operate or carry a passenger who is under 18 years of age on a low-power scooter unless the person and the passenger are wearing protective helmets in accordance with the provisions of GJMC 10.04.1502(4.5).
- (7) Reserved.

- (8) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.
- (9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this City as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.
- (10) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.
- (11) Reserved.
- (12) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this section.
- (13) Any person who violates a provision of this section commits a traffic infraction.

10.04.109.5 Low-speed electric vehicles.

- (1) (a) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than 35 miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than 35 miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than 35 miles per hour.
- (b) Notwithstanding paragraph (a) of this subsection (1), a low-speed electric vehicle may be operated on a state highway that has a speed limit equal to 40 miles per hour or cross a roadway with a speed limit equal to 40 miles per hour to cross at-grade, if:
 - (I) Such roadway's lane width is 11 feet or greater;
 - (II) Such roadway provides two or more lanes in either direction; and
 - (III) The State determines, in consultation with the City and law enforcement, upon the basis of a traffic investigation, survey, appropriate design standards, or projected volumes, that the operation of a low-speed electric vehicle on the roadway poses no substantial safety risk or hazard to motorists, bicyclists, pedestrians, or other persons.
- (2) No person shall operate a low-speed electric vehicle on a limited-access highway.
- (3) Any person who violates subsection (1) or (2) of this section commits a traffic infraction.

10.04.109.6 Class B low-speed electric vehicles - effective date – rules.

- (1) A class B low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than 45 miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than 45 miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than 45 miles per hour.
- (2) No person shall operate a class B low-speed electric vehicle on a limited-access highway.
- (3) Any person who violates subsection (1) or (2) of this section commits a traffic infraction.
- (4) For the purposes of this section, "class B low-speed electric vehicle" means a low-speed electric vehicle that is capable of traveling at greater than 25 miles per hour but less than 45 miles per hour.

10.04.109.9 Golf cart(s).

- (1) 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, or as a means of transportation for Colorado Mesa University (formerly Mesa State College) authorized personnel, within Colorado Mesa University (formerly Mesa State College) boundaries, as defined in paragraph (b) below.
- (2) A golf cart may be driven upon streets under the jurisdiction of the City, excluding country roads, state or federal highways, in the following designated areas:
 - (a) 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); and
 - (b) the area beginning at the intersection of Shadow Lake Road and Mariposa Road (but excluding Mariposa Road) along Ridges Boulevard to the west, continuing along West Ridges Boulevards and inclusive of all streets within the Redlands Mesa Planned Development; and
 - (c) the area bounded on the west by Cannell Avenue, on the east by 13th Street, on the south by North Avenue and on the north by Orchard Avenue. (However, driving on North Avenue is not allowed).
- (3) (a) No person shall operate a golf cart on any public street in the city:
 - (I) Unless within the boundaries set forth in subsection (2) of this section;
 - (II) Unless the golf cart is equipped at a minimum with:
 - (A) A state approved slow triangle mounted on the rear of the cart;

- (B) A rearview mirror;
 - (C) An audible warning device;
 - (D) Turn signals;
 - (E) Both headlights and tail lights;
 - (F) A steering wheel;
 - (G) A foot-controlled accelerator; and
 - (H) A foot brake;
- (III) Except during the time from one-half hour before sunrise to one-half hour after sunset; however, in the designated area around Colorado Mesa University (formerly Mesa State College), authorized CMU personnel may operate golf carts on a 24-hour basis.
- (IV) Unless in a direct route from the operator's residence to a golf course, or from a golf course to the operator's residence; unless the golf cart operator is an authorized CMU facilities employee driving within the designated boundaries specified in Section (2)(c).
- (V) Unless such person possesses, on the person of the operator, a valid State of Colorado driver's license.
- (VI) 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.
- (VII) 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.
- (VIII) 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 is being operated upon a city right-of-way.

- (IX) 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.
- (b) The operator of a golf cart on public streets shall comply with the provisions of this title.
- (c) 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.

10.04.110 through 10.04.111 Reserved.

10.04.112 Noninterference with the rights of owners of realty.

Subject to the exception provided in GJMC 10.04.103(2), nothing in this title shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or from otherwise regulating such use as may seem best to such owner.

10.04.113 through 10.04.115 Reserved.

10.04.116 Restrictions for minor drivers – definitions.

- (1) (a) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under 21 years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least six months.
- (b) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing more than one passenger who is under 21 years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one year.

- (c) Paragraphs (a) and (b) of this subsection (1) shall not apply if:
 - (I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108, C.R.S.;
 - (II) The motor vehicle contains an adult 21 years of age or older who currently holds a valid driver's license and has held such license for at least one year;
 - (III) The passenger who is under 21 years of age is in the vehicle on account of a medical emergency;
 - (IV) All passengers who are under 21 years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.
- (2) (a) Except as provided in paragraph (b) of this subsection (2), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one year.
 - (b) This subsection (2) shall not apply if:
 - (I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108, C.R.S.;
 - (II) The motor vehicle contains an adult 21 years of age or older who currently holds a valid driver's license and has held such license for at least one year;
 - (III) The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possesses a signed statement from the school official containing the date the activity will occur;
 - (IV) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;
 - (V) The minor is driving on account of a medical emergency; or
 - (VI) The minor is an emancipated minor.
- (3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:
 - (a) By the imposition of not less than eight hours nor more than 24 hours of community service for a first offense and not less than 16 hours nor more than 40 hours of community service for a subsequent offense;
 - (b) By the levying of a fine of not more than \$50.00 for a first offense, a fine of not more than \$100.00 for a second offense, and a fine of \$150.00 for a subsequent offense;
- (4) For the purposes of this section:

- (a) "Emancipated minor" means an individual under 18 years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.
 - (b) "Minor driver" means a person who is operating a motor vehicle and who is under 18 years of age.
- (5) No driver in a motor vehicle shall be cited for a violation of this section unless such driver was stopped by a law enforcement officer for an alleged violation of this chapter other than a violation of this section.

10.04.117 Personal mobility devices.

- (1) A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this chapter, except as to those provisions that by their nature have no application.
- (2) Unless specifically prohibited otherwise in this chapter, an EPAMD may be operated on a roadway in conformity with vehicle use.
- (3) An EPAMD shall not be operated:
 - (a) On a limited-access highway;
 - (b) On a bike or pedestrian path; or
 - (c) At a speed of greater than 12.5 miles per hour.
- (4) A person who violates this section commits a traffic infraction.

Part 2 Equipment

10.04.201 Obstruction of view or driving mechanism - hazardous situation.

- (1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (2) No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.
- (3) A person shall not drive a motor vehicle equipped with a video display visible to the driver while the motor vehicle is in motion. This subsection (3) does not prohibit the usage of a computer, data terminal, or safety equipment in a motor vehicle so long as the computer, data terminal, or safety equipment is not used to display visual entertainment, including internet browsing, social media, and e-mail, to the driver while the motor vehicle is in motion.

- (4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.
- (5) No passenger in a vehicle shall ride in such position as to create a hazard for such passenger or others, or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.
- (6) No person shall hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion; nor shall the operator knowingly permit any person to hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection (6) shall not apply to parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.
- (7) The provisions of subsection (6) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the State of Colorado or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the public utilities commission of the State of Colorado, when in the performance of their duties persons are required to stand or sit on the exterior of the vehicle and said vehicle is equipped with adequate handrails and safeguards.
- (8) Any person who violates any provision of this section commits traffic infraction.

10.04.202 Unsafe vehicles - penalty - identification plates.

- (1) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this section and GJMC 10.04.204 to 10.04.231 and sections 42-4-204 to 42-4-231, C.R.S., or which is equipped in any manner in violation of said sections or for any person to do any act forbidden or fail to perform any act required under said sections.
- (2) The provisions of this section and GJMC 10.04.204 to 10.04.231 and sections 42-4-204 to 42-4-231, C.R.S., with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections.
- (3) Nothing in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this chapter.
- (4) (a) Any vehicle, motor vehicle, trailer, or item of special mobile machinery, or similar implement of equipment, used in any type of construction business which has an

identification issued by the Colorado department of transportation shall, when said plate is affixed, exempt any such item of equipment, machinery, trailer, or vehicle from all or part of this section and GJMC 10.04.204 to 10.04.231 and 42-4-204 to 42-4-231, C.R.S.

(b) Reserved.

(c) Each exempt item may be moved on the roads, streets, and highways during daylight hours and at such time as vision is not less than 500 feet. No cargo or supplies shall be hauled upon such exempt item except cargo and supplies used in normal operation of any such item.

(5) Any person who violates any provision of this section commits a traffic infraction.

10.04.203 Unsafe vehicles - spot inspections.

(1) Uniformed police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. The fact that a vehicle is an older model vehicle shall not alone constitute reasonable cause. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer may give a written notice and issue a summons to the driver. Said notice shall require that such vehicle be placed in safe condition and properly equipped or that its equipment be placed in proper repair and adjustment, the particulars of which shall be specified on said notice.

(2) In the event any such vehicle is, in the reasonable judgment of such police officer, in such condition that further operation would be hazardous, the officer may require, in addition to the instructions set forth in subsection (1) of this section, that the vehicle be moved at the operator's expense and not operated under its own power or that it be driven to the nearest garage or other place of safety.

(3) Every owner or driver upon receiving the notice and summons issued pursuant to subsection (1) of this section or mailed pursuant to paragraph (b) of subsection (4) of this section shall comply therewith and shall secure a certification upon such notice by a law enforcement officer that such vehicle is in safe condition and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter. Said certification shall be returned to the owner or driver for presentation in court as provided for in subsection (4) of this section.

(4) (a) (I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this section is guilty of a misdemeanor offense and, upon conviction thereof, shall be punished by a fine of \$100.00, payable within 30 days after conviction.

(II) If the owner repairs the unsafe condition or installs or adjusts the required equipment within 30 days after issuance of the notice and summons and presents the certification required in subsection (3) of this section to the court, the owner shall be punished by a fine of \$5.00.

- (III) If the owner submits to the court within 30 days after the issuance of the summons proof that the owner has disposed of the vehicle for junk parts or immobilized the vehicle and also submits to the court the registration and license plates for the vehicle, the owner shall be punished by a fine of \$5.00. If the owner wishes to relicense the vehicle in the future, the owner must obtain the certification required in subsection (3) of this section.
- (b) (I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of \$100.00, payable within 30 days after conviction.
 - (II) If the driver submits to the court within 30 days after the issuance of the summons proof that the driver was not the owner of the car at the time the summons was issued and that the driver mailed, within five days of issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the driver shall be punished by a fine of \$5.00.
- (c) Upon a showing of good cause that the required repairs or adjustments cannot be made within 30 days after issuance of the notice and summons, the court may extend the period of time for installation or adjustment of required equipment as may appear justified.
- (d) The owner may, in lieu of appearance, submit to the court, within 30 days after the issuance of the notice and summons, the certification specified in subsection (3) of this section and the fine of \$5.00.

10.04.204 When lighted lamps are required.

- (1) Every vehicle being operated upon a highway within the city limits, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead, shall display lighted lamps and illuminating devices as required by this article 4 of title 42, C.R.S., for different classes of vehicles, subject to exceptions with respect to parked vehicles.
- (2) Whenever requirement is declared by this chapter as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection (1) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.
- (3) Whenever requirement is declared by this chapter as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.205 Head lamps on motor vehicles.

- (1) While being operated on a road every motor vehicle other than a motorcycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in GJMC 10.04.202 and 10.04.204 to 10.04.231.
- (2) While being operated on a road every motorcycle shall be equipped with at least one and not more than two head lamps that shall comply with the requirements and limitations of GJMC 10.04.202 and 10.04.204 to 10.04.231.
- (3) While the vehicle is being operated on a road every head lamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 24 inches, to be measured as set forth in GJMC 10.04.204(3).
- (4) Any person who violates any provision of this section commits traffic infraction.

10.04.206 Tail lamps and reflectors.

- (1) While being operated on a road or being drawn by a vehicle being operated on a road, every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle that is being drawn at the end of a train of vehicles must be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in GJMC 10.04.204, emits a red light plainly visible from a distance of 500 feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, except as provided in section 42-12-204, C.R.S. Furthermore, every vehicle registered in this state and manufactured or assembled after January 1, 1958 while being operated on a road, must be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in GJMC 10.04.204, comply with this section.
- (2) Every tail lamp upon every vehicle being operated on the road shall be located at a height of not more than 72 inches nor less than 20 inches, to be measured as set forth in GJMC 10.04.204(3).
- (3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate of a motor vehicle being operated on the road and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
- (4) While being operated on a road, every motor vehicle must carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in GJMC 10.04.207 must be equipped with reflectors as required by law unless otherwise provided in section 42-12-204, C.R.S.
- (5) Every new motor vehicle sold and operated on and after January 1, 1958, upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle shall carry at least one reflector meeting the requirements of this section,

and vehicles of the type mentioned in GJMC 10.04.207 shall be equipped with reflectors as required in those sections applicable thereto.

- (6) Every reflector shall be mounted on the vehicle being operated on a road at a height of not less than 20 inches nor more than 60 inches, measured as set forth in GJMC 10.04.204(3) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 350 feet to 100 feet from such vehicle when directly in front of lawful upper beams and head lamps; except that visibility from a greater distance is required by law of reflectors on certain types of vehicles.
- (7) Any person who violates any provision of this section commits a traffic infraction.

10.04.207 Clearance and identification.

- (1) While being operated on a road every vehicle designed or used for the transportation of property or for the transportation of persons shall display lighted lamps at the times mentioned in GJMC 10.04.204 when and as required in this section.
- (2) **Clearance lamps.**
 - (a) While being operated on a road every motor vehicle or motor-drawn vehicle having a width at any part in excess of 80 inches shall be equipped with four clearance lamps located as follows:
 - (I) Two on the front and one at each side, displaying an amber light visible from a distance of 500 feet to the front of the vehicle;
 - (II) Two on the rear and one at each side, displaying a red light visible only to the rear and visible from a distance of 500 feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp required in GJMC 10.04.206.
 - (b) All clearance lamps required pursuant to paragraph (a) of this subsection (2) shall be placed on the extreme sides and located on the highest stationary support; except that, when three or more identification lamps are mounted on the rear of a vehicle on the vertical center line and at the extreme height of the vehicle, rear clearance lamps may be mounted at optional height.
 - (c) Any trailer, when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as provided in this section, may be, but is not required to be, equipped with front clearance lamps if the towing vehicle is of equal or greater width than the towed vehicle.
 - (d) All clearance lamps required in this section shall be of a type approved by the department.
- (3) **Side marker lamps.**

- (a) While being operated on a road, every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds 30 feet in overall length shall be equipped with four side marker lamps located as follows:
 - (I) One on each side near the front displaying an amber light visible from a distance of 500 feet to the side of the vehicle on which it is located;
 - (II) One on each side near the rear displaying a red light visible from a distance of 500 feet to the side of the vehicle on which it is located; but the rear marker light shall not be so placed as to be visible from the front of the vehicle.
- (b) Each side marker lamp required pursuant to paragraph (a) of this subsection (2) shall be located not less than 15 inches above the level on which the vehicle stands.
- (c) If the clearance lamps required by this section are of such a design as to display lights visible from a distance of 500 feet at right angles to the sides of the vehicles, they shall be deemed to meet the requirements as to marker lamps in this subsection (3).
- (d) All marker lamps required in this section shall be of a type approved by the department.

(4) Clearance reflectors.

- (a) While being operated on a road every motor vehicle having a width at any part in excess of 80 inches shall be equipped with clearance reflectors located as follows:
 - (I) Two red reflectors on the rear and one at each side, located not more than one inch from the extreme outside edges of the vehicle;
 - (II) All such reflectors shall be located not more than 60 inches nor less than 15 inches above the level on which the vehicle stands.
- (b) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps if any such tail lamps meet the location limits specified for reflectors.
- (c) All such clearance reflectors shall be of a type approved by the department.

(5) Side marker reflectors.

- (a) While being operated on a road every motor vehicle or motor-drawn vehicle or combination of vehicles which exceeds 30 feet in overall length shall be equipped with four side marker reflectors located as follows:
 - (I) One amber reflector on each side near the front;
 - (II) One red reflector on each side near the rear.

(b) Each side marker reflector required pursuant to paragraph (a) of this subsection (5) shall be located not more than 60 inches nor less than 15 inches above the level on which the vehicle stands.

(c) All such side marker reflectors shall be of a type approved by the department.

(6) Any person who violates any provision of this section commits a traffic infraction.

(7) Nothing in this section shall be construed to supersede any federal motor vehicle safety standard established pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966", Public Law 89-563, as amended.

10.04.208 Stop lamps and turn signals.

(1) While being operated on a road every motor vehicle or motor-drawn vehicle shall be equipped with a stop light in good working order at all times and shall meet the requirements of section 42-4-215(1), C.R.S.

(2) No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1958, unless it is equipped with at least two stop lamps meeting the requirements of section 42-4-215(1), C.R.S.; except that a motorcycle manufactured or assembled after said date shall be equipped with at least one stop lamp meeting the requirements of section 42-4-215(1), C.R.S.

(3) No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1958, and no person shall operate any motor vehicle, trailer, or semitrailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds 24 inches, unless it is equipped with electrical turn signals meeting the requirements of section 42-4-215(2), C.R.S. This subsection (3) shall not apply to any motorcycle or low-power scooter.

(4) Any person who violates any provision of this section commits a traffic infraction.

10.04.209 Lamp or flag on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in GJMC 10.04.204, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time, there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. Any person who violates any provision of this section commits a traffic infraction.

10.04.210 Lamps on parked vehicles.

- (1) 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.
- (2) 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 combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle that is closer to passing traffic. This subsection (2) shall not apply to a low-power scooter.
- (3) Any lighted head lamps upon a parked vehicle upon a road or shoulder adjacent thereto shall be depressed or dimmed.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.211 Lamps on farm equipment and other vehicles and equipment.

- (1) While being operated on a road every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in GJMC 10.04.204, C.R.S., be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear of such vehicle.
- (2) While being operated on a road every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in GJMC 10.04.204, in addition to the lamps required in subsection (1) of this section, be equipped with two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful upper beams of head lamps.
- (3) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry being operated on a road while not equipped with an electric lighting system shall, at all times mentioned in GJMC 10.04.204, be equipped with the following lamps:
 - (a) At least one lamp mounted to indicate as nearly as practicable to the extreme left projection of said combination and displaying a white light visible from a distance of not less than 500 feet to the front of said combination;
 - (b) Two lamps each displaying a red light visible when lighted from a distance of not less than 500 feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear thereof and two red

reflectors visible from all distances within 600 feet to 100 feet to the rear thereof when illuminated by the upper beams of head lamps.

- (4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry being operated on a road equipped with an electric lighting system shall, at all times mentioned in GJMC 10.04.204, be equipped with two single-beam head lamps meeting the requirements of GJMC 10.04.216 or 10.04.218, respectively, and at least one red lamp visible from a distance of not less than 500 feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within 600 feet to 100 feet when directly in front of lawful upper beams of head lamps.
- (5) (a) While being operated on a road every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall, at all times mentioned in GJMC 10.04.204, be equipped with lamps as follows:
 - (I) The farm tractor element of every such combination shall be equipped as required in subsection (4) of this section.
 - (II) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than 500 feet to the rear or, as an alternative, two red reflectors visible from all distances within 600 feet to the rear when directly in front of lawful upper beams of head lamps.
- (b) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than 500 feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than 500 feet to the rear.
- (6) The lamps and reflectors required in this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections, both to the right and to the left of said vehicle, shall be indicated as nearly as practicable.
- (7) Every vehicle being operated on a road, including animal-drawn vehicles and vehicles referred to in GJMC 10.04.202(2), not specifically required by the provisions of article 4 of title 42, C.R.S., to be equipped with lamps or other lighting devices shall at all times specified in GJMC 10.04.204 be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of said vehicle and shall also be equipped with two lamps displaying red lights visible from a distance of not less than 500 feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than 500 feet to the rear and two red reflectors visible for distances of 100 feet to 600 feet to the rear when illuminated by the upper beams of head lamps.

(8) Any person who violates any provision of this section commits a traffic infraction.

10.04.212 Spot lamps and auxiliary lamps.

While being operated on a road:

- (1) Any motor vehicle may be equipped with not more than two spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.
- (2) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height of not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection (2) may be used with lower head-lamp beams as specified in GJMC 10.04.216(1)(b).
- (3) Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height of not less than 20 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of GJMC 10.04.216 shall apply to any combination of head lamps and auxiliary passing lamps.
- (4) Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height of not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of GJMC 10.04.216 shall apply to any combination of head lamps and auxiliary driving lamps.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.213 Audible and visual signals on emergency vehicles.

- (1) Except as otherwise provided in this section or in section 42-4-222, C.R.S., in the case of volunteer fire vehicles and volunteer ambulances, every authorized emergency vehicle being operated on the road shall, in addition to any other equipment and distinctive markings required by this chapter and article 4 of title 42, C.R.S., be equipped as a minimum with a siren and a horn. Such devices shall be capable of emitting a sound audible under normal conditions from a distance of not less than 500 feet.
- (2) Every authorized emergency vehicle, except those used as undercover vehicles by governmental agencies, while being operated on a road shall, in addition to any other equipment and distinctive markings required by this chapter and article 4 of title 42, C.R.S., be equipped with at least one signal lamp mounted as high as practicable, which shall be capable of displaying a flashing, oscillating, or rotating red light to the front and to the rear having sufficient intensity to be visible at 500 feet in normal sunlight. In addition to the required red light, flashing, oscillating, or rotating signal lights may be used which emit blue, white, or blue in combination with white.

- (3) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with the red lights specified in this section.
- (4) Any use of a green light by a vehicle being operated other than as authorized by section 42-4-213, C.R.S., shall constitute a violation of this section.
- (5) The use of either the audible or the visual signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in GJMC 10.04.705.
- (6) Any person who violates any provision of this section commits a traffic infraction.

10.04.214 Visual signals on service vehicles.

- (1) Except as otherwise provided in this section, every authorized service vehicle while being operated on a road shall, in addition to any other equipment required by this chapter and article 4 of title 42, C.R.S., be equipped with one or more warning lamps mounted as high as practicable, which shall be capable of displaying in all directions one or more flashing, oscillating, or rotating yellow lights. Only yellow and no other color or combination of colors shall be used as a warning lamp on an authorized service vehicle; except that an authorized service vehicle snowplow operated by a general purpose government may also be equipped with and use no more than two flashing, oscillating, or rotating blue lights as warning lamps. Lighted directional signs used by police and highway departments to direct traffic need not be visible except to the front and rear. Such lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.
- (2) The warning lamps authorized in this section shall be activated by the operator of an authorized service vehicle only when the vehicle is operating upon the roadway so as to create a hazard to other traffic. The use of such lamps shall not relieve the operator from the 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 this chapter.
- (3) Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized in this section, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such service vehicle and, in the case of highway and traffic maintenance equipment engaged in work upon the highway, shall comply with the instructions of GJMC 10.04.712.
- (4) Only authorized service vehicles shall be equipped with the warning lights authorized in subsection 1 of this section if operating on a road or parked on a road or the shoulder adjacent thereto.
- (5) Reserved.
- (6) Any person who violates any provision of this section commits a traffic infraction.

10.04.215 Signal lamps and devices - additional lighting equipment.

- (1) When operated on a road, any motor vehicle may be equipped, and when required under the State statutes must be equipped, with a stop lamp or lamps on the rear of the vehicle that, except as provided in section 42-12-204, C.R.S., display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight, that are actuated upon application of the service (foot) brake, and that may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping.
- (2) The lamps showing to the front on any motor vehicle when in use must display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than 100 feet to the front in normal sunlight, and the lamps showing to the rear, except as provided in section 42-12-204, C.R.S. when in use must display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight. When actuated, the lamps must indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.
- (3) No stop lamp or signal lamp shall project a glaring or dazzling light while a vehicle is being operated.
- (4) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare while being operated.
- (5) Any motor vehicle may be equipped with not more than one runningboard courtesy lamp on each side thereof, which shall emit a white or amber light without glare while the vehicle is being operated.
- (6) No back-up lamp shall be lighted when a motor vehicle is in forward motion.
- (7) Any vehicle may be equipped with lamps that may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the vehicle is not in motion or is being operated at a speed of 25 miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this chapter. These warning lights must be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.
- (8) Any vehicle 80 inches or more in overall width may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted horizontally.
- (9) Any person who violates any provision of this section commits a traffic infraction.

10.04.216 Multiple-beam road lights.

- (1) Except as provided in this chapter, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles being operated on the road, other than motorcycles or low-power scooters, shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
 - (a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.
 - (b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- (1.5) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for low-speed electric vehicles operating on a road in lieu of multiple-beam, road-lighting equipment specified in this section if the single distribution of light complies with paragraph (b) of subsection (1) of this section.
- (2) A new motor vehicle, other than a motorcycle or low-power scooter, that has multiple-beam road-lighting equipment, while operating on a road shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.217 Use of multiple-beam lights.

- (1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in GJMC 10.04.204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:
 - (a) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in section 42-4-216(1)(b), C.R.S, shall be deemed to avoid glare at all times, regardless of road contour and loading.
 - (b) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 42-4-216(1)(a), C.R.S.

(c) While being operated a low-speed electric vehicle may use the distribution of light authorized in section 42-4-216(1.5),C.R.S.

(2) Any person who violates any provision of this section commits a traffic infraction.

10.04.218 Single-beam road-lighting equipment.

(1) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 15, 1936 while operating on a road, in lieu of multiple-beam road-lighting equipment specified in GJMC 10.04.216 if the single distribution of light complies with the following requirements and limitations:

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall, at a distance of 25 feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

(2) Any person who violates any provision of this section commits a traffic infraction.

10.04.219 Number of lamps permitted.

Whenever a motor vehicle equipped with head lamps as required in this chapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when operating the vehicle upon a highway. Any person who violates any provision of this section commits a traffic infraction.

10.04.220 Low-power scooters - lighting equipment - department control - use and operation.

(1) (a) A low-power scooter when in use at the times specified in GJMC 10.04.204 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.

- (c) A low-power scooter shall be equipped with a brake that will enable the operator while in operation to make the braked wheels skid on dry, level, clean pavement.
- (2) Reserved.
- (3) (a) Any lighted lamp or illuminating device upon a motor vehicle being operated on a road, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
 - (b) Reserved.
 - (c) This subsection (3) shall not be construed to prohibit the use on any vehicle of simultaneously flashing hazard warning lights as provided by section 42-4-215(7), C.R.S.
- (4) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer or for use upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this chapter or parts of any of the foregoing which tend to change the original design or performance thereof, unless of a type which has been approved by the State department of transportation.
- (5) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, any lamp or device mentioned in this section which has been approved by the State department of transportation unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.
- (6) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted, and aimed in accordance with instructions of the State department of transportation.
- (7) Any person who violates any provision of this section commits a traffic infraction.

10.04.221 Bicycle and personal mobility device equipment.

- (1) No other provision of the GJMC 10.04.201 through 10.04.237 of this chapter shall apply to a bicycle, electrical assisted bicycle, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, or EPAMD except those provisions in this chapter made specifically applicable to such a vehicle.
- (2) Every bicycle, electrical assisted bicycle, or EPAMD in use at the times described in GJMC 10.04.204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front.
- (3) While being operated every bicycle, electrical assisted bicycle, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

- (4) Every bicycle, electrical assisted bicycle, or EPAMD when in use at the times described in GJMC 10.04.204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.
- (5) No bicycle, electrical assisted bicycle, or EPAMD or its rider while in use may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.
- (6) A bicycle or electrical assisted bicycle shall not be equipped with while in use, nor shall any person use upon a bicycle or electrical assisted bicycle, any siren or whistle.
- (7) Every bicycle or electrical assisted bicycle while in use shall be equipped with a brake or brakes that will enable its rider to stop the bicycle or electrical assisted bicycle within 25 feet from a speed of ten miles per hour on dry, level, clean pavement.
- (8) A person engaged in the business of selling bicycles or electrical assisted bicycles at retail shall not sell any bicycle or electrical assisted bicycle unless the bicycle or electrical assisted bicycle has an identifying number permanently stamped or cast on its frame.
- (9)
 - (a) Every manufacturer or distributor of new electrical assisted bicycles intended for sale or distribution in this state shall permanently affix to each electrical assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in arial font in at least nine-point type.
 - (b) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.
- (10)
 - (a) While in use an electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission and codified at 16 CFR 1512 or its successor regulation.
 - (b) A class 2 electrical assisted bicycle while in use must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. While being operated class 1 and class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.
 - (c) While being operated a class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hour, the speed the electrical assisted bicycle is traveling.
- (11) A person who violates this section commits a traffic infraction.

10.04.222 Volunteer firefighters - volunteer ambulance attendants - special lights and alarm systems.

- (1) (a) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns, counties, cities, and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area that the ambulance service would be reasonably expected to serve may while operating on a road or parked on a road or the shoulder adjacent thereto have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red lights visible to the front and rear at 500 feet in normal sunlight. In addition to the red light, flashing, oscillating, or rotating signal lights may be used that emit white or white in combination with red lights. At least one of such signal lamps or combination of signal lamps shall be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only as authorized by subsection (3) of this section or when a member of a fire department is responding to or attending a fire alarm or other emergency or when a member of an ambulance service is responding to an emergency requiring the member's services. Except as authorized in subsection (3) of this section, neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a traffic infraction.
- (b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a member of a volunteer fire department or a volunteer ambulance service may equip his or her private automobile with the equipment described in paragraph (a) of this subsection (1) only after receiving a permit for the equipment from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves.
- (2) Reserved.
- (3) A fire engine collector or member of a fire department may use the signal system authorized by subsection (1) of this section in a funeral, parade, or for other special purposes if the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

10.04.223 Brakes.

- (1) Brake equipment required:
 - (a) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

- (b) Every motorcycle and low-power scooter, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.
- (c) Every trailer or semitrailer of a gross weight of 3,000 pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied. The provisions of this paragraph (c) shall not be applicable to any trailer which does not meet the definition of "commercial vehicle" as that term is defined in GJMC 10.04.235(1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding 10,000 pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding 10,000 pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in subsection (2) of this section.
- (d) Every motor vehicle, trailer, or semitrailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:
 - (I) Any trailer or semitrailer of less than 3,000 pounds gross weight, or any horse trailer of a capacity of two horses or less, or any trailer which does not meet the definition of "commercial vehicle" as that term is defined in GJMC 10.04.235(1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding 10,000 pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding 10,000 pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with loaded trailer attached in the distance specified by subsection (2) of this section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one wheel.
 - (II) Any truck or truck tractor, manufactured before July 25, 1980, and having three or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels meet the performance requirements of subsection (2) of this section.
 - (III) Every trailer or semitrailer of 3,000 pounds or more gross weight must have brakes on all wheels.
- (e) Provisions of this subsection (1) shall not apply to manufactured homes.

(2) Performance ability of brakes:

- (a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling 20 miles per hour within a distance of 40 feet when upon

dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent.

- (b) Under the conditions stated in paragraph (a) of this subsection (2), the hand brakes shall be adequate to stop such vehicle within a distance of 55 feet, and said hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.
- (c) Under the conditions stated in paragraph (a) of this subsection (2), the service brakes upon a motor vehicle equipped with two-wheel brakes only, when permitted under this section, shall be adequate to stop the vehicle within a distance of 55 feet.
- (d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this title.
- (e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

(3) Any person who violates any provision of this section commits a traffic infraction.

10.04.224 Horns or warning devices.

- (1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in GJMC 10.04.213(1) in the case of authorized emergency vehicles or as provided in GJMC 10.04.222. The driver of a motor vehicle, when reasonably necessary to ensure safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.
- (2) No vehicle while being operated shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices that are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under GJMC 10.04.213(1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. Such device shall not be used for such special purposes unless the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.
- (3) While in use no bicycle, electrical assisted bicycle, or low-power scooter shall be equipped with nor shall any person use upon such vehicle a siren or whistle.

- (4) Snowplows and other snow-removal equipment shall display flashing yellow lights meeting the requirements of GJMC 10.04.214 as a warning to drivers when such equipment is in service on the highway.
- (5) (a) When any snowplow or other snow-removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such snowplow.

(b) The driver of a snowplow, while engaged in the removal or control of snow and ice on any highway open to traffic and while displaying the required flashing yellow warning lights as provided by GJMC 10.04.214, shall not be charged with any violation of the provisions of this chapter relating to parking or standing, turning, backing, or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of a snowplow from the consequences of a reckless or careless disregard for the safety of others.
- (6) Any person who violates any provision of this section commits a traffic infraction.

10.04.225 Mufflers - prevention of noise.

- (1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.
- (1.5) Any commercial vehicle, as defined in GJMC 10.04.235(1)(a), subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler.
- (2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.
- (3) Any person who violates subsection (1) of this section commits a traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of \$500.00 dollars.
- (4) This section shall not apply to electric motor vehicles.

10.04.226 Mirrors - exterior placements.

- (1) Every motor vehicle while being operated shall be equipped with a mirror or mirrors so located and so constructed as to reflect to the driver a free and unobstructed view of the highway for a distance of at least 200 feet to the rear of such vehicle.

(2) Whenever any motor vehicle is not equipped while being operated with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component that, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object that obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a traffic infraction.

10.04.227 Windows unobstructed - certain materials prohibited - windshield wiper requirements.

(1) (a) (I) Except as otherwise provided in this paragraph (a), no person shall operate a motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or treated with any material or component that presents an opaque, nontransparent, or metallic or mirrored appearance in such a way that it allows less than 27 percent light transmittance. The windshield shall allow at least 70 percent light transmittance.

(II) Notwithstanding subparagraph (I) of this paragraph (a), the windows to the rear of the driver, including the rear window, may allow less than 27 percent light transmittance if the front side windows and the windshield on such vehicles allow at least 70 percent light transmittance.

(III) A law enforcement vehicle may have its windows, except the windshield, treated in such a manner so as to allow less than 27 percent light transmittance only for the purpose of providing a valid law enforcement service. A law enforcement vehicle with such window treatment shall not be used for any traffic law enforcement operations, including operations concerning any offense in this chapter. For purposes of this subparagraph (III), "law enforcement vehicle" means a vehicle owned or leased by a state or local law enforcement agency. The treatment of the windshield of a law enforcement vehicle is subject to the limits described in paragraph (b) of this subsection (1).

(b) Notwithstanding any provision of paragraph (a) of this subsection (1), nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:

(I) The bottom edge of the material extends no more than four inches measured from the top of the windshield down;

(II) The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;

- (III) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.
 - (c) Nothing in this subsection (1) shall be construed to prevent the use of any window which is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by such covering which meets such guidelines.
 - (d) Reserved.
 - (e) Nothing in this subsection (1) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.
- (2) While being operated, the windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (3) (a) Except as provided in paragraph (b) of this subsection (3), any person who violates any provision of this section commits a traffic infraction.
- (b) Any person who installs, covers, or treats a windshield or window so that the windshield or window does not meet the requirements of paragraph (a) of subsection (1) of this section is guilty of a misdemeanor and shall be punished by a fine of not less than \$500.00 dollars nor more than \$1,000.00.
- (4) This section shall apply to all motor vehicles; except that subsection (2) of this section shall not apply to low-speed electric vehicles.

10.04.228 Restrictions on tire equipment.

- (1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery while operated on the highway.
- (2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, and it is unlawful to operate upon the highways within the city limits any motor vehicle, trailer, or semitrailer equipped with solid rubber tires.
- (3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread on the traction surface of the tire; except that, on single-tired passenger vehicles and on other single-tired vehicles with rated capacities up to and including three-fourths ton, it shall be permissible to use tires containing studs or other protuberances which do not project more than one-sixteenth of an inch beyond the tread of the traction

surface of the tire; and except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(4) Reserved.

(5) (a) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with this subsection (5) and any supplemental rules and regulations promulgated by the executive director of the State department of transportation.

(b) Reserved.

(c) A tire shall be considered unsafe if it has:

(I) Any bump, bulge, or knot affecting the tire structure;

(II) A break which exposes a tire body cord or is repaired with a boot or patch;

(III) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, on those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two-tread grooves at three locations equally spaced around the circumference of the tire; except that this subparagraph (III) shall not apply to tires on a commercial vehicle as such term is defined in GJMC 10.04.235(1)(a); or

(IV) Such other conditions as may be reasonably demonstrated to render it unsafe.

(6) No passenger car tire shall be used on any motor vehicle which is driven or moved on any highway if such tire was designed or manufactured for nonhighway use.

(7) No person shall sell any motor vehicle for highway use unless the vehicle is equipped with tires that are in compliance with subsections (5) and (6) of this section and any rules of safe operating condition promulgated by the State department of transportation.

(8) (a) Any person who violates any provision of subsection (1), (2), (3), (5), or (6) of this section commits a traffic infraction.

(b) Any person who violates any provision of subsection (7) of this section commits a misdemeanor.

10.04.229 Safety glazing material in motor vehicles.

(1) No person shall sell any new motor vehicle, unless such vehicle is equipped with safety glazing material of a type approved by the State department of transportation for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle.

This section shall apply to all passenger-type motor vehicles, including passenger buses and school vehicles, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

- (2) The term "safety glazing materials" means such glazing materials as will reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.
- (3) Reserved.
- (4) A person shall not operate a motor vehicle on a highway unless the vehicle is equipped with a front windshield as provided in this section, except as provided in GJMC 10.04.232(1) and except for motor vehicles registered as collector's items under section 42-12-301, C.R.S., or 42-12-302, C.R.S.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.230 Emergency lighting equipment - who must carry.

- (1) No motor vehicle carrying a truck license and weighing 6,000 pounds or more and no passenger bus shall be operated over the highways within the city limits at any time without carrying in an accessible place inside or on the outside of the vehicle three bidirectional emergency reflective triangles of a type approved by the State department of transportation, but the use of such equipment is not required where there are street lights within not more than 100 feet.
- (2) Whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the bidirectional emergency reflective triangles as directed in subsection (3) of this section.
- (3) Except as provided in subsection (2) of this section, whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within ten minutes, place the bidirectional emergency reflective triangles in the following manner:
 - (a) One at the traffic side of the stopped vehicle, within ten feet of the front or rear of the vehicle;
 - (b) One at a distance of approximately 100 feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction toward traffic approaching in that lane; and

- (c) One at a distance of approximately 100 feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (a) and (b) of this subsection (3) in the center of the traffic lane or shoulder occupied by the vehicle; or
 - (d) If the vehicle is stopped within 500 feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the emergency equipment required by this subsection (3) in the direction of the obstruction to view at a distance of 100 feet to 500 feet from the stopped vehicle so as to afford ample warning to other users of the highway; or
 - (e) If the vehicle is stopped upon the traveled portion or the shoulder of a divided or one-way highway, the driver shall place the emergency equipment required by this subsection (3), one at a distance of 200 feet and one at a distance of 100 feet in a direction toward approaching traffic in the center of the lane or shoulder occupied by the vehicle, and one at the traffic side of the vehicle within ten feet of the rear of the vehicle.
- (4) No motor vehicle operating as a tow truck, as defined in section 40-10.1-101(21), C.R.S., at the scene of an accident shall move or attempt to move any wrecked vehicle without first complying with those sections of the law concerning emergency lighting.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.231 Parking lights.

When lighted lamps are required by GJMC 10.04.204 no vehicle shall be driven upon a highway with the parking lights lighted except when the lights are being used as signal lamps and except when the head lamps are lighted at the same time. Parking lights are those lights permitted by GJMC 10.04.215 and any other lights mounted on the front of the vehicle, designed to be displayed primarily when the vehicle is parked. Any person who violates any provision of this section commits a traffic infraction.

10.04.232 Minimum safety standards for motorcycles and low-power scooters.

- (1) (a) Except as provided in paragraph (b) of this subsection (1), a person shall not drive a motorcycle or low-power scooter on a public highway unless the person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) does not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.
- (b) A person driving or riding a motorcycle need not wear eye protection if the motorcycle has:
- (I) Three wheels;
 - (II) A maximum design speed of 25 miles per hour or less;
 - (III) A windshield; and
 - (IV) Seatbelts.

- (2) The specification for the design of goggles and eyeglasses shall be as set by the State department of transportation.
- (3) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.233 Alteration of suspension system.

- (1) No person shall operate a motor vehicle of a type required to be registered under the laws of this State upon a public highway with either the rear or front suspension system altered or changed from the manufacturer's original design except in accordance with specifications permitting such alteration established by the State department of transportation. Nothing contained in this section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this section prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear shall not affect the control of the vehicle.
- (2) This section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes, and such motor vehicles may be lawfully towed on the highways of this state.
- (3) Any person who violates any provision of this section commits a misdemeanor.

10.04.234 Slow-moving vehicles - display of emblem.

- (1) (a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, and other human-powered vehicles, designed to operate or normally operated at a speed of less than 25 miles per hour while operated on a public highway shall display a triangular slow-moving vehicle emblem on the rear.
 - (b) Low-speed electrical vehicles while operated shall display on the rear of the vehicle a triangular slow-moving emblem designed as specified by the State department of transportation.
 - (c) Bicycles, electrical assisted bicycles, and other human-powered vehicles shall be permitted but not required to display the emblem specified in this subsection (1).
- (2) Reserved.
- (3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.235 Minimum standards for commercial vehicles - motor carrier safety fund - created - definition – rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) A self-propelled or towed vehicle:

(A) Bearing an apportioned plate;

(B) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least 16,001 pounds and used in commerce on public highways; or

(C) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least 16,001 pounds and used to transport 16 or more passengers, including the driver, unless the vehicle is a school bus regulated in accordance with section 42-4-1904, C.R.S., or a vehicle that does not have a gross vehicle weight rating of 26,001 or more pounds and that is owned or operated by a school district so long as the school district does not receive remuneration, other than reimbursement of the school district's costs, for the use of the vehicle;

(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, when such motor vehicle is used in commerce on the public highways of this State; and

(III) A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

(b) Reserved.

(c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).

(2) Reserved.

10.04.236 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.5) "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.8) "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 10,000 pounds. "Motor vehicle" does not include motorcycles that are not autocycles, low-power scooters, motorscooters, motorbicycles, 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 20 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 40 pounds, but at least 20 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 16 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), C.R.S., subsection (2) of this section does not apply to a child who:
- (a) Reserved.

- (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), C.R.S., 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 GJMC 10.04.237;
 - (e) Reserved.
 - (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) Reserved.
- (5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under 16 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 traffic infraction.
- (b) A minor driver under 18 years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b), C.R.S.
- (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.

10.04.237 Safety belt systems - mandatory use - exemptions – penalty.

- (1) As used in this section:
- (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

- (b) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle or an autocyple to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.
- (2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle and every driver of and passenger in an autocyple equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in the city limits.
- (3) Except as provided in section 42-2-105.5, C.R.S., the requirement of subsection (2) of this section shall not apply to:
- (a) A child required by GJMC 10.04.236 to be restrained by a child restraint system;
 - (b) A member of an ambulance team, other than the driver, while involved in patient care;
 - (c) A peace officer as described in section 16-2.5-101, C.R.S., while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (2) of this section and which only provide exceptions necessary to protect the officer;
 - (d) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;
 - (e) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;
 - (f) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and
 - (g) A person operating a motor vehicle which does not meet the definition of "commercial vehicle" as that term is defined in GJMC 10.04.235(1)(a) for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.
- (4) (a) Except as otherwise provided in paragraph (b) of this subsection (4), any person who operates a motor vehicle while such person or any passenger is in violation of the requirement of subsection (2) of this section commits a traffic infraction.
- (b) A minor driver under 18 years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b), C.R.S.

- (5) No driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of this chapter other than a violation of this section.
- (6) Testimony at a trial for a violation charged pursuant to subsection (4) of this section may include:
 - (a) Testimony by a law enforcement officer that the officer observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (2) of this section; or
 - (b) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.
- (7) Evidence of failure to comply with the requirement of subsection (2) of this section shall be admissible to mitigate damages with respect to any person who was involved in a motor vehicle accident and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. Such mitigation shall be limited to awards for pain and suffering and shall not be used for limiting recovery of economic loss and medical payments.

10.04.238. Blue and red lights - illegal use or possession.

- (1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in section 42-1-102(6), C.R.S., that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.
- (2) It shall be an affirmative defense that the defendant was:
 - (a) A peace officer as described in section 16-2.5-101, C.R.S.; or
 - (b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or
 - (c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to section 42-4-222(1)(b), C.R.S.; or
 - (d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or
 - (e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item.

(3) A violation of this section is a misdemeanor.

10.04.239 Misuse of a wireless telephone - definitions - penalty – preemption.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) "Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under 18 years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (3) of this section.

(3) A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

(a) To contact a public safety entity; or

(b) During an emergency.

(5) (a) A person who operates a motor vehicle in violation of subsection (2) of this section commits a traffic infraction and the court shall assess a fine of \$50.00.

(b) A second or subsequent violation of subsection (2) of this section is a traffic infraction and the court shall assess a fine of \$100.00.

(5.5) (a) Except as provided in subsections (5.5)(b) and (5.5)(c) of this section, a person who

- operates a motor vehicle in violation of subsection (3) of this section commits a misdemeanor, and the court shall assess a fine of \$300.00 and may issue up to 90 days in jail.
- (b) If the person's actions are the proximate cause of bodily injury to another, the person commits a misdemeanor and the penalty may be a minimum of \$300.00 fine up to \$1,000 fine and/or a minimum of ten days up to one year in jail.
 - (c) If the person's actions are the proximate cause of death to another, the person commits a misdemeanor and the penalty may be a minimum of \$300.00 fine up to \$1,000 fine and/or a minimum of ten days up to one year in jail.
- (6) (a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under 18 years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.
- (b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by GJMC 10.04.1402.
- (7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.
- (8) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

10.04.240 Low-speed electric vehicle equipment requirements.

A low-speed electric vehicle shall conform with applicable federal manufacturing equipment standards. Any person who operates a low-speed electric vehicle in violation of this section commits a traffic infraction.

10.04.241 Unlawful removal of tow-truck signage - unlawful usage of tow-truck signage.

- (1) (a) A person, other than a towing carrier or peace officer as described in section 16-2.5-101, C.R.S., commits the crime of unlawful removal of tow-truck signage if:
 - (I) A towing carrier has placed a tow-truck warning sign on the driver-side window of a vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the vehicle; and
 - (II) The vehicle to be towed is within 50 feet of the towing carrier vehicle; and

- (III) The person removes the tow-truck warning sign from the vehicle before the tow is completed.
 - (b) A person commits the crime of unlawful usage of tow-truck signage if the person places a tow-truck warning sign on a vehicle when the vehicle is not in the process of being towed or when the vehicle is occupied.
 - (c) A towing carrier may permit an owner of the vehicle to be towed to retrieve any personal items from the vehicle before the vehicle is towed.
- (2) A person who violates subsection (1) of this section commits a misdemeanor.
- (3) For purposes of this section, "tow-truck warning sign" means a sign that is at least eight inches by eight inches, is either yellow or orange, and states the following: WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.

Part 3 through Part 4 Reserved

Part 5 Size – Weight – Load

10.04.501 Size and weight violations – penalty.

Except as provided in GJMC 10.04.509, 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 highway any vehicle or vehicles of a size or weight exceeding the limitations stated in GJMC 10.04.502 to 10.04.512 or otherwise in violation of said sections or GJMC 10.04.1407, except as permitted section 42-4-510, C.R.S. The maximum size and weight of vehicles specified in said sections shall be lawful throughout the city limits, except as express authority may be granted in section 42-4-106, C.R.S.

10.04.502 Width of vehicles.

- (1) The total outside width of any vehicle or the load thereon shall not exceed eight feet six inches, except as otherwise provided in this section.
- (2) (a) A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed 12 feet in width.

(b) A vehicle and trailer may transport a load of rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width.
- (3) It is unlawful for any person to operate a vehicle or a motor vehicle which has attached thereto in any manner any chain, rope, wire, or other equipment which drags, swings, or projects in any manner so as to endanger the person or property of another.
- (4) The total outside width of buses and coaches used for the transportation of passengers shall not exceed eight feet six inches.

- (5) (a) The total outside width of vehicles as included in this section shall not be construed so as to prohibit the projection beyond such width of clearance lights, rearview mirrors, or other accessories required by federal, state, or city laws or regulations.
 - (b) The width requirements imposed by subsection (1) of this section shall not include appurtenances on recreational vehicles, including but not limited to motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, and truck campers, all as defined in section 24-32-902, C.R.S., so long as such recreational vehicle, including such appurtenances, does not exceed a total outside width of nine feet six inches.
- (6) Any person who violates any provision of this section commits a traffic infraction.

10.04.503 Projecting loads on passenger vehicles.

No passenger-type vehicle, except a motorcycle, a bicycle, or an electrical assisted bicycle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Any person who violates this section commits a traffic infraction.

10.04.504 Height and length of vehicles.

- (1) A driver shall not drive a vehicle either unladen or with load that exceeds a height of 14 feet six inches. A driver shall not drive a vehicle under a structure if the vehicle's height exceeds the designated vertical clearance for the structure.
- (2) No single motor vehicle shall exceed a length of 45 feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the limits of the city, or within a radius of 15 miles thereof may extend to 60 feet. The length of school buses may extend to 40 feet.
- (3) Buses used for the transportation of passengers between towns, cities, and municipalities may be 60 feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of 13 feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in GJMC 10.04.508 ; except that buses with a height of 14 feet six inches which otherwise conform to the requirements of this subsection (3) shall be operated only on highways designated by the department of transportation.
- (4) No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of 70 feet. Said length limitation shall not apply to unladen truck tractor-semitrailer combinations when the semitrailer is 57 feet four inches or less in length or to unladen truck tractor-semitrailer-trailer combinations when the semitrailer and the trailer are each 28 feet six inches or less in length. Said length limitations shall also not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in section 42-4-510, C.R.S., but, in respect to night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker

lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

- (4.5) Notwithstanding subsection (4) of this section, drivers shall not drive the following combinations of vehicles:
- (a) Saddlemount combinations consisting of more than four units or saddlemount combinations exceeding 97 feet in overall length;
 - (b) Laden truck tractor-semitrailer combinations exceeding 75 feet in overall length;
 - (c) Stinger-steered vehicle combinations for transporting automobiles or boats and whose total overall length exceeds 80 feet; except that the overall length of these combinations excludes:
 - (I) Safety devices that are not designed or used for carrying cargo;
 - (II) Automobiles or boats being transported;
 - (III) Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, must not extend more than four feet beyond the extreme front of the grille of the vehicle and the load or extension device must not extend more than six feet beyond the extreme rear of the vehicle; and
 - (d) Towaway trailer transporter combinations that:
 - (I) Exceed 82 feet in overall length;
 - (II) Carry property;
 - (III) Exceed an overall weight of 26,000 pounds;
 - (IV) Consist of more than a single towing unit and two trailers or semitrailers; or
 - (V) Do not constitute inventory property of a manufacturer, distributor, or dealer of the trailer or semitrailer.
- (5) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the front most point of the grille of such vehicle; but a load may project not more than four feet beyond the front most point of the grille assembly of the vehicle engine compartment of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or to either side.

- (6) The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, and pipes shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of subsection (5) of this section, and no load shall project to the rear more than ten feet.
- (7) Any person who violates any provision of this section commits a traffic infraction.

10.04.505 Longer vehicle combinations – rules.

- (1) (a) Notwithstanding any other provision of this chapter to the contrary, the State department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; except that, if a peace officer, as described in section 6-2.5-101, C.R.S., or an authorized agent of the State department of transportation may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in each vehicle.
 - (b) Reserved.
 - (c) As long as State department of transportation provides the option to a company filing for a permit under this section to file an express consent waiver that enables the company to designate a company representative to be a party of interest for a violation of this section. The appearance of the company representative in a court hearing without the operator when the operator has signed such waiver shall not be deemed the practice of law in violation of article 93 of title 13, C.R.S.
- (2) The permits shall allow operation, over designated highways, of the following vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles:
 - (a) An unladen truck tractor, a semitrailer, and two trailers. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed 28 feet six inches in length.
 - (b) An unladen truck tractor, a semitrailer, and a single trailer. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed 48 feet in length. Notwithstanding any other restriction set forth in this section, such combination may have up to 11 axles when used to transport empty trailers.
 - (c) An unladen truck tractor, a semitrailer, and a single trailer, one trailer of which is not more than 48 feet long, the other trailer of which is not more than 28 feet six inches long. A semitrailer used with a converter dolly shall be considered a trailer. The shorter trailer shall be operated as the rear trailer.

- (d) A truck and single trailer, having an overall length of not more than 85 feet, the truck of which is not more than 35 feet long and the trailer of which is not more than 40 feet long. For the purposes of this paragraph (d), a semitrailer used with a converter dolly shall be considered a trailer.
- (3) (a) The long combinations are limited to interstate highway 70 west of its intersection with state highway 13 in Garfield county.
- (b) Reserved.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.506 Trailers and towed vehicles.

- (1) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of a structural nature which cannot readily be dismembered and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of 55 feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.
- (2) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.
- (3) Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth wheel connection meeting the requirements of the State department of transportation, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened, or otherwise damaged shall be used. This subsection (3) shall apply to all motor vehicles, to all trailers, except semitrailers connected by a proper fifth wheel, and to any dolly used to convert a semitrailer to a full trailer.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.507 Wheel and axle loads.

- (1) The gross weight upon any wheel of a vehicle shall not exceed the following:
 - (a) When the wheel is equipped with a solid rubber or cushion tire, 8,000 pounds;
 - (b) When the wheel is equipped with a pneumatic tire, 9,000 pounds.
- (2) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:
 - (a) When the wheels attached to said axle are equipped with solid rubber or cushion tires, 16,000 pounds;

- (b) Except as provided in paragraph (b.5) of this subsection (2), when the wheels attached to a single axle are equipped with pneumatic tires, 20,000 pounds;
 - (b.5) When the wheels attached to a single axle are equipped with pneumatic tires and the vehicle or vehicle combination is a digger derrick or bucket boom truck operated by an electric utility on a highway that is not on the interstate system as defined in section 43-2-101(2), C.R.S., 21,000 pounds;
 - (c) When the wheels attached to a tandem axle are equipped with pneumatic tires, 36,000 pounds for highways on the interstate system and 40,000 pounds for highways not on the interstate system.
- (3) (a) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of paragraph (b) of subsection (2) of this section.
- (b) Reserved.
- (c) A vehicle contracted by or owned and operated by a city, county, municipal utility, or special district is exempt from paragraph (c) of subsection (2) of this section if the vehicle:
- (I) Is equipped with a vacuum or jet equipment to load or unload solid, semisolid, or liquid waste for water or wastewater treatment or transportation systems or for the removal of storm water; and
 - (II) Is not operated on the interstate system as defined by section 43-2-101, C.R.S.
- (4) For the purposes of this section:
- (a) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.
 - (b) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.
- (5) The gross weight upon any one wheel of a steel-tired vehicle shall not exceed 500 pounds per inch of cross-sectional width of tire.
- (6) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a misdemeanor.

10.04.508 Gross weight of vehicles and loads.

- (1) (a) Except as provided in subsection (1.5) of this section, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge when the gross weight upon any one axle of a vehicle exceeds the limits prescribed in GJMC 10.04.507.

- (b) Subject to the limitations prescribed in GJMC 10.04.507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 1,000(L + 40)$, where W represents the gross weight in pounds and L represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; except that, in computation of this formula, the gross vehicle weight must not exceed 85,000 pounds. For the purposes of this section, where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section must be strictly construed and enforced.
- (c) Notwithstanding any other provisions of this section, except as may be authorized under 42-4-510, C.R.S., a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the amount determined by the formula $W = 500[(LN/N-1) + 12N + 36]$, up to a maximum of 80,000 pounds, where W represents the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L represents the distance in feet between the extreme of any group of two or more consecutive axles, and N represents the number of axles in the group.
- (d) For the purposes of this subsection (1), where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation does not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.
- (1.5) The gross weight limits provided in subsection (1) of this section increase, but by no more than 2,000 pounds, for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. For the purposes of this subsection (1.5), "alternative fuel" has the same meaning provided in section 25-7-106.8(1)(a), C.R.S.
- (2) Reserved.
- (3) Reserved.
- (4) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a misdemeanor.

10.04.509 Vehicles weighed - excess removed.

- (1) Any police or peace officer, as described in section 16-2.5-101, C.R.S., having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

- (2) (a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under GJMC 10.04.501 to 10.04.512 and 10.04.1407. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.
- (b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in GJMC 10.04.102, such officer shall permit the driver of such vehicle to proceed to the driver's destination without requiring the driver to unload the excess portion of such load.
- (3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a misdemeanor.

10.04.510 through 10.04.511 Reserved.

10.04.512 Liability for damage to highway.

- (1) No person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure. When the damage sustained to said highway or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight authorized by GJMC 10.04.501 to 10.04.512 and 10.04.1407, it shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued in accordance with GJMC 10.04.501 to 10.04.512 and 10.04.1407.
- (2) Every person violating the provisions of subsection (1) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (1) of this section.
- (3) Any person who violates any provision of this section commits a traffic infraction.

Part 6 Signals – Signs – Markings

10.04.601 through 10.04.602 Reserved.

10.04.603 Obedience to official traffic control devices.

- (1) No driver of a vehicle shall disobey the instructions of any official traffic control device including any official hand signal device placed or displayed in accordance with the provisions of this chapter unless otherwise directed by a police officer subject to the exceptions in this chapter granted the driver of an authorized emergency vehicle.
- (2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.
- (3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.
- (4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary is established by competent evidence.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.604 Traffic control signal legend.

- (1) If traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the traffic control manual adopted by the State department of transportation, only the colors green, yellow, and red shall be used, except for special pedestrian-control signals carrying a word or symbol legend as provided in GJMC 10.04.802, and said lights, arrows, and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:
 - (a) Green indication:
 - (I) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection and to pedestrians lawfully within an adjacent crosswalk at the time such signal is exhibited.
 - (II) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (III) Unless otherwise directed by a pedestrian-control signal as provided in GJMC 10.04.802, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication:

- (I) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
- (II) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in GJMC 10.04.802, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady red indication:

- (I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown; except that:
 - (A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless prohibited by ordinance with notice by an official sign at each intersection where such right turn is prohibited.
 - (B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this sub-subparagraph (B) if prohibited by ordinance and erected is a sign giving notice of any such prohibition at each intersection where such left turn is prohibited.
 - (C) To promote uniformity in traffic regulation throughout the state and to protect the public peace, health, and safety, the State general assembly declared that no local authority shall have any discretion other than is expressly provided in this subparagraph (I).
- (II) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in GJMC 10.04.802.
- (III) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near

side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

- (IV) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in GJMC 10.04.802.

- (d) Nonintersection signal: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

- (e) Lane-use-control signals: Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the City, such signals shall indicate and apply to drivers of vehicles as follows:
 - (I) Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.

 - (II) Yellow "X" (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red "X" signal is exhibited.

 - (III) Yellow "X" (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.

 - (IV) Red "X" (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited.

(2) Any person who violates any provision of this section commits a traffic infraction.

10.04.605 Flashing signals.

- (1) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:
 - (a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

- (b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.
- (2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by the provisions of GJMC 10.04.706 to 10.04.708.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.606 Display of unauthorized signs or devices.

- (1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark, or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (2) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.
- (3) Any person who violates any provision of this section commits a traffic infraction.
- (4) The provisions of this section shall not be applicable to informational sites authorized under section 43-1-405, C.R.S.
- (5) The provisions of this section shall not be applicable to specific information signs authorized under section 43-1-420, C.R.S.

10.04.607 Interference with official devices.

- (1) (a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof. Except as otherwise provided in subsection (2) of this section, any person who violates any provision of this paragraph (a) commits a traffic infraction.
- (b) No person shall possess or sell, without lawful authority, an electronic device that is designed to cause a traffic light to change. A person who violates any provision of this paragraph (b) commits a traffic infraction.

- (2) (a) No person shall use an electronic device, without lawful authority, that causes a traffic light to change. Except as otherwise provided in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a traffic infraction.
- (b) A person who violates any provision of paragraph (a) of this subsection (2) and thereby proximately causes bodily injury to another person commits a misdemeanor. In addition to any other penalty imposed by law, the court shall impose a fine of \$1,000.00.

10.04.608 Signals by hand or signal device.

- (1) Any stop or turn signal when required as provided by GJMC 10.04.903 shall be given either by means of the hand and arm as provided by GJMC 10.04.609 or by signal lamps or signal device of the type approved by the State department, except as otherwise provided in subsection (2) of this section.
- (2) Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds 24 inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.609 Method of giving hand and arm signals.

- (1) All signals required to be given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:
 - (a) Left-turn, hand and arm extended horizontally;
 - (b) Right-turn, hand and arm extended upward;
 - (c) Stop or decrease speed, hand and arm extended downward.
- (2) Any person who violates any provision of this section commits a traffic infraction.

10.04.610 Unauthorized insignia.

No owner shall display upon any part of the owner's vehicle any official designation, sign, or insignia of any public or quasi-public corporation or municipal, state, or national department or governmental subdivision without authority of such agency or any insignia, badge, sign, emblem, or distinctive mark of any organization or society of which the owner is not a bona fide member or otherwise authorized to display such sign or insignia. Any person who violates any provision of this section commits a traffic infraction.

10.04.611 Paralegic persons or persons with disabilities - distress flag.

- (1) Any paraplegic person or person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half inches in width and 13 inches in length, with the letter "D" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the State department of transportation before the same is used.
- (2) Any person desiring to use such display shall make application to the State department, and the State department may in its discretion issue to such person with a disability upon application a card that sets forth the applicant's name, address, and date of birth, the physical apparatus needed to operate a motor vehicle, if any, and any other pertinent facts that the State department deems desirable, and in its discretion the State department may issue a permit for the use of and issue to such person a display flag. Each such flag shall be numbered, and in the event of loss or destruction, a duplicate may be issued upon the payment of the sum of \$1.00 dollar by such applicant.
- (3) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$300.00, or by imprisonment in the county jail for not less than ten days nor more than 90 days, or by both such fine and imprisonment.

10.04.612 When signals are inoperative or malfunctioning.

- (1) Whenever a driver approaches an intersection and faces a traffic control signal which is inoperative or which remains on steady red or steady yellow during several time cycles, the rules controlling entrance to a through street or highway from a stop street or highway, as provided under GJMC 10.04.703, shall apply until a police officer assumes control of traffic or until normal operation is resumed. In the event that any traffic control signal at a place other than an intersection should cease to operate or should malfunction as set forth in this section, drivers may proceed through the inoperative or malfunctioning signal only with caution, as if the signal were one of flashing yellow.
- (2) Whenever a pedestrian faces a pedestrian-control signal as provided in GJMC 10.04.802 which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.613 Reserved.

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

- (1) (a) If maintenance, repair, or construction activities are occurring or will occur within four hours

on a portion of a highway, the City may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits violations designated by the City, including but not limited to speeding violations in GJMC 10.04.1101, in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties and surcharges.

- (b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits violations designated by the City, including but not limited to speeding violations in GJMC 10.04.1101, in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties and surcharges.
- (2) The City shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. The City shall erect or place a second sign after such zone indicating that the increased penalties for certain traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.
- (3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to City requirements. The City entity may display such signs on any fixed, variable, or movable stand. The City may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

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

- (1) Any person who commits a moving traffic violation in a school zone is subject to increased penalties and surcharges imposed by GJMC 10.04.1701.
- (2) For the purposes of this section, "school zone" means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The City having jurisdiction over the placement of traffic signs and traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section.
- (3) This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to GJMC 10.04.614 because such violation also occurred within a highway maintenance, repair, or construction zone.

Part 7 Rights-of-way

10.04.701 Vehicles approaching or entering intersection.

- (1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (2) The foregoing rule is modified at through highways and otherwise as stated in GJMC 10.04.702 to 10.04.704.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.702 Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Any person who violates any provision of this section commits a traffic infraction.

10.04.703 Entering through highway - stop or yield intersection.

- (1) The City may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction. In the case of state highways, such regulations shall be subject to the provisions of section 43-2-135(1)(g), C.R.S.
- (2) Every sign erected pursuant to subsection (1) of this section shall be a standard sign in accordance with the adopted City traffic manual.
- (3) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
- (4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways; except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed *prima facie* evidence of the driver's failure to yield right-of-way.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.704 Vehicle entering roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. Any person who violates any provision of this section commits a traffic infraction.

10.04.705 Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.

- (1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of GJMC 10.04.213 or 10.04.222, 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.
- (2) (a) A driver in a vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:
 - (I) A stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 10.04.213 or 10.04.222;
 - (II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; or
 - (III) A stationary public utility service vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights.
- (b) 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, stationary towing carrier vehicle, or stationary public utility service 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, stationary towing carrier vehicle, or stationary public utility service 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 subsection (2)(c) of this section.
- (c) 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, stationary towing carrier vehicle, or stationary public utility service vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as

described in subsection (2)(b) 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, stationary towing carrier vehicle, or stationary public utility service 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.

- (2.5) (a) A driver in a vehicle that is approaching or passing a maintenance, repair, or construction vehicle that is moving at less than 20 miles per hour shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2.5).
- (b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction 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 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 (c) of this subsection (2.5).
- (c) 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 or slow-moving maintenance, repair, or construction vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.5), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.
- (2.6) (a) A driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2.6).
- (b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, 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 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 (c) of this subsection (2.6).
- (c) 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 chains are being applied to the tires of a motor vehicle, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.6), is not possible, the driver

of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the motor vehicle where chains are being applied to the tires, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

- (3) (a) Any person who violates subsection (1) of this section commits a traffic infraction.
- (b) (I) Except as otherwise provided in subsections (3)(b)(II) and (3)(b)(III) of this section, any person who violates subsection (2), (2.5), or (2.6) of this section commits careless driving as described in GJMC 10.04.1402.
- (II) If the person violates subsection (2) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits a misdemeanor.
- (III) If the person violates subsection (2) of this section and the person's actions are the proximate cause of the death of another person, the person commits a misdemeanor.

10.04.706 Obedience to railroad signal.

- (1) Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, lagperson, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:
 - (a) Stop not less than 15 feet nor more than 50 feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or
 - (b) In the event the driver would not have a reasonable view of approaching trains when stopped pursuant to paragraph (a) of this subsection (1), stop before proceeding across the railroad grade crossing at the point nearest such crossing where the driver has a reasonable view of approaching trains and not proceed until the railroad grade can be crossed safely.
- (2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.707 Certain vehicles must stop at railroad grade crossings.

- (1) Except as otherwise provided in this section, the driver of a school bus, as defined in paragraph (b) of subsection (5) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with regulations issued pursuant to GJMC 10.04.108, or the driver of a commercial vehicle, as defined in GJMC 10.04.235, that is transporting passengers, before crossing at grade any tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad

and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the driver can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the tracks.

- (2) This section shall not apply at street railway grade crossings within a business district.
- (3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.
- (4) Subsection (1) of this section shall not apply at:
 - (a) Reserved.
 - (b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;
 - (c) Any railroad grade crossing at which traffic is controlled by a police officer or human flagperson;
 - (d) Any railroad crossing where it has been determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which shall give notice when so posted that such crossing is exempt from the stopping requirement provided for in this section.
- (5) For the purposes of this section:
 - (a) The definition of hazardous materials shall be the definition contained in the rules adopted by the chief of the Colorado state patrol pursuant to section 42-20-108, C.R.S.
 - (b) "School bus" means a school bus that is required to bear on the front and rear of such school bus the words "SCHOOL BUS" and display visual signal lights pursuant to section 10.04.1903(2)(a).
- (6) Any person who violates any provision of this section commits a traffic infraction.

10.04.708 Moving heavy equipment at railroad grade crossing.

- (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.
- (2) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

- (3) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or car.
- (5) Subsection (3) of this section shall not apply at any railroad crossing where it has been determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which shall give notice when so posted that such crossing is exempt from the stopping requirement provided in this section.
- (6) Any person who violates any provision of this section commits a traffic infraction.

10.04.709 Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding the indication of any traffic control signal to proceed. Any person who violates any provision of this section commits a traffic infraction.

10.04.710 Emerging from or entering alley, driveway, or building.

- (1) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway, or entranceway, shall yield the right-of-way to any pedestrian upon or about to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of GJMC 10.04.704.
- (2) The driver of a vehicle entering an alley, driveway, or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway.
- (3) No person shall drive any vehicle other than a bicycle, electric assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.711. Reserved.

10.04.712 Driving in highway work area.

- (1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a highway within any highway construction or maintenance work area indicated by official traffic control devices.
- (2) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of GJMC 10.04.214.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.713 Yielding right-of-way to transit buses - definitions – penalty.

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Public mass transit operator" has the same meaning as in section 43-1-102(5), C.R.S.
 - (b) "Transit bus" means a bus operated by a public mass transit operator.
- (2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:
 - (a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and
 - (b) A yield sign as described in subsection (3) of this section is displayed and illuminated on the back of the transit bus.
- (3) The yield sign referred to in paragraph (b) of subsection (2) of this section shall:
 - (a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and
 - (b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.
- (4) This section does not require a public mass transit operator to install yield signs as described in subsection (3) of this section on transit buses operated by the public mass transit operator.
- (5) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

Part 8 Pedestrians

10.04.801 Pedestrian obedience to traffic control devices and traffic regulations.

- (1) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to the pedestrian, unless otherwise directed by a police officer.

- (2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in GJMC 10.04.604 and 10.04.802(5).
- (3) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.802 Pedestrians' right-of-way in crosswalks.

- (1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (2) Subsection (1) of this section shall not apply under the conditions stated in GJMC 10.04.803.
- (3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electrical assisted bicycle, walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.
- (4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:
 - (a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.
 - (b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.
 - (c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.
 - (d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with GJMC 10.04.803(4).

(6) Any person who violates any provision of this section commits a traffic infraction.

10.04.803 Crossing at other than crosswalks.

- (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
- (4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.804 Reserved.

10.04.805 Pedestrians walking or traveling in a wheelchair on highways.

- (1) Pedestrians walking or traveling in a wheelchair along and upon highways where sidewalks are not provided shall walk or travel only on a road shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, in the case of a two-way roadway, shall walk or travel only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.
- (2) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. For the purposes of this subsection (2), "roadway" means that portion of the road normally used by moving motor vehicle traffic.
- (3) It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in section 18-18-102(5), C.R.S., or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.
- (4) This section applying to pedestrians shall also be applicable to riders of animals.
- (5) Reserved.
- (6) No person shall solicit a ride on any highway included in the interstate system, as defined in section 43-2-101(2), C.R.S., except at an entrance to or exit from such highway or at places

specifically designated by the State department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.

- (7) Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.
- (8) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of GJMC 10.04.213 or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection (8) shall not relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in GJMC 10.04.108(4) and 10.04.807.
- (9) Any person who violates any provision of this section commits a traffic infraction.

10.04.806 Driving through safety zone prohibited.

No vehicle at any time shall be driven through or within a safety zone. Any person who violates any provision of this section commits a traffic infraction.

10.04.807 Drivers to exercise due care.

Notwithstanding any of the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a traffic infraction.

10.04.808 Drivers and pedestrians, other than persons in wheelchairs, to yield to individuals with disabilities.

Any pedestrian, other than a person in a wheelchair, or any driver of a vehicle who approaches an individual who has an obviously apparent disability shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said individual. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the individual is using a mobility device, is assisted by a service animal, as defined in section 24-34-301, C.R.S., is being assisted by another person, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a traffic infraction.

Part 9 Turning - Stopping

10.04.901 Required position and method of turning.

- (1) The driver of a motor vehicle intending to turn shall do so as follows:

- (a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
 - (b) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
 - (c) Two-way left-turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices in the manner prescribed in the adopted City traffic control manual, a left turn shall not be made from any other lane, and a vehicle shall not be driven in said special lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.
- (2) The City may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and, when such devices are so placed, no driver shall turn a vehicle other than as directed and required by such devices.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.902 Limitations on turning around.

- (1) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic.
- (2) The driver of any vehicle shall not turn such vehicle at an intersection or any other location so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with or endangering other traffic.
- (3) The City, subject to the provisions of section 43-2-135(1)(g), C.R.S., in the case of streets which are state highways, may erect "U-turn" prohibition or restriction signs at intersections or other locations where such movements are deemed to be hazardous, and, whenever official signs are so erected, no driver of a vehicle shall disobey the instructions thereof.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.903 Turning movements and required signals.

- (1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in GJMC 10.04.901, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and

until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in GJMC 10.04.608 and 10.04.609.

- (2) A signal of intention to turn right or left shall be given continuously during not less than the last 150 feet traveled by the vehicle before turning in urban or metropolitan areas and shall be given continuously for at least 200 feet on all four-lane highways and other highways where the *prima facie* or posted speed limit is more than 40 miles per hour. Such signals shall be given regardless of existing weather conditions.
- (3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in GJMC 10.04.608 and 10.04.609 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (4) The signals provided for in GJMC 10.04.608(2) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.
- (5) Any person who violates any provision of this section commits a traffic infraction.

Part 10 Driving – Overtaking- Passing

10.04.1001 Drive on right side – exceptions.

- (1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
 - (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - (b) When an obstruction exists making it necessary to drive to the left of the center of the highway; but any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - (c) Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or
 - (d) Upon a roadway restricted to one-way traffic as indicated by official traffic control devices.
- (2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- (3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left

side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (1)(b) of this section. However, this subsection (3) does not prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(4) Any person who violates any provision of this section commits a traffic infraction.

10.04.1002 Passing oncoming vehicles.

(1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

(2) A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:

(a) Allow oncoming vehicles at least one-half of the main-traveled portion of the roadway in accordance with subsection (1) of this section; and

(b) Allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(3) Any person who violates any provision of this section commits a traffic infraction.

10.04.1003 Overtaking a vehicle on the left.

(1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and GJMC 10.04.1004 to 10.04.1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.

(2) Any person who violates any provision of this section commits a traffic infraction.

10.04.1004 When overtaking on the right is permitted.

- (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - (a) When the vehicle overtaken is making or giving indication of making a left turn;
 - (b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or
 - (c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.
- (1.5) The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.
- (2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.1005 Limitations on overtaking on the left.

- (1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.
- (2) No vehicle shall be driven on the left side of the roadway under the following conditions:
 - (a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - (b) When approaching within 100 feet of or traversing any intersection or railroad grade crossing; or

- (c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.
- (3) Reserved.
- (4) The provisions of this section shall not apply:
- (a) Upon a one-way roadway;
 - (b) Under the conditions described in GJMC 10.04.1001(1)(b);
 - (c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or
 - (d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.1006 One-way roadways and rotary traffic islands.

- (1) Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.
- (2) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.1007 Driving on roadways laned for traffic.

- (1) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this section shall apply:
 - (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 - (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to the traffic moving in the direction the vehicle is proceeding and is designated by official traffic control devices to give notice of such allocation. Under no condition shall an attempt be made to pass upon the shoulder or any portion of the roadway remaining to the right of the indicated right-hand traffic lane.

- (c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.
 - (d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.
- (2) The City may designate with signage an area on a roadway not otherwise laned for traffic for use by commercial vehicles, as defined in GJMC 10.04.235(1)(a), that are designed to transport 16 or more passengers, including the driver, and that are operated by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business. Use of such an area is limited to vehicles authorized by the City operating under conditions of use established by the department but, subject to the conditions of use, the driver of an authorized vehicle has sole discretion to decide whether or not to drive on such an area based on the driver's assessment of the safety of doing so. The City shall impose and each authorized user shall acknowledge the conditions of use by written agreement, and the City need not note the conditions of use in roadway signage. An authorized user does not violate this section or GJMC 10.04.1004 when operating in accordance with the conditions of use for an area imposed by the department and acknowledged by the user in a written agreement.
- (3) A person who violates any provision of this section commits a traffic infraction.

10.04.1008 Following too closely.

- (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
- (2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger; except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.
- (3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10.04.1008.5 Crowding or threatening bicyclist.

- (1) The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.
- (2) Any person who violates subsection (1) of this section commits careless driving as described in GJMC 10.04.1402.

10.04.1009 Coasting prohibited.

- (1) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.
- (2) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.
- (3) Any person who violates any provision of this section commits a traffic infraction.

10.04.1010 Driving on divided or controlled-access highways.

- (1) Whenever any highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic control devices. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings or by the provisions of GJMC 10.04.902. However, this subsection (1) does not prohibit a left turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in the state traffic control manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.
- (2)
 - (a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.
 - (b) Wherever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway and the ramp intersection is not designated or signed as a stop or yield intersection as provided in GJMC 10.04.703(1), drivers may use the acceleration lane to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety. Traffic so merging shall be subject to the rule governing the changing of lanes as set forth in GJMC 10.04.1007(1)(a).
 - (c) Wherever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the mainstream of faster-moving traffic.
- (3) The City may, consistent with the provisions of section 43-2-135(1)(g), C.R.S., with respect to any controlled-access highway within the city limits, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. The City shall install official traffic control devices in conformity with the standards

established by sections 42-4-601 and 42-4-602, C.R.S., at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices. This subsection (3) shall not be construed to regulate pedestrian use of highways in a manner contrary to the provisions of GJMC 10.04.805.

(4) Any person who violates any provision of this section commits a traffic infraction.

10.04.1011 through 10.04.1012 Reserved.

10.04.1013 Passing lane - definitions – penalty.

(1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is 65 miles per hour or more unless such person is passing other motor vehicles that are in a nonpassing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a nonpassing lane.

(2) For the purposes of this section:

(a) "Nonpassing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

(b) "Passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.

(3) A person who violates this section commits a traffic infraction.

Part 11 Speed Regulations

10.04.1101 Speed limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

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

(a) 20 miles per hour on narrow, winding mountain highways or on blind curves;

(b) 25 miles per hour in any business district, as defined in GJMC 10.04.020;

(c) 30 miles per hour in any residence district, as defined in GJMC 10.04.020;

(d) 40 miles per hour on open mountain highways;

- (e) 45 miles per hour for all single rear axle vehicles in the business of transporting trash that exceed 20,000 pounds, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to GJMC 10.04.507(3);
 - (f) 55 miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101(2), C.R.S., and are not surfaced, four-lane freeways or expressways;
 - (g) 65 miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), C.R.S., or are freeways or expressways;
 - (h) Any speed not in excess of a speed limit designated by an official traffic control device.
- (3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- (4) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be *prima facie* evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), "*prima facie* evidence" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.
- (5) In every charge of violating subsection (1) 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 alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.
- (6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.
- (7) Reserved.
- (8) (a) Reserved.
- (b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway at a speed in excess of a maximum lawful speed limit of 75 miles per hour.
- (c) The speed limit set forth in paragraph (b) of this subsection (8) is the maximum lawful speed limit and is not subject to the provisions of subsection (4) of this section.
- (d) Reserved.
- (e) Reserved.

- (f) In every charge of a violation of paragraph (b) of this subsection (8), 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 maximum lawful speed limit of 75 miles per hour.
 - (g) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of 40 miles per hour.
- (9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
- (a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or
 - (b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in GJMC 10.04.108, exist.
- (10) The minimum requirement for commission of a traffic infraction or misdemeanor traffic offense under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.
- (11) It shall not be a defense to prosecution for a violation of this section that:
- (a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or
 - (b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or
 - (c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.
- (12) (a) A violation of driving one to 24 miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of 75 miles per hour is a traffic infraction.
- (b) A violation of driving 25 or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of 75 miles per hour is a misdemeanor.
- (c) A violation under subsection (3) of this section is a traffic infraction.

10.04.1102 Altering of speed limits.

- (1) (a) Whenever the department of transportation for the State determines upon the basis of a traffic investigation or survey or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof that any speed specified or established as authorized under GJMC 10.04.1101 to 10.04.1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a state highway under its jurisdiction, the department of transportation for the State shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto; except that no speed limit in excess of 75 miles per hour shall be authorized by the State.

(b) Reserved.
- (2) Reserved.
- (3) The City shall determine upon the basis of a traffic investigation or survey the proper speed for all arterial streets and shall declare a reasonable and safe speed limit thereon which may be greater or less than the speed specified under GJMC 10-04-1101(2)(b) or (2)(c). Such speed limit shall not exceed 75 miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this subsection (3), an "arterial street" means any United States or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by the City as such as part of a major arterial system of streets or highways.
- (4) Upon the City's request, the department of transportation shall conduct any traffic investigation or survey that is deemed to be warranted for determination of a safe and reasonable speed limit on any street or portion thereof that is a state highway. In conducting such a traffic investigation, the department may receive and consider traffic and engineering data provided by the City or Mesa County engineer that will be impacted by a proposed alteration of speed limits. Any speed limit so determined by the department becomes effective when declared by the City and made known by official signs conforming to the state traffic control manual.
- (5) Whenever the department of transportation or the City, within their respective jurisdictions, determine upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school or construction area or other place during certain hours or periods of the day when special or temporary hazards exist, the department or the City may erect or display official signs of a type prescribed in the state traffic control manual or City adopted traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except that no such speed limit shall be less than 20 miles per hour on a state highway or other arterial street as defined in subsection (3) of this section nor less than 15 miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist.

- (6) The City may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of GJMC 10-04-1101 to 10-04-1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks and/or private street, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. Unless there is an agreement or other law or regulation to the contrary, the City shall be responsible for the erection and maintenance of the signs.
- (7) When a reduced speed is authorized consistent with the provisions herein, a violation of the altered speed is a violation GJMC 10.04.1101(2)(h).

10-04-1103 Minimum speed regulation.

- (1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.
- (2) When the City determines, on the basis of an engineering and traffic investigation as described in the State/City traffic control manual, that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the City may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.
- (3) Notwithstanding any minimum speed that may be authorized and posted pursuant to this section, if any person drives a motor vehicle on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:
 - (a) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of GJMC 10.04.1001(2) until such impeded traffic has passed by; or
 - (b) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.
- (4) Wherever special uphill traffic lanes or roadside turnouts are provided and posted, drivers of all vehicles proceeding at less than the normal and reasonable speed of traffic shall use such lanes or turnouts to allow other vehicles to pass or maintain normal traffic flow.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10-04-1104 Speed limits on elevated structures.

- (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

- (2) The City upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under GJMC 10.04.1101 to 10.04.1104, the City or department of transportation shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable standard signs stating such maximum speed to be erected and maintained before each end of such structure in conformity with the State/City traffic control manual.
- (3) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.
- (4) Any person who violates any provision of this section commits a traffic infraction.

10-04-1105 Speed contests - speed exhibitions - aiding and facilitating - immobilization of motor vehicle – definitions.

- (1) (a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed contest on a highway.
 - (b) For purposes of this section, "speed contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.
 - (c) A person who violates any provision of this subsection (1) commits a misdemeanor.
- (2) (a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.
 - (b) For purposes of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.
 - (c) A person who violates any provision of this subsection (2) commits a misdemeanor.
- (3) (a) Except as otherwise provided in subsection (4) of this section, a person shall not, for the purpose of facilitating or aiding or as an incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.
 - (b) A person who violates any provision of this subsection (3) commits, pursuant to GJMC 10.04.1703, the offense that the person aided in or facilitated the commission of. Nothing in this subsection (3) shall be construed to preclude charging a person under GJMC

10.04.1703 for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.

- (4) The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip.
- (5) (a) In addition to a sentence imposed pursuant to this section or pursuant to any other provision of law:
 - (I) Upon the second conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion and upon request of the City, order the City to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to 14 days.
 - (II) Upon the third or subsequent conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion and upon the request of the City, order the City to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to 30 days but more than 14 days.
- (b) The period during which a motor vehicle may be fitted with an immobilization device pursuant to paragraph (a) of this subsection (5) shall be in addition to any period during which the motor vehicle was impounded prior to sentencing.
 - (I) An order issued under this subsection (5) shall state the requirements included in subsections (7) and (8) of this section.
 - (II) For purposes of this section, "immobilization device" means a device locked into place over a wheel of a motor vehicle that prevents the motor vehicle from being moved. "Immobilization device" includes but is not limited to a device commonly referred to as a "traffic boot" or "boot".
- (6) (a) Except as otherwise provided in subsection (9) of this section, if the City is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section the City shall attempt to locate the motor vehicle within its jurisdiction.
- (b) Nothing in this subsection (6) shall be construed to:
 - (I) Prohibit the Grand Junction Police Department from seeking the assistance of another law enforcement agency for the purpose of placing an immobilization device on a motor vehicle or removing the device in accordance with this section; or
 - (II) Require the City to expend excessive time or commit excessive staff to the task of locating a motor vehicle subject to immobilization under this section.

- (c) The time spent in locating a motor vehicle in accordance with this subsection (6) shall not alter the immobilization period ordered by the court under subsection (5) of this section.
 - (d) A notice shall be affixed to the immobilized motor vehicle stating the information described in subsections (7) and (8) of this section.
 - (e) A peace officer who locates or attempts to locate a motor vehicle, or who places or removes, or assists with the placement or removal of, an immobilization device in accordance with the provisions of this section shall be immune from civil liability for damages, except for damages arising from willful and wanton conduct.
- (7) (a) The owner of a motor vehicle immobilized under this section shall be assessed a fee of \$35.00 for each day the motor vehicle is ordered immobilized and, except as otherwise provided in paragraph (d) of this subsection (7), \$35.00 for each day up to 14 days after the immobilization period that the fee for the immobilization period is not paid. The owner shall pay the fee to the police department that places the immobilization device on the motor vehicle.
- (b) The owner, within 14 days after the end of the immobilization period ordered by the court, may obtain removal of the immobilization device by the police department that placed it by requesting the removal and paying the fee required under paragraph (a) of this subsection (7).
- (c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within 14 days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an "abandoned motor vehicle", as defined in sections 42-4-1802(1)(d) and 42-4-2102(1)(d), C.R.S. and subject to the provisions of chapter 10.12. The police department shall be eligible to recover the fee if the abandoned motor vehicle is sold.
- (d) Upon application of the owner of an immobilized motor vehicle, the court that ordered the immobilization may, in its discretion, grant additional time to pay the immobilization fee required under paragraph (a) of this subsection (7). If additional time is granted, the court shall notify the law enforcement agency that placed the immobilization device.
- (8) (a) A person may not remove an immobilization device that is placed on a motor vehicle pursuant to this section during the immobilization period ordered by the court.
- (b) No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of section 42-4-1800, et seq., C.R.S.
- (c) A person who violates any provision of this subsection (8) commits a misdemeanor.

- (9) (a) The police department shall inform the court at sentencing if it is unable to comply with the court's order either because the police department does not have a sufficient number of immobilization devices. The court, upon being so informed, shall, in lieu of ordering immobilization, order the law enforcement agency to impound the motor vehicle for the same time period that the court initially ordered the motor vehicle to be immobilized.
- (b) If a motor vehicle is ordered to be impounded pursuant to paragraph (a) of this subsection (9), the provisions of subsections (6) to (8) of this section shall not apply.

Part 12 through Part 13 Reserved

Part 14 Other Offenses

10.04.1401 Reckless driving – penalty.

- (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.
- (2) Any person who violates any provision of this section commits a misdemeanor. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than \$50.00 dollars nor more than \$1,000.00, or by imprisonment in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

10.04.1402 Careless driving – penalty.

- (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving.
- (2) (a) Except as otherwise provided in paragraphs (b) and (c) of this subsection (2), any person who violates any provision of this section commits a misdemeanor.
- (b) If the person's actions are the proximate cause of bodily injury to another, such person commits a misdemeanor.
- (c) If the person's actions are the proximate cause of death to another, such person commits a misdemeanor.

10.04.1403 Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Any person who violates any provision of this section commits a traffic infraction.

10.04.1404 Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire, alarm of fire, or practice runs or laid down on any street, private driveway, or highway without the consent of the fire department official in command. Any person who violates any provision of this section commits a traffic infraction.

10.04.1405 Riding in trailers.

No person shall occupy a trailer while it is being moved upon a public highway. Any person who violates any provision of this section commits a traffic infraction.

10.04.1406 Foreign matter on highway prohibited.

- (1) (a) No person shall throw or deposit upon or along any highway any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or other substance likely to injure any person, animal, or vehicle upon or along such highway.
 - (b) No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.
- (2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.
- (3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.
- (4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.
- (5) (a) Except as provided in paragraph (b) of this subsection (5), any person who violates any provision of this section commits a traffic infraction.
 - (b) (I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a misdemeanor.
 - (II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway commits a misdemeanor.
- (6) As used in this section:
 - (a) "Container" includes, but is not limited to, a bottle, a can, a box, or a diaper.
 - (b) "Human waste" means urine or feces produced by a human.

10.04.1407 Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

- (1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from blowing, dropping, sifting, leaking, or otherwise escaping therefrom; except that material 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) Reserved.
- (2.4) (a) A vehicle shall not be driven or moved on a highway if the vehicle is transporting trash or recyclables unless at least one of the following conditions is met:
- (I) The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;
 - (II) The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;
 - (III) The load is required to be secured under and complies with 49 CFR parts 392 and 393; or
 - (IV) The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.
- (b) Paragraph (a) of this subsection (2.4) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one-mile radius of the motor vehicle's last collection point.
- (2.5) (a) No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:
- (I) The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle; or
 - (II) The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle.
- (b) Nothing in this subsection (2.5) shall apply to a vehicle:
- (I) Operating entirely within a marked construction zone;
 - (II) Involved in maintenance of public roads during snow or ice removal operations; or

(III) Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to section 29-22-102, C.R.S.

(2.7) For the purposes of this section:

(a) "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

(b) "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.

(c) "Trash" means material or objects that have been or are in the process of being discarded or transported.

(3) (a) Except as otherwise provided in paragraph (b) or (c) of this subsection (3), any person who violates any provision of this section commits a traffic infraction.

(b) Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a traffic infraction.

(c) Any person who violates any provision of this section while driving or moving a car or pickup truck and thereby proximately causes bodily injury to another person commits a misdemeanor.

10.04.1407.5 Splash guards - when required.

(1) As used in this section, unless the context otherwise requires:

(a) "Splash guards" means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.

(b) "Splash guards" must, at a minimum, be wide enough to cover the full tread of the tire or tires being protected, hang perpendicular from the vehicle not more than ten inches above the surface of the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.

(2) Except as otherwise permitted in this section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle or motor vehicle is equipped with splash guards. However, vehicles and motor vehicles with splash guards that violate this section shall be allowed to remain in service for the time necessary to continue to a place where the deficient splash guards will be replaced. Such replacement shall occur at the first reasonable opportunity.

(3) This section does not apply to:

(a) Passenger-carrying motor vehicles registered pursuant to section 42-3-306(2) C.R.S.;

- (b) Trucks and truck tractors registered pursuant to section 42-3-306(4) or (5) C.R.S. having an empty weight of 10,000 pounds or less;
- (c) Trailers equipped with fenders or utility pole trailers;
- (d) Vehicles while involved in chip and seal or paving operations or road widening equipment;
- (e) Truck tractors or converter dollies when used in combination with other vehicles;
- (f) Vehicles drawn by animals; or
- (g) Bicycles or electrical assisted bicycles.

(4) Any person who violates any provision of this section commits a traffic infraction.

10.04.1408 Operation of motor vehicles on City property.

It is unlawful for any person to operate a motor vehicle in an area owned or under the control of the City, if the City has declared the operation of motor vehicles to be prohibited in such area. Any person who violates any provision of this section commits a traffic infraction.

10.04.1409 Compulsory insurance - penalty - legislative intent.

- (1) No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.
- (2) No person shall operate a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.
- (3) (a) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(b) As used in this section, "evidence of a complying policy or certificate of self-insurance in full force and effect" includes the presentation of such a policy or certificate upon a cell phone or other electronic device.
- (4) (a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a misdemeanor. The minimum fine of \$500.00 shall be mandatory. The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, C.R.S., has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

- (b) Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed, the defendant shall be punished by a minimum mandatory fine of not less than \$1,000.00, and the court shall not suspend such minimum fine. The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, C.R.S., has been obtained.
 - (c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than 40 hours of community service.
- (5) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute *prima facie* evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.
- (6) A person charged with violating subsection (1), (2), or (3) of this section shall not be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation. The court clerk's office may dismiss the charge if it verifies that the person had a valid policy in effect at the time of the alleged violation using the uninsured motorist identification database created in section 42-7-602, C.R.S.
- (7) Reserved.
- (8) Reserved.
- (8.5) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:
- (a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and
 - (b) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.
- (9) The Municipal Court shall not have jurisdiction under this section in those cases in which property damage and/or injury results.

10.04.1410.5 Providing false evidence of proof of motor vehicle insurance – penalty.

- (1) It is unlawful for any person to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle liability insurance required by state law to a law enforcement officer, judge, magistrate, prosecutor, or employee of a court clerk's office with the intent to mislead that official regarding the status of any motor vehicle liability insurance policy in the course of an official investigation, or for purposes of dismissing any charge under GJMC 10.04.1409 or reducing any penalty imposed under GJMC 10.04.1409, where such means, manner, type, or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.
- (2) Violation of this section is a traffic infraction, punishable by a fine of up to \$500.00.

10.04.1411 Use of earphones while driving.

- (1) (a) No person shall operate a motor vehicle while wearing earphones.
 - (b) For purposes of this subsection (1), "earphones" includes any headset, radio, tape player, or other similar device which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone.
- (2) Any person who violates this section commits a traffic infraction.
- (3) Nothing in this section authorizes the holder of a commercial driver's license issued pursuant to part 4 of article 2 of title 42 of the State statutes to act in violation of any federal law or regulation relating to driving a commercial vehicle.

10.04.1412 Operation of bicycles and other human-powered vehicles.

- (1) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and GJMC 10.04.221.
- (2) Reserved.
- (3) No bicycle or electrical assisted bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.
- (4) No person riding upon any bicycle or electrical assisted bicycle shall attach the same or himself or herself to any motor vehicle upon a roadway.
- (5) (a) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than

the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

- (I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
 - (II) A bicyclist may use a lane other than the right-hand lane when:
 - (A) Preparing for a left turn at an intersection or into a private roadway or driveway;
 - (B) Overtaking a slower vehicle; or
 - (C) Taking reasonably necessary precautions to avoid hazards or road conditions.
 - (III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.
- (b) A bicyclist shall not be expected or required to:
- (I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
 - (II) Ride without a reasonable safety margin on the right-hand side of the roadway.
- (c) A person operating a bicycle or an electrical assisted bicycle upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, subject to the following conditions:
- (I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
 - (II) A bicyclist shall not be expected or required to:
 - (A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
 - (B) Ride without a reasonable safety margin on the left-hand side of the roadway.
- (6) (a) Persons riding bicycles or electrical assisted bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

- (b) Persons riding bicycles or electrical assisted bicycles two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.
- (7) A person operating a bicycle or electrical assisted bicycle shall keep at least one hand on the handlebars at all times.
- (8) (a) A person riding a bicycle or electrical assisted bicycle intending to turn left shall follow a course described in GJMC 10.04.901(1), 10.04.903, and 10.04.1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).
- (b) A person riding a bicycle or electrical assisted bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the City may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.
- (9) (a) Except as otherwise provided in this subsection (9), every person riding a bicycle or electrical assisted bicycle shall signal the intention to turn or stop in accordance with GJMC 10.04.903; except that a person riding a bicycle or electrical assisted bicycle may signal a right turn with the right arm extended horizontally.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle or electrical assisted bicycle before turning and shall be given while the bicycle or electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle or electrical assisted bicycle.
- (10) (a) A person riding a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.
- (b) A person shall not ride a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles or electrical assisted bicycles is prohibited by official traffic control devices or ordinances. A person riding a bicycle or electrical assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or ordinances.

- (c) A person riding or walking a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by GJMC 10.04.802.
- (11) (a) A person may park a bicycle or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or ordinance.
- (b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
 - (c) A bicycle or electrical assisted bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.
 - (d) A bicycle or electrical assisted bicycle may be parked on the road abreast of another such bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.
 - (e) In all other respects, bicycles or electrical assisted bicycles parked anywhere on a highway shall conform to chapter 10.08 regulating the parking of vehicles.
- (12) (a) Any person who violates any provision of this section commits a misdemeanor; except that section 42-2-127, C.R.S. shall not apply.
- (b) Any person riding a bicycle or electrical assisted bicycle who violates any provision of this chapter other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that section 42-2-127, C.R.S. shall not apply.
- (13) Upon request, the police department shall complete a report concerning an injury or death incident that involves a bicycle or electrical assisted bicycle on the roadways of the state, even if such accident does not involve a motor vehicle.
- (14) (a) (I) A person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.
- (II) The City may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path.
- (b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:
- (I) The path is within a street or highway; or
 - (II) The City specifically permits the operation of a class 3 electrical assisted bicycle on a path.
- (15) (a) A person under 16 years of age shall not ride a class 3 electrical assisted bicycle upon

any street, highway, or bike or pedestrian path; except that a person under 16 years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

- (b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:
 - (I) Each person under 18 years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;
 - (II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and
 - (III) The protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.
- (c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages.

10.04.1413 Eluding or attempting to elude a police officer.

Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a misdemeanor.

10.04.1414 Use of dyed fuel on highways prohibited.

- (1) No person shall operate a motor vehicle upon any highway of the state using diesel fuel dyed to show that no taxes have been collected on the fuel.
- (2) (a) Any person who violates subsection (1) of this section commits a traffic infraction.
 - (b) Any person who commits a second violation of subsection (1) of this section within a 12-month period shall be subject to an increased penalty.
 - (c) Any person who commits a third or subsequent violation of subsection (1) of this section within a 12-month period shall be subject to an increased penalty.

10.04.1415 Radar jamming devices prohibited – penalty.

- (1) (a) No person shall use, possess, or sell a radar jamming device.
 - (b) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

- (2) (a) For purposes of this section, "radar jamming device" means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. "Radar jamming device" includes but is not limited to devices commonly referred to as "jammers" or "scramblers".

(b) For purposes of this section, "radar jamming device" shall not include equipment that is legal under FCC regulations, such as a citizens' band radio, ham radio, or any other similar electronic equipment.
- (3) Radar jamming devices are subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this section is charged.
- (4) A violation of subsection (1) of this section is a misdemeanor.
- (5) The provisions of subsection (1) of this section shall not apply to peace officers acting in their official capacity.

10.04.1416 Limitations on backing.

- (1) 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.
- (2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.
- (3) A violation of subsection (1) or (2) of this section is a traffic infraction.

10.04.1416.5 Failure to present a valid transit pass or coupon - fare inspector authorization – definitions.

- (1) A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.
- (2) A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a peace officer, or any other employee or agent of a public transportation entity.
- (3) A violation of this section is a traffic infraction and is punishable by a fine of \$75.00. Notwithstanding any other provision of law, fines for a violation of subsection (1) of this section.
- (4) (a) Public transportation entities may appoint or employ, with the power of removal, fare inspectors as necessary to enforce the provisions of this section. The employing public transportation entity shall determine the requirements for employment as a fare inspector.

(b) A fare inspector appointed or employed pursuant to this section is authorized to enforce the provisions of this section while acting within the scope of his or her authority and in the performance of his or her duties. A fare inspector is authorized to issue a citation to a person who commits failure to provide a valid transit pass or coupon in violation of this section. The fare inspector shall issue a citation on behalf of the county in which the person occupying, riding in, or using a public transportation vehicle without paying the applicable fare is located at the time the violation is discovered. The public transportation entity whose fare inspector issued the citation shall timely deliver the citation to the clerk of the county court for the jurisdiction in which the accused person is located at the time the violation is discovered.

(5) As used in this section, unless the context otherwise requires:

(a) "Proof of prior fare payment" means:

(I) A transit pass valid for the day and time of use;

(II) A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or

(III) A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.

(b) "Public transportation entity" means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.

(c) "Public transportation vehicle" means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.

(d) "Transit pass" means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.

10.04.1417 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.

10.04.1418 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.

Part 15 Motorcycles

10.04.1501 Traffic laws apply to persons operating motorcycles - special permits.

- (1) Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.
- (2) For the purposes of a prearranged organized special event and upon a showing that safety will be reasonably maintained, the City may grant a special permit exempting the operation of a motorcycle from any requirement of this part 15.

10.04.1502 Riding on motorcycles - protective helmet.

- (1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent seat if designed for two persons or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
- (2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.
- (3) No person shall operate a motorcycle while carrying packages, bundles, or other articles which prevent the person from keeping both hands on the handlebars.
- (4) No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.
- (4.5) (a) Except as provided in paragraph (c) of this subsection (4.5), a person shall not drive or ride as a passenger on a motorcycle or low-power scooter on a roadway unless:
 - (I) Each person under 18 years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;
 - (II) The protective helmet conforms to the design and specifications set forth in paragraph (b) of this subsection (4.5); and
 - (III) The protective helmet is secured properly on the person's head with a chin strap while the motorcycle is in motion.
- (b) A protective helmet required to be worn by this subsection (4.5) shall:

- (I) Be designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;
 - (II) Consist of lining, padding, and chin strap; and
 - (III) Meet or exceed the standards established in the United States department of transportation federal motor vehicle safety standard no. 218, 49 CFR 571.218, for motorcycle helmets.
- (c) A person driving or riding a motorcycle need not wear a helmet if the motorcycle has:
- (I) Three wheels;
 - (II) A maximum design speed of 25 miles per hour or less;
 - (III) A windshield; and
 - (IV) Seat belts.
- (5) Any person who violates any provision of this section commits a traffic infraction.

10.04.1503 Operating motorcycles on roadways laned for traffic

- (1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.
- (2) The operator of a motorcycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.
- (3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (4) Motorcycles shall not be operated more than two abreast in a single lane.
- (5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.
- (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, 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.

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

(8) Any person who violates any provision of this section commits a traffic infraction.

10.04.1504. Clinging to other vehicles

No person riding upon a motorcycle shall attach himself, herself, or the motorcycle to any other vehicle on a roadway. Any person who violates any provision of this section commits a traffic infraction.

Part 16 Reserved

Part 17 Penalties and Procedures

10.04.1701 Traffic offenses – penalties- surcharge.

(1) A violation of any section of this title is a traffic infraction unless such violation is declared to be a misdemeanor in this chapter or otherwise in the code. Such a traffic infraction shall constitute a civil matter.

(2) (a) Traffic infractions are subject to a penalty of up to \$1,000.00, and/or useful public service also known as community service, and/or driver education unless a specific penalty/fine or other sentence is indicated.

(b) Pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the court clerk or violations bureau.

(c) The court in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedule. Such fines shall be within the limits set by ordinance.

(d) Fines and costs shall be paid to, received by, and accounted for by the violations clerk or court clerk.

(3) Any misdemeanor violation of this title shall be punishable as set forth in the code section defining it or in accordance with GJMC 1.04.090. In addition, any punishment may include useful public service and/or driver education.

(4) Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title shall be fined/penalized. If there is property

damage and/or bodily injury suffered by a victim a surcharge of \$22.00 shall be levied against the person to be collected by the court but transmitted to a funding account for the benefit of the City of Grand Junction Police Department for the additional costs sustained by the Police Department as a result of the investigation for such damage and/or injury. This surcharge is separate and apart from the fine/penalty. Fines and/or penalties shall not be specifically suspended or waived in order to offset a surcharge, but may otherwise be suspended or waived as deemed appropriate by the court.

10.04.1702 Reserved.

10.04.1703 Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this chapter to be a crime or traffic infraction, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such infraction, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter is likewise guilty of such offense or liable for such infraction.

10.04.1704 Offenses by persons controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law. Any person who violates any provision of this section commits a misdemeanor.

10.04.1705 Reserved.

10.04.1706 Juveniles - convicted - arrested and incarcerated - provisions for confinement.

- (1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103(18), C.R.S., convicted of a misdemeanor traffic offense under this chapter, violating the conditions of probation imposed under this chapter, or found in contempt of court in connection with a violation or alleged violation under this chapter shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that shall receive and provide care for such child or if the jail is located within 40 miles of such facility. The court imposing penalties under this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within 40 miles of the jail, a child may be confined for up to 48 hours in a jail pursuant to section 19-2-508(4), C.R.S.
- (2) (a) Notwithstanding any other provision of law, a child, as defined in section 19-1-103(18), C.R.S., arrested and incarcerated for an alleged misdemeanor traffic offense under this chapter, and not released on bond, shall be taken before the court for such offense within

48 hours for fixing of bail and conditions of bond pursuant to section 9-2-508(4)(d), C.R.S. Such child shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than 72 hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time under this subsection (2), Saturdays, Sundays, and court holidays shall be included.

- (b) In any case in which a child is taken before a county judge pursuant to paragraph (a) of this subsection (2), the child's parent or legal guardian shall immediately be notified by the court in which the county judge sits. Any person so notified by the court under this paragraph (b) shall comply with the provisions of GJMC 10.04.1716(4).

10.04.1707 Summons and complaint or penalty assessment notice for misdemeanors.

- (1) (a) Whenever a person commits a violation of this chapter punishable as a misdemeanor, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of GJMC 10.04.1701(2)(b) the peace officer may issue and serve upon the defendant a summons and complaint which must 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 ordinance 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; direct the defendant to appear in Municipal Court at a specified time and place; and be signed by the peace officer. The summons and complaint submitted to the Municipal Court, either by paper or electronic submission, must contain the name and address of the defendant, the license of the vehicle involved, if any, and the number of the defendant's driver's license, if any.
- (b) A summons and complaint issued and served pursuant to paragraph (a) of this subsection (1) on a minor under the age of 18 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.
- (2) If a peace officer issues and serves a summons and complaint to appear in Municipal Court upon the defendant as described in subsection (1) of this section, 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 (2).
- (3) (a) Whenever a penalty assessment notice for a misdemeanor is issued pursuant to GJMC 10.04.1701(2)(b), the penalty assessment notice that shall be served upon the defendant by the peace officer 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 statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for the offense, the amount of any surcharge if applicable, the number of points, if any, prescribed for the offense pursuant to section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in Municipal Court at a specified time and place in the event the penalty and surcharge, if applicable, thereon are not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and surcharges thereon within 20 days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint.

(a.5) A penalty assessment notice issued and served pursuant to paragraph (a) of this subsection (3) on a minor under the age of 18 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 (a.5) 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 72 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 sub-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 pursuant to GJMC 10.04.1710(1)(b), 10.04.1710(1.5), and 10.04.1716(4).

(b) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and the original filed with the Municipal Court.

(4) (a) The time specified in the summons portion of said summons and complaint must be at least 20 days after the date such summons and complaint is served, unless the defendant shall demand an earlier court appearance date.

(b) The time specified in the summons portion of said penalty assessment notice shall be at

least 30 days but not more than 90 days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier court appearance date.

- (5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be the Municipal Court.
- (6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this chapter punishable as a misdemeanor and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, as provided in this section, must either consent to be taken by the officer to the nearest mailbox and to mail the amount of the penalty and surcharges thereon to the Municipal Court or must execute a promise to appear in court on the penalty assessment notice or on the summons and complaint. If the defendant does possess a valid Colorado driver's license, the defendant shall not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. The peace officer shall not require any person who is eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this chapter to produce or divulge such person's social security number.

10.04.1708 Traffic infractions - proper court for hearing, burden of proof - appeal - collateral attack.

- (1) Every hearing for the adjudication of a traffic infraction, as provided by this chapter, shall be held before the court; except that, whenever a crime and a traffic infraction or a crime and both such traffic infractions are charged in the same summons and complaint, all charges shall be made returnable before the Municipal Court over the crime and the rules of criminal procedure shall apply.
- (2) When a court of competent jurisdiction determines that a person charged with a misdemeanor traffic offense is guilty of a lesser-included offense which is a traffic infraction, the court may enter a judgment as to such lesser charge.
- (3) The burden of proof shall be upon the City, and the judge shall enter judgment in favor of the defendant unless the City proves the liability of the defendant beyond a reasonable doubt. The City Attorney may, in the attorney's discretion, enter traffic infraction cases for the purpose of attempting a negotiated plea or a stipulation to deferred prosecution or deferred judgment and sentence but shall not be required to so enter by any person, court, or law.
- (4) Appeal from final judgment on a traffic infraction matter shall be taken to the district court.
- (5) (a) Except as otherwise provided in paragraph (b) of this subsection (5), no person against whom a judgment has been entered for a traffic infraction as defined in GJMC 10.04.1701 shall collaterally attack the validity of that judgment unless such attack is commenced within six months after the date of entry of the judgment.

(b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and

habitual offenders, the only exceptions to the time limitations specified in paragraph (a) of this subsection (5) shall be:

- (I) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;
- (II) A case in which the court entering judgment did not have jurisdiction over the person of the violator;
- (III) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a person with a mental illness; or
- (IV) Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

10.04.1709 Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license.

- (1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to GJMC 10.04.1701(2), the penalty assessment notice that shall be served upon the defendant by the peace officer 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 ordinance alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for the traffic infraction, the amount of the surcharge(s), if any, the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in the Municipal Court at a specified time and place in the event the penalty and surcharge(s) thereon are not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed and surcharges thereon within 20 days, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge(s) thereon not be paid within the 20 days.
- (1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section on a minor under the age of 18 years shall also contain or be accompanied by a document containing:
 - (a) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;
 - (b) Preprinted signature lines following the declaration on which the reviewing person

described in paragraph (a) of this subsection (1.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(c) An advisement to the minor that:

(I) The minor shall, within 72 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;

(II) 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

(III) Noncompliance with the requirement set forth in subparagraph (II) of this paragraph (c) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to GJMC 10.04.1710(1)(b), 10.04.1710(1.5), and 10.04.1706(4).

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor within department and such other copies sent as may be required by rule of the department to govern the internal administration of this chapter between the department and the City.

(3) The time specified in the summons portion of said penalty assessment notice must be at least 30 days but not more than 90 days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be the Municipal Court.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

10.04.1710 Failure to pay penalty for traffic infractions - failure of parent or guardian to sign penalty assessment notice – procedures.

(1) (a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this chapter and surcharge, if applicable, thereon, the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1) and GJMC 10.04.1701(2), a minor under the age of 18 years shall be required to appear at a hearing on the date and time specified in the citation and answer the complaint if the penalty assessment was timely paid but not signed and notarized in the manner required by GJMC 10.04.1707(3)(a.5) or 10.04.1709(1.5).

- (1.5) If a minor under the age of 18 years is required to appear at a hearing pursuant to subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.
- (2) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.
- (3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.
- (4) (a) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge, if applicable, thereon, and other applicable costs authorized otherwise by ordinance or state statute. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to the Municipal Court's fine schedule or this chapter. If a penalty assessment notice is prohibited, the penalty shall be assessed pursuant to the court.
 - (b) In no event shall a bench warrant be issued for the arrest of any person who fails to appear for a hearing pursuant to subsection (1.5) or (2) of this section or for a final hearing pursuant to subsection (3) of this section. Except as otherwise provided in GJMC 10.04.1716, entry of judgment and assessment of the penalty and surcharge pursuant to paragraph (a) of this subsection (4) and any penalties imposed pursuant to section 42-2-127, C.R.S. shall constitute the sole penalties for failure to appear for either the hearing or the final hearing.

10.04.1711 Compliance with promise to appear.

A written promise to appear in court may be complied with by an appearance by counsel.

10.04.1712 Procedure prescribed not exclusive.

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant or issuing citations for violations of this chapter, for offenses or infractions committed in their presence, but the procedure prescribed in this chapter shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense or infraction of like grade.

10.04.1713 Conviction record inadmissible in civil action.

Except as provided in sections 42-2-201 to 42-2-208, C.R.S., no record of the conviction of any person for any violation of this chapter shall be admissible as evidence in any court in any civil action.

10.04.1714 Traffic violation not to affect credibility of witness.

The conviction of a person upon a charge of violating any provision of this title or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or

criminal proceeding.

10.04.1715 Convictions, judgments, and charges recorded - public inspection.

- (1) The judge or the clerk of a court shall keep a full record of every case in which a person is charged with any violation of this title or any other law regulating the operation of vehicles on highways.
- (2) (a) Subject to paragraph (b) of this subsection (2), within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating this chapter or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made, the conviction was had, or bail was forfeited shall prepare and forward to the department an abstract of the record of the court covering every case in which the person had a judgment entered against him or her, was convicted, or forfeited bail, which abstract shall be certified by the preparer to be true and correct.

(b) For the holder of a commercial driver's license as defined in section 42-2-402, C.R.S., or an offense committed by a person operating a commercial motor vehicle as defined in section 42-2-402, C.R.S., within five days after conviction of a person upon a charge of violating this chapter or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the person was convicted shall prepare and forward to the department an abstract of the record of the court covering every case in which the person was convicted, which abstract shall be certified by the preparer to be true and correct.
- (3) Said abstract must be made upon a form furnished by the department and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture.

10.04.1716 Notice to appear or pay fine - failure to appear – penalty.

- (1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.
- (2) Except as otherwise provided in subsection (4) of this section, a person commits a misdemeanor if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.
- (3) Reserved.
- (4) (a) (I) Except as otherwise provided in subparagraph (II) of this paragraph (a), a person who is a parent or legal guardian of a minor under the age of 18 years and who is required to appear in court with the minor pursuant to the provisions of this part 17 including but not limited to GJMC 10.04.1706(2)(b), 10.04.1707(1)(b), or 10.04.1710(1.5), shall appear in court at the location and on the date stated in the penalty assessment notice or in the summons and complaint or as instructed by the court.

- (II) The provisions of subparagraph (I) of this paragraph (a) concerning the appearance of a parent or legal guardian shall not apply in a case where the minor under the age of 18 years or the parent of the minor demonstrates to the court by clear and convincing evidence that the minor is an emancipated minor.
 - (III) For purposes of this subsection (4), "emancipated minor" means a minor under the age of 18 years who has no legal guardian and whose parents have entirely surrendered the right to the care, custody, and earnings of the minor, no longer are under any duty to support or maintain the minor, and have made no provision for the support of the minor.
- (b) A person who violates any provision of paragraph (a) of subparagraph (I) of this subsection (4) commits a traffic infraction offense.

10.04.1717 Conviction - attendance at driver improvement school – rules.

- (1) Except as otherwise provided in subsection (2) of this section, if a person has been convicted of violating this chapter or any other law regulating the operation of motor vehicles, the court may require the defendant, at the defendant's expense, to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in: The traffic laws of this state, recognition of hazardous traffic situations, and traffic accident prevention. Upon completion of the course, the court may suspend all or a portion of the fine or sentence of imprisonment. Unless otherwise provided by law, the school must be approved by the court.
- (2) Whenever a minor under 18 years of age has been convicted of violating any provision of this chapter or other law regulating the operation of vehicles on highways, other than a traffic infraction, the court shall require the minor to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court shall impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with GJMC 10.04.1716(4), shall pay the cost of attending the designated driver improvement school. The courts shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Unless otherwise provided by law, such school shall be approved by the court.

10.04.1718 Electronic transmission of data – standards.

The Municipal Court shall not dismiss any charges or refuse to enforce any traffic law or rule solely because a penalty assessment notice or summons and complaint is issued in electronic form or contains an electronic signature.

Part 19 School Buses

10.04.1901 Reserved.

10.04.1902 School vehicle drivers - special training required.

On and after July 1, 1992, the driver of any school vehicle as defined in section 42-1-102(88.5), C.R.S., owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 42-4-1901(3)(a), C.R.S., and driving in adverse weather conditions before operating a bus on a highway.

10.04.1903 School buses - stops - signs – passing.

- (1) (a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least 20 feet before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren.
- (b) (I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.
- (II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.
- (2) (a) Every school bus as defined in section 42-1-102(88), C.R.S., other than a small passenger-type vehicle having a seating capacity of not more than 15, used for the transportation of schoolchildren while being operated shall:
 - (I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and
 - (II) Display eight visual signal lights meeting the requirements of 49 CFR 571.108 or its successor regulation.
- (b) (I) The red visual signal lights shall be actuated by the driver of the school bus whenever

the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

- (II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.
 - (c) The alternating flashing yellow lights shall be actuated at least 200 feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.
- (3) Reserved.
- (4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.
- (5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of 200 feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.
- (6) (a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a misdemeanor.
- (b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a misdemeanor if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.
- (7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c), C.R.S.

Chapter 10.08
PARKING

10.08.010 through 10.08.020 Reserved.

10.08.030 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 chapter 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. 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, “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.

10.08.040 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 within 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 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 GJCM 10.08.030, 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 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 GJMC [10.08.030](#); and
- (2) An additional notice mailed to the registered owner of the vehicle;

A police officer or other authorized person of the City, 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 GJMC [10.12.010](#).
- (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.

10.08.050 Presumption in reference to illegal parking.

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

10.08.060 Reserved.

10.08.070 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.

10.08.080 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.

10.08.090 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 12 inches of the curb or, in those areas specifically designated for back-in angle parking, with the back wheel nearest to the curb within 12 inches of such curb.

10.08.100 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.

10.08.110 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.

10.08.120 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.

10.08.130 Parking in alleys.

- (a) No person shall park a vehicle within an alley except 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.

10.08.140 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.

10.08.150 Clearance between vehicles.

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

10.08.160 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 immediately to the rear of such leaving vehicle and shall remain in such position until the parking space has been cleared.

10.08.170 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 GJMC Title [29](#), Transportation Engineering Design Standards (TEDS), 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 30 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, standing, or parking;
 - (12) Either in whole or in part on a planting strip.
- (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 GJMC Title [29](#), Transportation Engineering Design Standards (TEDS), 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 15 feet of a fire hydrant;
 - (3) Within 20 feet of a crosswalk at an intersection;
 - (4) Within 30 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 20 feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within 75 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 GJMC Title [29](#), Transportation Engineering Design Standards (TEDS), 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 50 feet of the nearest rail of a railroad crossing;
 - (2) At any other place where official signs prohibit parking.
- (d) Nothing in this section shall prohibit persons from parking bicycles in accordance with GJMC 10.04.1412.

10.08.180 Parking for certain purposes prohibited.

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

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency;
- (c) Displaying advertising.

10.08.190 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.

10.08.200 Regulations not exclusive.

The provisions of this chapter 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.

10.08.210 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.

10.08.220 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 § [42-3-204](#), C.R.S., where such distinguishing license plate or identifying placard has been issued pursuant to § [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 § [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 § [42-3-204](#), C.R.S., may park in a parking space identified as 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 § [42-3-204](#), C.R.S.

10.08.230 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 2:00 a.m. and 5:00 a.m. of any day.

10.08.240 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.

10.08.250 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 three minutes.

10.08.260 Standing in freight loading zone.

(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.

10.08.270 Permits for loading zones.

Whenever special permits are issued, as authorized by the Transportation Engineer, 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.

10.08.280 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 by the Transportation Engineer.
- (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 by the Transportation Engineer, 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.

10.08.290 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 by the Transportation Engineer.
- (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.

10.08.300 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.

10.08.310 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.

10.08.320 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:

- (a) 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.

- (b) 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.
- (c) 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.

10.08.330 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) Except where parking is permitted within a double parking meter space, 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) Every vehicle parked in a double parking meter space where coins or tokens shall be deposited in the meter on the right side of the double meter shall be parked wholly within the metered space with the back end or back portion of such vehicle immediately opposite the parking meter for such space.
- (d) 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.

10.08.340 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.

10.08.350 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.

10.08.360 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.

10.08.370 Parking where spaces are designated.

In areas where parking spaces are designated by painted lines or other markings, no vehicle shall:

- (a) Park within more than one designated parking space;
- (b) Park where no parking space is designated;
- (c) Park in a space that is leased, reserved or otherwise assigned or designated by the City for the use of a specified person.

10.08.380 Parking privileges for Purple Heart medal veterans.

A vehicle may be parked for an unlimited period in a metered public parking space if:

- (a) There are displayed on the vehicle special license plates issued under § [42-3-213](#), C.R.S.
- (b) A vehicle on which said special license plates are displayed is exempt from payment of a parking fee charged by the City and collected through a parking meter when the vehicle is being operated by or for the transportation of the person to whom the vehicle is registered.
- (c) The exemption provided by subsection (b) of this section also applies to payment of a fee imposed by the City for parking in the municipal parking garage.
- (d) This section does not permit a vehicle to be parked at a time when or a place where parking is prohibited or limited by signs or markings or a means of regulation other than a meter.

Chapter 10.12 ABANDONED VEHICLE

10.12.010 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, 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 10 days after such person has learned such vehicle has been impounded or within 10 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 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 (i) there was probable cause to impound the vehicle or (ii) 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.



Grand Junction City Council

Regular Session

Item #6.a.

Meeting Date: September 6, 2017

Presented By: Greg Caton, City Manager

Department: City Manager

Submitted By: Greg Caton

Information

SUBJECT:

Resolution Supporting District 51 Board of Education Ballot Issues 3A and 3B

RECOMMENDATION:

Staff does not have a recommendation.

EXECUTIVE SUMMARY:

The purpose of this item is to declare support for District 51 Board of Education ballot issues 3A and 3B.

BACKGROUND OR DETAILED INFORMATION:

The District 51 Board of Education recently approved two ballot questions for the November 7, 2017 election and the Mesa County Clerk will conduct the election on those questions. The questions, which will be known as ballot issues 3A and 3B ask voters to increase the property tax mill levy for the School District through an override of \$6.5 million annually through and including December 31, 2027 and to authorize \$118.5 million in bonds and to repay the bond debt by increasing property taxes by a maximum of \$13.5 million per year until the debt is paid. Together the cost is \$9.89 per month on a \$200,000 home or a total of \$118.65 per year (\$56.58 for the override and \$62.07 for the bond).

If questions 3A and 3B are approved, District 51 will spend \$55 million for essential school maintenance, \$40 million to replace Orchard Mesa Middle School, \$11 million for technology upgrades, \$5 million to build a gym at the Dual Immersion Academy, \$5 million for an auxiliary gym at Palisade High School and \$2.5 million to add security

features at schools across the district. Those expenditures will improve instructional quality and allow more students to have access to and learn with and through technology in up-to-date facilities. Furthermore, District 51 will add teachers and add more classroom days to the school year. With approval of the ballot issues the District will also be better prepared to deal with what are nearly inevitable reductions in State funding. Question 3A, the mill levy override, will ask voters to approve use of property tax revenue to add 5 additional student contact days in the school calendar, spend \$2 million for curriculum, an additional \$1 million for ongoing maintenance and \$300,000 for ongoing technology resources and support.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (adopt or deny) Resolution No. 53-17 - A Resolution Supporting Ballot Issues 3A and 3B

Attachments

1. Resolution Supporting District 51 Board of Education Ballot Issues 3A and 3B

RESOLUTION NO. __-17

A RESOLUTION SUPPORTING BALLOT ISSUES 3A and 3B

RECITALS:

The District 51 Board of Education recently approved two ballot questions for the November 7, 2017 election and the Mesa County Clerk will conduct the election on those questions. The questions, which will be known as ballot issues 3A and 3B ask voters to increase the property tax mill levy for the School District through an override of \$6.5 million annually through and including December 31, 2027 and to authorize \$118.5 million in bonds and to repay the bond debt by increasing property taxes by a maximum of \$13.5 million per year until the debt is paid. Together the cost is \$9.89 per month on a \$200,000 home or a total of \$118.65 per year (\$56.58 for the override and \$62.07 for the bond).

If questions 3A and 3B are approved, District 51 will spend \$55 million for essential school maintenance, \$40 million to replace Orchard Mesa Middle School, \$11 million for technology upgrades, \$5 million to build a gym at the Dual Immersion Academy, \$5 million for an auxiliary gym at Palisade High School and \$2.5 million to add security features at schools across the district. Those expenditures will improve instructional quality and allow more students to have access to and learn with and through technology in up-to-date facilities. Furthermore, District 51 will add teachers and add more classroom days to the school year. With approval of the ballot issues the District will also be better prepared to deal with what are nearly inevitable reductions in State funding. Question 3A, the mill levy override, will ask voters to approve use of property tax revenue to add 5 additional student contact days in the school calendar, spend \$2 million for curriculum, an additional \$1 million for ongoing maintenance and \$300,000 for ongoing technology resources and support.

The mission of the City of Grand Junction is to be the most livable City west of the Rockies by 2025. The City Council fully embraces that mission and supports ballot issues 3A and 3B because the quality of our schools, and in turn the education that is provided to our students, is one of the most important factors in achieving and sustaining a positive quality of life. It is undeniable that education provides opportunity; opportunity to live and work at trades, careers and professions that may otherwise be unattainable without a strong educational foundation. When a community has strong schools it likely has a well-educated workforce. A well educated work force in turn contributes to a more stable and economically prosperous and vibrant community. For these reasons, among many others, the City Council concludes that investment in our

schools is an investment in our future. That investment is best accomplished at this time by passage of ballot issues 3A and 3B.

NOW, THEREFORE, BE IT RESOLVED that:

The Grand Junction City Council declares its' support for ballot issues 3A and 3B and urges all qualified voters to **VOTE YES** on questions 3A and 3B in the November election.

PASSED and ADOPTED this _____ day of _____ 2017.

President of the City Council

ATTEST:

City Clerk

Supplemental Documents



Prayers of the People | September 04, 2017

11 messages

First Congregational UCC <office@uccgj.org>
Reply-To: First Congregational UCC <office@uccgj.org>

Tue, Sep 5, 2017 at 2:17 PM

Joys & Concerns of the People | August 28, 2017

[View this email in your browser](#)

[Subscribe to Church Chat](#)



First Congregational United Church of Christ

First Congregational UCC - Grand Junction, Colorado
September 04, 2017

Prayers of The People

Joys

- People helping people in wake of hurricane Harvey.
- Bruce moved with help from friends and neighbors.
- Almost 300 gun locks were handed out at the Farmer's Market.
- I settling very well/! too.

(Specifics) Bond Issues
1) Law Enforcement
2) Schools

Concerns

- I friend survived spinal surgery and will have many months of rehab.
- Case Reports, stipulations, and sex education class.
- Break free and stay true GJLRM

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 9/6/17
Citizen's Name: Dennis Seth
Address: _____
Phone Number: _____
Subject: Turning down future accounts

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 09/06/17
Citizen's Name: Richard Swingle
Address: Grand Junction, CO 81507-4525
Phone Number: ()
Subject: Broadband

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 9/6/17
Citizen's Name: Scott Eller
Address: _____
Phone Number: _____
Subject: North Ave. Name Change

\$4,600

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 9-6-17
Citizen's Name: Susan Webster
Address: _____
Phone Number: _____
Subject: North Avenue Name Change

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 9-7-17
Citizen's Name: Nancy Aldrich Arellano
Address: _____
Phone Number: _____
Subject: North Ave. name change

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 9-6-17
Citizen's Name: Mackenzie Dodge
Address: _____
Phone Number: _____
Subject: North Ave. Name Change

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 8/8/17

Citizen's Name: DEWNTS SIMPSON

Address: _____

Phone Number: _____

Subject: NORTH AVENUE PARK

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: _____

Citizen's Name: Bruce Glemmler

Address: _____

Phone Number: _____

Subject: Vet Art Center "Show" And Tower Chimes

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 9-6-17

Citizen's Name: John E Thomas

Address: _____

Phone Number: _____

Subject: WE SUFFERED OVER DECEPTION OF AWARENESS; over the DISGUSTING MATTER over Drug

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 9.6.17

Citizen's Name: Jeff McCloskey

Address: _____

Phone Number: _____

Subject: "North Ave"

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

City of Grand Junction City Council Meeting September 6, 2017

September 5th Broadband Workshop
Tick Tock

Prepared by: Richard Swingle

09/05/17 Broadband Workshop - Tick Tock

April 7, 2015 City Election

- “By an overwhelming majority of 77%, Grand Junction voters approved an override of Colorado Senate Bill 05-152”
- September 6, 2017 is day 882 since override passage

09/05/17 Broadband Workshop - Tick Tock

April 7, 2015 – history

- Fall 2015 – Contracted with NEO Fiber for broadband planning
- Spring 2016 – Issued an RFP and met with all proposers
- Summer 2016 – council further refined their goals
- Summer 2016 – Re-interviewed viable candidates and received updated proposals
- Fall 2016 – City Council directed staff to complete milestone 1 with Sifi/Nokia
- 2016/2017 – Think Agency conducted independent market demand study
- February 6-8, 2017 – council review of Sifi business model
- February 13, 2017 – Presentation by Internet service providers
- February 27, 2017 – Further Council discussion and presentations by established municipal network representatives
- March 1, 2017 – Discussion on proceeding to Milestone 2 with Sifi
- April 2017 - Work with Sifi is abandoned
- May 15, 2017 – Broadband workshop
- Summer 2017 – private meetings with incumbents held with City Council members and staff
- September 5, 2017 – Proposal for Broadband Capital Fund - Incumbents with up to \$10,000 per project repayable within 36 months with a 50% profit sharing
- Conclusion from workshop – Proposal not accepted, staff to fine tune
- Day 882

Grand Junction City Council-September 6, 2017

3

09/05/17 Broadband Workshop - Tick Tock

Tick Tock

Grand Junction City Council-September 6, 2017

4

09/05/17 Broadband Workshop - Tick Tock

The big picture:

- CenturyLink 2016 revenue \$19,000,000,000
 - Charter 2016 revenue \$29,000,000,000
 - Maximum city contribution to each project \$10,000
- or
- \$10,000 = .000052631579% of CenturyLink annual revenue
 - \$10,000 = .000034482759% of Charter annual revenue
 - Requirements for Capital Fund Project:
 - Incumbent applies for Capital Project Funding
 - City approves funding request
 - Incumbent sets-up accounting systems for re-payment
 - Incumbent sets-up revenue sharing software to track each project

Grand Junction City Council-September 6, 2017

5

09/05/17 Broadband Workshop - Tick Tock

Other communities on Western Slope fiber optic status:

- Rangely – Complete
- Meeker – Complete
- Montrose – Fiber being installed
- Delta – Fiber being installed
- Gunnison – Fiber loop being installed
- Durango – Deployed in many areas
- Glenwood Springs – Being deployed

Grand Junction City Council-September 6, 2017

6

09/05/17 Broadband Workshop - Tick Tock

- Questions:

- Does the current path lead to “To become the most livable community west of the Rockies by 2025”?
- How will we measure success with the Broadband Capital Fund?
 - How many projects would demonstrate success?
 - What timeframe should be placed on this effort? Three months? Six months?
 - How will this proposal lower the cost for the average business/resident?
 - Who owns the fiber optic cable?
 - Can it be shared with other providers?
 - How much staff time for review and approval will each project take?
 - How does this impact the financial/accounting the City is required to complete and track?
- If private enterprise can solve this problem why do we need to offer funding?

09/05/17 Broadband Workshop - Tick Tock

882 Days
76,204,800 Tick Tocks

September 06, 2017

To ALL City Council Members

I recognize the positive impact that CMU has on our community and I want this entity to continue to grow and flourish. However, I do not agree that renaming North Avenue, will help this endeavor.

Please, pause and take a poll of ALL the nearly 300 property owners on North Avenue. I think you will be surprised at the negative response. I believe you acted on false information. It is sad that each property owner was not contacted before making this decision, that will impact the finances and future of each business. In this technological age, each business must be able to be located on google maps and GPS. I know that it takes years for google maps to make changes.

I feel that we, the property owners, were grossly misrepresented. The NAOA is not currently a viable Association and should not be used in this decision. The estimated cost to my business is between \$10,000 and \$12,000. I cannot put a cost on stress and anger. North Avenue is mostly business. It is easier for home owners to change a street address than a business. We cannot even contemplate or envision all the burdens and difficulties that will occur. Think about all the licenses and legal paperwork that must be changed. It will be extremely time consuming.

Please, please, reconsider your actions and take a real poll of all the property owners. If the majority of owners vote YES, I will have to go along. Thank you for listening to a very concerned citizen.

THANK YOU,



Cathleen Frederick, Owner
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