

COUNCIL COMMUNICATION

Meeting Date: July 27, 2010	1 st Reading _____ 2 nd Reading <u> x </u>	Legal Review:	Work Plan #	Agenda Location: Public Hearing	Agenda Item: 9A
Subject: AN ORDINANCE AMENDING SECTIONS 38-521 AND 38-523 OF CHAPTER 38 OF THE THORNTON CITY CODE PERTAINING TO THE ADOPTION OF THE 2010 REVISED EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO					
Prepared by: J.N. Steele		Approved by: Jack Ethredge		Ordinance previously introduced by: <u>Vigil</u>	
Reviewed by: Jim Nursey		Presented by: Tom Manka Deputy Police Chief			

KEY CONSIDERATIONS:

- At the June 29, 2010 meeting, City Council voted unanimously to approve the proposed ordinance on first reading.
- The proposed Ordinance adopts the 2010 edition of the Model Traffic Code for Colorado (2010 MTC) and amends various sections of the 2010 MTC to conform to similarly amended traffic regulations adopted with the 2003 MTC and other local amendments necessary for the 2010 MTC.
- This ordinance will become effective upon final passage.
- Some of the significant provisions added by the changes to the state traffic laws and included in the 2010 MTC are the following:
 - Section 116 prohibits a minor driver from operating a motor vehicle containing a passenger who is under twenty-one years of age.
 - Section 222 allows volunteer fire and ambulance personnel to equip their private vehicles with an electronic device to cause a traffic light to change after obtaining the required permit.
 - Section 236 allows for a child at least 4 years of age to utilize a two-point lap-belt system when a 3-point system is not available.
 - Section 239 authorizes a law enforcement officer to contact the operator of a motor vehicle when observed using a wireless telephone (cell phone) while driving if the violator is under the age of 18. A law enforcement officer may contact any operator of a motor vehicle if he/she is observed texting while driving.
 - The City Engineer has reviewed and approved section 510 regarding the new requirements for obtaining permits for excess size, weight of vehicles and transporting manufactured homes.
 - Section 607 prohibits a person from using any electronic device to cause a traffic light change.
 - Section 705 requires a motorist to yield the right-of-way to a stationary emergency vehicle that is utilizing its emergency lighting by moving into a lane at least one lane apart or if the roadway does not have a least two adjacent lanes proceeding in the same direction must reduce and maintain a safe speed.
 - Sections 1002, 1003, 1004, 1005 and 1008.5 all require a driver of a motor vehicle from passing a bicyclist moving in the same direction and in the same traffic lane unless there is at least a three-foot separation between the bicyclist and the passing of the bicyclist is done in a safe manner without interfering with other traffic using the highway.
 - Section 1105 prohibits persons from engaging in speed contests on highways and authorizes law enforcement officers to place immobilization devices on motor vehicles who engaged in those speed contests.

BUDGET/STAFF IMPLICATIONS:

- None

RECOMMENDATION:

- The staff recommends adoption of the 2010 MTC on second reading and local amendments to provide a means of enforcing traffic laws and providing a safe environment for the citizens of the City of Thornton.

HISTORY:

- City Council adopted a revised version of the Model Traffic Code for Colorado in 1995 and 2003.
- As a house keeping measure, this ordinance adopts the 2010 edition of the Model Traffic Code and associated local amendments in the City Code.

INTRODUCED BY: Vigil

AN ORDINANCE AMENDING SECTIONS 38-521 AND 38-523 OF CHAPTER 38 OF THE THORNTON CITY CODE PERTAINING TO THE ADOPTION OF THE 2010 REVISED EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO.

WHEREAS, the City of Thornton adopted, by Ordinance No. 2789, the 2003 edition of the Model Traffic Code for Colorado ("MTC"); and

WHEREAS, an updated and revised 2010 edition of the MTC is now available for adoption; and

WHEREAS, it is in the best interests of the citizens of the City and for the public health, safety and welfare to adopt by reference the 2010 edition of the MTC; and

WHEREAS, local amendments to the MTC provisions are also adopted by this ordinance for the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Section 38-521 of the Code is hereby repealed and reenacted to read as follows:

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by this reference Article I and II, inclusive of the 2010 Edition of the Model Traffic Code for Colorado Municipalities, promulgated and published as such by the Colorado Department of Transportation, Colorado, of which three copies are now filed in the Office of the City Clerk of the City of Thornton, Colorado, and may be inspected during regular business hours, the same being adopted as if set out fully herein, except for those sections amended or deleted as provided in Section 38-523 of this Chapter 38, Article XII.

2. Section 38-522 of the Code is hereby repealed.

3. Section 38-523 of the Code is hereby repealed and reenacted to read as follows:

38-523. Additions and Modifications.

The 2010 Edition of the Model Traffic Code for Colorado Municipalities as adopted in Section 38-521 is subject to the following additions, deletions, and modifications.

A. Section 101 is hereby repealed.

B. Section 102 is hereby repealed.

C. Section 103 is hereby amended to read as follows:

103. Scope and effect of Model Traffic Code – exceptions to provisions.

- (1) This Model Traffic Code constitutes the model traffic code throughout ~~this jurisdiction the City of Thornton (hereafter “City”)~~ and for purposes of ~~this Model Traffic Code~~, Sections 38-521 and 38-523 shall be any ~~referenced to as “Code.”~~ throughout such sections shall mean the 2010 edition of the Model Traffic Code for Colorado municipalities (also hereafter “MTC”).
- (2) The provisions of this Code relating to the operation of vehicle and the movement of pedestrians refer exclusively to the use of streets and highways except:
 - (a) Where a different place is specifically referred to in a given section;
or
 - (b) ~~For provisions of sections 1401, 1402 and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.~~ Where a different place is designated by ordinance or regulation of this City.

D. Section 109.5 is hereby repealed in its entirety.

E. Section 109.6 is hereby repealed in its entirety.

F. A new Section 113 is hereby enacted to read as follows:

113. Office of the Traffic Engineer.

- (1) The office of the Traffic Engineer is hereby established. The Traffic Engineer shall exercise the powers and duties provided in this Code.
- (2) In the absence of a Traffic Engineer or at such times as the Traffic Engineer may be temporarily absent from the municipality or unable to perform duties, said duties shall be vested in the Infrastructure Engineering Director or other municipal official as determined and authorized by the City Manager.

G. A new Section 113.5 is hereby enacted to read as follows:

113.5. Duties and powers of Traffic Engineer or other designated traffic official.

- (1) It shall be the general duty of the Traffic Engineer or other official vested with the responsibility for traffic as provided herein, to determine the

proper location for; cause installation or removal (if necessary) of; provide for the proper timing and maintenance of all official traffic control devices located within the City. The Traffic Engineer is also responsible for conducting analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the City, to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to perform such additional duties as are necessary to carry out the responsibilities for traffic control and operation in the City.

- (2) The Traffic Engineer's determination should be made in accordance with those traffic engineering and safety standards and instructions set forth in the most current edition of the Manual on Uniform Traffic Control Devices as adopted by the Colorado Department of Transportation and as adopted by the United States Department of Transportation Federal Highway Administration (the "Manual") as a standard for application on all classes of streets and highways. The Traffic Engineer may develop a revised warrant condition to meet a special traffic circumstance so long as the revised warrant condition meets sound engineering judgment and adoption by City Council. A Special Traffic Circumstance is defined as a circumstance where applying the Manual warrant requirements do not adequately meet the City's needs and/or safety requirements.
- (3) The Traffic Engineer may test traffic control devices under actual traffic conditions and conduct research and tests on new traffic control devices not presently included in the Manual on Uniform Traffic Control Devices. Such devices are not to remain in force beyond a period of 120 days on an experimental basis, with the exception of devices being tested for durability.
- (4) The Traffic Engineer shall have the authority and duty to set standards and establish procedures for issuing temporary and/or special permits for street or alley closures, curb loading operations, construction sites and maintenance locations, parking restrictions for the movement of vehicles for parades, processions or other similar restrictions or curb or street markings on or relating to the uses of streets and rights-of-way which would constitute a hazard to life or property within the City.
- (5) No person, public utility or department of this City shall erect or place any barrier or sign on any street or public right-of-way of the City for any purpose, unless of a type approved by the Traffic Engineer or in accordance with any permit issued by the Traffic Engineer.
- (6) All barricading and traffic control in public rights-of-way or on public streets of the City, for any type of restriction, shall be done so in accordance with

standards and procedures as established and as stated in any permit issued by the Traffic Engineer.

- (7) Where barricades are erected to close off a part or all of a street or highway within the City, under conditions of an approved permit authorized by the Traffic Engineer, it shall be unlawful for a person to drive around, through or between such barricades or barricaded area except as directed by a police officer or other such authorized person.

H. Section 114 is hereby repealed and enacted to read as follows:

115. Official traffic control records.

The Traffic Engineer shall keep records of all the streets or area open to the public where traffic regulations have been authorized and signs posted. Said record shall include schedules of streets or areas open to the public where the following regulations and controls have been authorized by the Traffic Engineer:

- (1) Speed limits modified pursuant to Sections 1101 and 1102;
- (2) Weight limitations imposed on streets;
- (3) Fire lane designations on private property;
- (4) Handicap parking designations on private property; and
- (5) Speed limit enforcement in mobile home parks.

The traffic control schedules shall be updated annually and authenticated by the City Clerk and Traffic Engineer. Said copies of the traffic control schedules shall be available for inspection during business hours in the office of the Thornton City Clerk, Thornton Municipal Court Clerk's office, and the Thornton Traffic Engineer's office.

I. Section 115 is hereby repealed and reenacted to read as follows:

114. Removal of traffic hazards.

- (1) The owner of real property abutting or on the right-of-way of any highway, sidewalk, or other public way shall trim or remove, at the expense of said property owner, any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.

- (2) The property owner shall remove any dead, overhanging boughs of trees located on the premises of such property owner that endanger life or property on the public right-of-way upon notice from the City.
- (3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge, or other plant within ten days after receiving written notice from the City to do so, the City may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the City for the costs of the work performed.
- (4) It shall be unlawful for the owner of real property to refuse or fail to remove any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.
- (5) Any person found in violation of this Section 114 shall be subject to a penalty pursuant to Section 1-8(a). All remedies hereby are declared to be cumulative.

J. Section 117 is hereby repealed.

K. Subsection 202(1) is hereby amended and new Subsections 202(5) and (6) are hereby enacted to read as follows:

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 property, 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 204 to 231 and Part 3 of this Code, or which is equipped in any manner in violation of said sections and Part 3 or for any person to do any act forbidden or fail to perform any act required under said sections and Part 3.
- (5) Exhaust fumes which may reach vehicles' passenger compartments create a danger to occupants of such a vehicle and to other persons on or about the streets and highways as a result of the possibility of these exhaust gases affecting the driver of any such vehicle. Exhaust systems which do not expel exhaust gases to the side, top or rear of a vehicle render a vehicle unsafe to operate and constitutes a violation of this section.

- (6) Vehicles which do not have fenders installed sufficient to prevent road debris from being thrown by the tires in the direction of drivers and passengers of such vehicles are unsafe to operate.

L. Section 203 is hereby repealed.

M. Subsections 205(1), (2) and (3) are hereby amended to read as follows:

205. – Head lamps on motor vehicles.

- (1) Every motor vehicle other than a motorcycle or a low powered scooter 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 sections 202 and 204 to 231 and part 3 of this Code where applicable.
- (2) Every motorcycle and low powered scooter shall be equipped with at least one and not more than two head lamps that shall comply with the requirements and limitations of sections 202 and 204 to 231 and part 3 of this Code where applicable.
- (3) Every head lamp upon every motor vehicle, including every motorcycle and low powered scooter, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches, to be measured as set forth in section 204(3).

N. Subsection 225(3) is hereby amended to read as follows:

225. – Mufflers – prevention of noise.

- (3) Any person who violates subsection (1) of this section commits a class B traffic infraction. ~~Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer and said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in section 205 (5.5)(a), C.R.S.~~

O. Subsection 229(4) is hereby amended to read as follows:

229. – Safety glazing material in motor vehicles.

- (4) No person shall operate a motor vehicle on any highway within this State unless such vehicle is equipped with a front windshield as provided in this

section, except as provided in 232(1) and except for motor vehicles registered as collectors' items ~~under section 219~~ pursuant to State law.

P. A new Subsection 235 is hereby enacted to read as follows:

235. – Minimum standards for commercial vehicles – spot inspections.

- (1) A police officer or sheriff's officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer or deputy may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the operation of Commercial Vehicles."
- (2) A police officer or sheriff's officer may immobilize, impound, or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization impoundment, or disposition is appropriate under the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of commercial Vehicles."
- (3) Any person, as defined in section 42-1-102(69), C.R.S., who violates subsection (2) of this section commits a traffic offense.

Q. Subsections 236(6) and (8) are hereby amended and a new subsection 236(10) is hereby enacted to read as follows:

236. – Child restraint systems required – definitions – exemptions.

- (6) (b) A minor driver under eighteen years of age who violates this section ~~shall be punished in accordance with section 42-2-105.5 (5)(b) C.R.S. commits a class A traffic infraction.~~
- (8) The fine may be suspended if the driver presents the court with satisfactory evidence of the acquisition or purchase of an approved child restraint system by the time of their court appearance. Court costs may be waived if child restraint is the only charge on the summons.
- (10) Any person who violates any provision of this section commits a traffic infraction and will be subject to enhanced penalties as set forth in the Thornton Municipal Court fine schedule.

R. Subsection 237(1)(a) is hereby repealed and reenacted, subsections (4)(a) and (4)(b) are hereby amended to read as follows:

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

- (1) (a) “Motor vehicle” means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways or low speed electric vehicles, except that the term does not include low-power scooters, wheelchairs, vehicles moved solely by human power, farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.
- (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 class B traffic infraction. ~~Penalties collected pursuant to this subsection (4) shall be transmitted to the appropriate authority pursuant to the provisions of section 42-1-217(1)(e) and (2) C.R.S.~~
- (b) A minor driver under eighteen years of age who violates this section ~~shall be punished in accordance with section 42-2-105.5(5)(b)~~ commits a class A traffic infraction.

S. Subsection 239(5)(a) is hereby amended and subsection (5)(b) is hereby repealed to read as follows:

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

- (5)(a) A person who operates a motor vehicle in violation of subsection (2) or (3) of this section commits a class A traffic infraction ~~as defined in section 42-4-1701 (3), and the court or the department of revenue shall assess a fine of fifty dollars.~~

T. A new Section 241 is hereby enacted to read as follows:

241. Mechanical failure; no defense.

The driver of a vehicle has a responsibility to the public to guarantee the vehicle is at all times in proper mechanical condition so the driver is able to steer, start, proceed, stop, signal, see and be seen properly, and otherwise to comply with the traffic laws. Consequently, mechanical failure, however unexpected, is no defense to a charge of violation of this Code except insofar as it serves to negate a reckless, knowing or intentional mental state where such is an element of the violation.

U. Section 501 is hereby repealed and reenacted to read as follows:

501. Size and weight violations--Penalty.

- (1) Except as provided in Section 509, it is unlawful for any person to drive or move or for the owner of a vehicle to cause or knowingly permit to be

driven or moved on any street or highway any vehicle or vehicles of a size or weight exceeding the limitations stated in Sections 502 to 512 or otherwise in violation of said sections or Section 1407, except as permitted in Section 510. Weight limits on municipal streets that are different than those stated in Sections 502 to 512 shall be approved by the Traffic Engineer and placed in the Traffic Control Records pursuant to Section 114. Official signs shall be erected giving notice of the vehicle weight limitation. When such official signs are erected, it is unlawful for any person to drive or move or for the owner of vehicle to cause or knowingly permit to be driven or moved on any street or highway any vehicle or vehicles of a weight exceeding the limits stated on such official signs without a permit issued pursuant to Section 510.

- (2) The provisions of this article governing size, weight and load shall not apply to fire apparatus or to implements of husbandry temporarily moved upon a highway or to vehicles such as mobile machinery and self-propelled construction equipment operated under the terms of a special permit issued as provided in Section 510.

V. Subsection 510(3) is hereby amended and subsections (8) and (9) are hereby enacted to read as follows:

510. – Permits for excess size and weight and for manufactured homes - rules.

- (3) Any local authority is authorized to issue or withhold a permit, as provided in this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure. In addition to the requirement for obtaining authentication of ad valorem taxes paid to serve as a permit for oversized or overweight manufactured homes to travel within the City, manufactured homes must also meet single trip or annual trip local permitting requirements imposed by this section.
- (8) This local government may impose a fee, in addition to but not to exceed the amounts required in section 42-4-510 (11), C.R.S., as provided by ordinance or resolution; and, in the case of a permit under section 42-4-510 (11)(a)(IV), C.R.S., the amount of the fee shall not exceed the actual cost of the extraordinary action.

- (9) (a) Any person holding a permit issued pursuant to this section or any person operating a vehicle pursuant to such permit who violates any provision of this section, any ordinance or resolution of this local government, or any standards or rules or regulations promulgated pursuant to section 42-4-510, C.R.S., by the Colorado Department of Transportation except the provisions of section 42-4-510(2)(b)(IV), C.R.S., commits a traffic offense.
- (b) This local government with regard to a local permit may, after a hearing under section 24-4-105, C.R.S., revoke, suspend, refuse to renew, or refuse to issue any permit authorized by this section upon a finding that the holder of the permit has violated the provisions of this section, any ordinance or resolution of this local government, or any standards or rules or regulations promulgated pursuant to this section.

W. Section 511 is hereby repealed in its entirety.

X. A new section 513 is hereby enacted to read as follows:

513. Restricted use of streets and alleys.

- (1) The use of certain streets and roadways by trucks or other commercial vehicles, bicycles, electrical assisted bicycles, and horse-drawn vehicles or other non-motorized traffic shall be restricted or prohibited when official signs giving notice thereof are erected by the Traffic Engineer. When signs are so erected giving notice of restrictions or prohibitions upon the use of streets, no person shall disobey the directions or instructions stated on such signs.
- (2) The provisions of Subsection (1) shall not be construed to prohibit the drivers of any vehicles from traveling over such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided that such vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter and provided that the operator of such vehicle obtains a permit pursuant to Section 113.5 or Section 510, as applicable. Exception is hereby granted without said permit to official emergency vehicles.
- (3) For the purpose of road construction and maintenance, any street or portion thereof may be temporarily closed to through traffic or to all vehicular traffic during the work project by action of the City by obtaining a permit issued by the Traffic Engineer, as authorized by Section 113.5 or Section 510, as applicable. It is unlawful for any person to restrict the use of any street or portion thereof within the City without being in possession

of an approved permit issued by the Traffic Engineer as authorized by Section 113.5 or Section 510, as applicable. Restriction of the use of the street shall include, but not be limited to, overweight and oversized vehicles, parking restrictions, parades, all construction and maintenance activities within the right-of-way of the City. Authorized City of Thornton maintenance activities are excluded from permit requirements, but will be coordinated with the Traffic Engineer.

- (4) It is unlawful for any person to operate a motorized vehicle in an alley for use as a thoroughfare within any residential area, except those persons who reside therein and except official emergency vehicles and authorized vehicles pursuant to Subsection (3) above.
- (5) It is unlawful for any person to park or stand a vehicle with a rated chassis capacity or carrying capacity of one ton or in excess of one ton, or truck tractor, road tractor, farm tractor, semitrailer, semi tractor, trailer or bus in any residential district on any public right-of-way, except during the process of loading or unloading such vehicle unless otherwise authorized pursuant to Section 113.5 or Section 510, as applicable.

Y. Subsection 606(1) is hereby amended to read as follows:

606. Display of unauthorized signs or devices.

- (1) It is unlawful for any person to ~~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. It is also unlawful for any person, unless authorized by the Traffic Engineer to paint or deface any curb, sidewalk, street or highway within the City; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has obtained a permit pursuant to Section 113.5 of this Code.

Z. Subsections 607(2)(b) and (3) are hereby amended to read as follows:

607. – Interference with official devices.

- (2) (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 class 1 misdemeanor traffic offense. ~~In addition to any other penalty imposed by law, the court shall impose a fine of one thousand dollars.~~

- (3) It is unlawful for any person to ride or drive any animal or any vehicle over or across any newly laid pavement or freshly laid sealed coating, or freshly painted markings on any street when a barrier sign, cone marking or any other warning device is in place, warning persons not to drive over or across such pavement, seal coating or marking, or when any portion thereof is closed. Any person who violates this subsection (3) commits a class B traffic infraction.

AA. Subsection 611(2) is hereby amended to read as follows:

611. – Paralegic persons or persons with disabilities – distress flag.

- (2) It shall be unlawful for any person who is not a paralegic person or a person with a disability ~~to who~~ uses such flag as a signal or for any other purpose. Any person who violates this subsection commits is guilty of a traffic offense~~misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment.~~

BB. Subsection 614(1) is hereby repealed and reenacted to read as follows:

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 be occurring within four hours on a municipal street, the City may designate such portion of the street as a street maintenance, repair or construction zone.
- (b) The City shall designate by appropriate signs that maintenance, repair or construction activity is taking place or will be taking place within four hours. Such sign shall be in a conspicuous place and notify the public.
- (c) Signs used for designating the beginning and end of a maintenance, repair or construction zone shall conform to Department of Transportation requirements. The City may display such signs on any fixed, variable or moveable 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.

CC. Section 615 is hereby repealed and reenacted as follows:

615. School zones – increase in penalties for moving traffic violations.

- (1) It is unlawful to commit a traffic violation in a school zone.

- (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 may, for streets under its jurisdiction, designate the placement of traffic signs that designate the area that will be deemed to be a school zone for the purposes of this section. In making such designation, local government authorities shall consider when increased penalties are necessary to protect the safety of school children.

DD. Subsection 703(3) is hereby amended to read as follows:

703. Entering through highway--Stop or yield intersection.

- (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. If a driver is involved in a collision with a vehicle or pedestrian after driving past a stop sign, such collision shall be deemed prima facie evidence of failure to yield the right-of-way.

EE. Subsection 705(3)(b) is hereby amended to read as follows:

705. – Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle.

- (3) (b) Any person who violates subsection (2), (2.5), or (2.6) of this section commits careless driving as described in section 42-4-1402.

FF. Subsection 706(1)(a) is hereby amended to read as follows:

706. Obedience to railroad signal.

- (1) (a) Stop ~~not less than fifteen feet so that the front of the vehicle is no~~ closer than five feet from the traffic control device 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

GG. Subsection 710(3) is hereby amended to read as follows:

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

- (3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle, or any other human-powered vehicle over any curb or upon a sidewalk or sidewalk area or bikeway within the City except to enter or leave an established driveway; and except upon a permanent or duly authorized temporary driveway. Maintenance vehicles duly authorized by the City are excluded from the prohibitions of this section when performing within the scope of assigned duties.

HH. Section 711 is hereby repealed in its entirety.

II. A new section 804 is hereby enacted to read as follows:

804. Pedestrians use of crosswalks.

Pedestrians shall move whenever practicable upon the right half of crosswalks. No pedestrian shall cross a roadway at any place other than at a marked crosswalk, but, if none, then only by a route at right angles to the curb or by the shortest route to the opposite curb except where angle crossing is authorized as provided in Subsection 803(4).

JJ. Subsections 901(1)(a) and (b) are hereby amended, a new subsection 901(1)(d) is hereby enacted, and subsection 901(2) is hereby amended to read as follows:

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; and the turn shall be completed into the right lane or edge of the roadway on the roadway turned onto; and the vehicle shall remain in said right lane after the turn for at least 100 feet before changing lanes in order to allow a proper lane change signal to be given.
- (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 and said vehicle shall remain in said lane after the turn for at least 100 feet before changing lanes in order to allow proper lane change signal to be given.

(d) No "double turns" [two vehicles turning abreast of one another] are allowed unless specifically authorized by signs, signals or markings.

- (2) Local authorities may cause official traffic control devices, including solid white lines, arrows and single or double solid yellow lines, 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. In the case of streets which are a part of the State highway system, the local regulation shall be subject to the approval of the department of transportation as provided in section 43-2-135(1)(g), C.R.S., as amended.

KK. Subsection 902(3) is hereby amended to read as follows:

902. Limitations on turning around.

- (3) Local authorities subject to the provisions of section 43-2-135(1)(g), C.R.S., as amended, 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. In other cases where official signs are erected prohibiting or restricting a right turn or left turn, a U-turn or all turns, it is unlawful to disobey the directions of any such sign.

LL. A new subsection 1005(2)(d) is hereby enacted to read as follows:

1005. Limitations on overtaking on the left.

- (2) (d) When the vehicle(s) being overtaken is making or is about to make a left turn.

MM. Subsection 1008(1) is hereby amended to read as follows:

1008. Following too closely.

- (1) The driver of a motor vehicle shall not follow another vehicle or approach more closely than is reasonable and prudent, having due regard for the speed or location of such vehicles and the traffic upon and the condition of the highway.

NN. Subsection 1010(3) is hereby amended to read as follows:

1010. – Driving on divided or controlled-access highways.

The City may by ordinance consistent with the provisions of section 43-2-135 (1) (g), C.R.S., with respect to any controlled-access highway under its jurisdiction,

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. After adopting such prohibitory regulations, the City shall install official traffic control devices in conformity with the standards established by sections 601 and 602 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.

OO. Section 1011 is hereby repealed in its entirety.

PP. Section 1012 is hereby repealed in its entirety.

QQ. Subsections 1101(1), (2) and (3) are hereby repealed and reenacted and subsection 1101(8)(g) is hereby repealed to read as follows:

1101. Speed limits.

- (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent for the conditions then existing; provided, however, the maximum lawful speed limit for all vehicles traveling in the City of Thornton is 25 miles per hour, except as provided in Subsection (2) herein.
- (2) Whenever the City determines that the City speed limit of 25 miles per hour is greater or less than is reasonable or prudent under the conditions found to exist, the City shall determine the safe speed limit which shall become effective when appropriate signs giving notice thereof are erected anywhere along the street and/or highways affected. It is unlawful for any person to drive a vehicle at any speed in excess of the posted limits in the City or the speed limit established for interstate highways as defined in 43-2-101(2), C.R.S., or in excess of the limits established in Subsection (1) above, in unposted areas.
- (3) The fact that the speed of a vehicle is lower than the limits established by law or the posted speed limits shall not relieve the driver from the duty to decrease speed when a special hazard exists with respect to pedestrians or traffic or by reason of weather or highway conditions, and speed shall be decreased as may be reasonable and prudent in compliance with the legal requirements herein and the duty of all persons to use due care. Loss of control of a vehicle on a street due to such special hazards shall be prima facie evidence of a violation of this section.

RR. Subsection 1102(2) is hereby repealed and subsection (4) is hereby amended to read as follows:

1102. Altering of speed limits – when.

- (4) No alteration of speed limits on State highways within cities, ~~cities and counties, and incorporated towns~~ shall be effective until such alteration has been approved in writing by the department of transportation. ~~Upon the request of any incorporated city or town having a population of five thousand or less, 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. Any speed limit so determined by said department shall then become effective when declared by local authority and made known by official signs conforming to the state traffic control manual.~~

SS. A new section 1203 is hereby enacted to read as follows:

1203. Parking for certain purposes prohibited.

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

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

TT. Section 1204 is hereby amended by the enactment of new subsections 1204(1)(l) through (o), amending subsection 1204(2)(b), by the enactment of new subsections 1204(2)(g) through (i), and enacting a new subsection 1204(9) to read as follows:

1204. Stopping, standing, or parking prohibited in specified places.

- (1)
 - (l) In the area between the curb of a street and the furthest extent of the public right-of-way;
 - (m) In the area between the edge of street or alley and the furthest extent of the public right-of-way; except upon the shoulder provided for emergency purposes;
 - (n) Upon any 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;
 - (o) No person shall park a vehicle over or upon a curbwalk unless there exists an additional attached or detached paved surface for pedestrian use (i.e., a sidewalk).
- (2)
 - (b) Within fifteen feet of a fire hydrant or fire standpipe outlet or fire sprinkler outlet anywhere within the City;

- (g) No person shall park any vehicle in any designated safety lane, such as those established in shopping centers, schools, arenas and athletic events;
 - (h) 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;
 - (i) The driver of a vehicle while waiting for a parking space to be cleared by another vehicle which is in the actual process of leaving such parking space shall stop on the roadway side of and immediately to the rear of such leaving vehicle and shall remain in such position until the parking space has been cleared.
- (9) No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight. Nor shall a person stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

UU. Section 1207 is hereby amended to read as follows:

1207. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the 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. No person shall board or alight from any vehicle while such vehicle is in motion. Any person who violates any provision of this section commits a class B traffic infraction.

VV. Subsections 1208 (1)(a), (1)(b), (2), (3)(a), (5)(b), (6), (7), (9), (11), (13)(a), and (13)(b) are hereby amended and subsection (14) is hereby enacted to read as follows:

1208. Parking privileges for persons with disabilities.

- (1) (a) "License plate or placard" means a license plate or placard issued pursuant to ~~section 204(2)~~ State law.
 - (b) "Person with a disability" has the meaning provided for such term ~~in section 201(1)~~ pursuant to State law.
- (2) In a jurisdiction recognizing the privilege defined by this subsection (2), a vehicle with a license plate or a placard obtained pursuant to ~~section 204(1)~~ State law or as otherwise authorized by subsection (4) of this section may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area;

except that a jurisdiction shall not limit such a privilege to park on any public street to less than four hours. The respective jurisdiction shall clearly post the appropriate time limits in such area. Such privilege need not apply to zones in which:

- (3) (a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A license plate or placard obtained pursuant to ~~section 204~~ State law or as otherwise authorized by subsection (4) of this section shall be displayed at all times on the vehicle while parked in such space.
- (5) (b) A license plate or placard obtained pursuant to ~~section 204~~ State law or as otherwise authorized by subsection (4) of this section is displayed in such vehicle.
- (6) Any person who is not a person with a disability and who exercises the privilege defined in subsection (2) of this section or who violates the provisions of subsection (5) or subsection (10) of this section commits a class B infraction. ~~and shall be fined the maximum fine thereunder double the amount usually imposed for such violations. Any person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in section 102(17), shall be subject to a fine of up to twice the maximum penalty identified for a class B traffic infraction in section 1701(3)(a)(I).~~
- (7) Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to ~~section 204~~ State law in order to receive the benefits or privileges available to get a person with a disability under this section commits a class B traffic infraction. ~~and shall be subject to a fine of up to twice the maximum penalty identified for a class B traffic infraction in section 1701(3)(a)(I).~~
- (9) Any State agency or division thereof that transports persons with disabilities may obtain a placard for persons with disabilities in the same manner provided in this section for any other person. It shall be unlawful for In the event that such a placard is used by any employee of such State agency or division when not transporting persons with disabilities to use such placard, and the executive director of such agency and the offending employee. A violation of this subsection is a traffic offense subject to a fine of one hundred dollars. The provisions of this subsection (9) shall apply to any corporation or independent contractor as determined by rule of the department to be eligible to transport persons with disabilities; except that the chief executive officer or an equivalent of the corporation or independent contractor and the offending employee shall be subject to the fine.

- (11) Any person who knowingly and fraudulently obtains, possesses, uses, or transfers a placard issued to a person with a disability pursuant to section 204 State law or knowingly makes, possesses, uses, or transfers what purports to be, but is not, a placard issued to a person with a disability pursuant to section 204 State law is guilty of a misdemeanor traffic offense and is subject to criminal and civil penalties provided under section 139 (3) and (4). ~~Any person who knowingly and willfully receives remuneration for committing a misdemeanor pursuant to this subsection (11) shall be subject to twice the civil and criminal fine that would otherwise be imposed.~~
- (13) (a) For the purposes of this subsection (13), “holder” means a person with a disability as defined ~~in section 201(1)(b)~~ by State law who has lawfully obtained a license plate or placard issued pursuant to section 204(2) State law or as otherwise authorized by subsection (4) of this section.
- (b) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section ~~or section 204~~ or for any misuse of a disabled license plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder can furnish sufficient evidence that the license plate or placard was, at the time of the violation, in the care, custody, or control of another person without the holder’s knowledge or consent.
- (14) Any person who violates any provision of this section commits a misdemeanor traffic offense, except where otherwise provided herein.

WW. Section 1210 is hereby repealed and reenacted to read as follows:

1210. Standing in fire lane.

No person shall stop, stand or park a vehicle, or permit a vehicle to be stopped or parked, within a designated fire lane on any street or at any other place within the City.

- (1) “Designated fire lane” shall mean a location determined by the Fire Chief and marked with an official sign in order to provide access to firefighting equipment.
- (2) A standard traffic parking sign shall be presumed to be an official sign unless otherwise shown by competent evidence.
- (3) Any person who violates any provision of this section commits a traffic infraction.

XX. A new section 1212 is hereby enacted to read as follows:

1212. Notice on illegally parked vehicle.

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

YY. A new section 1214 is hereby enacted to read as follows:

1214. Presumption in reference to illegal parking.

- (1) In any prosecution charging a violation of any provision of this Part 12 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.
- (2) Computer generated listings identifying the registered owner, certified as such by the Colorado State Department of Revenue, Motor Vehicle Division or the municipalities' Traffic Violations Bureau, shall be received as evidence to show the identity of the registered owner of such vehicle.

ZZ. Section 1401 is hereby repealed and reenacted to read as follows:

1401. Reckless driving – penalty.

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, low-powered scooter, or low-speed electric vehicle 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. A person convicted of reckless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of C.R.S. § 42-2-127.

AAA. Section 1402 is hereby repealed and reenacted to read as follows:

1402. Careless driving - penalty.

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, low-powered scooter, or low-speed electric vehicle anywhere within the City shall not fail to drive in a careful and prudent manner, giving due regard for the condition, width, grade, curves, traffic signs, signals and markings, inclement weather,

other traffic and objects and pedestrians on and about the streets and areas being driven upon, and all other attendant circumstances. It shall be prima facie evidence of a violation of this section for a person driving a vehicle to have collided with stationary objects such as buildings, fences, sign posts, parked vehicles, utility poles or barricades. A person convicted of careless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of C.R.S. § 42-2-127.

BBB. Subsection 1406(b)(I) is hereby amended, subsections (b)(II) and (6) are hereby deleted, to read as follows:

1406. Foreign matter on highway prohibited.

- (b) (I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor ~~and shall be punished as provided in section 18-1.3-501, C.R.S. offense.~~

CCC. Subsections 1409(4) and (8) are hereby repealed and reenacted and subsection (9) is hereby repealed to read as follows:

1409. Compulsory insurance—Penalty.

- (4) (a) Any person who violates the provisions of Subsection (a), (b), or (c) of this section shall be punished by a fine of not less than \$100.00, nor more than \$1,000.00 and, in addition, the court may impose imprisonment in the County jail for not less than ten days, nor more than 180 days. The minimum fine imposed by this subsection shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate insurance as required under C.R.S. § 10-4-620 has been obtained.
- (b) Upon a second or subsequent conviction under this section or under C.R.S. § 42-4-1409, within a period of two years following a prior conviction, the defendant shall be punished by a fine of not less than \$200.00, nor more than \$1,000.00 and, in addition, the court may impose imprisonment in the County jail for not less than ten days nor more than 180 days. The fine imposed by this Subsection (b) shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate insurance as required under C.R.S. § 10-4-620 has been obtained.
- (c) In addition to penalties prescribed in Subsections (a) and (b) of this Section (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, subject to the provisions of C.R.S. § 16-11-701.

- (8) As used in this Section 1409, public highways of the state shall include every street, alley, sidewalk area, driveway, park and every other public way or public parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate.

DDD. Subsection 1412(1) is hereby amended to read as follows:

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 Code, except as to special regulations in this Code 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 section 221. And, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of bicycles and electrical assisted bicycles.~~as provided in section 111.~~

EEE. Subsection 1415(4) is hereby amended to read as follows:

1415. Radar jamming devices prohibited - penalty.

- (4) A violation of subsection (1) of this section is a ~~class 2 misdemeanor~~ traffic offense., ~~punishable as provided in section 42-4-1701(3) (a) (II) (A).~~

FFF. Section 1701 is hereby repealed and reenacted to read as follows:

1701. Traffic offenses and infractions.

It is unlawful for any person to violate any of the provisions of this Code. Violations denoted as traffic offenses, misdemeanor traffic offenses, or class 1 or class 2 misdemeanor traffic offenses shall be punishable pursuant to Section 1-8(b) of the City Code, unless a specific penalty is prescribed in the provisions defining the offense. Violations denoted as class A or class B infractions shall be punishable pursuant to 1-8(a) of the City Code and the fine will be in an amount as set forth in the Thornton Municipal Court fine schedule.

GGG. Section 1702 is hereby repealed and reenacted to read as follows:

1702. Authority of officer at scene of accident.

A police officer at the scene of a traffic accident may issue a written summons and complaint to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this Code or pursuant to State law in connection with the accident.

HHH. Section 1705 is repealed and reenacted to read as follows:

1705. Person arrested to be taken before the proper court.

- (1) Whenever any person is arrested by a police officer for any violation of this Code, the arrested person shall, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in Section 1707 or be taken without unnecessary delay before a municipal judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or will disregard a summons to appear. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.
- (2) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with a violation of C.R.S. § 42-4-1301(1)(a) or (2) and who has been given a written notice or summons to appear in court as provided in Section 1707 in a State-approved treatment facility of alcoholism even though entry or other record of such arrest and charge has been made. Such placement shall be governed by Part 3 or Article 1 of Title 25, C.R.S., except where in conflict with this section.

III. Subsection 1706(1) is hereby repealed and reenacted to read as follows:

1706. Juveniles – convicted – arrested and incarcerated – provisions for confinement.

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 Code, violating the conditions of probation imposed under this Code, or found in contempt of court in connection with a violation or alleged violation under this Code shall not be confined to a jail, lockup, or other place used for the confinement of adult offenders.

JJJ. Section 1709 is hereby repealed in its entirety.

KKK. Subsection 1716(4)(b) is hereby amended as follows:

1716. Notice to appear or pay fine – failure to appear - penalty.

- (4)(b) A person who violates any provision of paragraph (a) of subparagraph (1) of this subsection (4) commits a class 1 petty offense. ~~and shall be punished pursuant to section 18-1.3-503, C.R.S.~~

LLL. Part 18 is hereby repealed in its entirety.

MMM. Subsection 1903(1)(a) is hereby amended and (1)(c) is hereby repealed to read as follows:

- (1) (a) Except as provided in this Subsection (1)(b) the driver of a vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus which has stopped, shall stop his vehicle before reaching such school bus if there are in operation on said school bus visual signal lights as specified in Subsection (2) of this section, and said driver shall not proceed until specified in Subsection (2) of this section, and said driver shall not proceed until the visual signal lights are no longer being actuated; but, in the case of small passenger-type vehicles operated as school buses having a seating capacity of not more than 15, no such visual signal lights need to be displayed or actuated.

NNN. Article II, Appendices, Definitions, is hereby amended by the enactment of the following new subsections (6.1), (6.2), (11.1), (11.2), (11.3), (78.5), (87.5), (94.5), (94.7), and (123) and the amendment of subsections (5), (18) (56), (59) and (121), and the repeal of subsections (57), (60)(a), (60)(b), and (62), to read as follows:

As used in this Code, unless the context otherwise requires:

- (5) 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 ~~such privately owned vehicles as are designated by the state motor vehicle licensing agency, necessary to the preservation of life and property, to be equipped and to operate as emergency vehicles in the manner prescribed by state law. 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.
- (6.1) "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor

vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(6.2) "Bus stand or stop" means a designated area adjacent to a curb or edge of the roadway assigned for the use of buses during the loading or unloading of passengers.

(11.1) "Curb barrier" means that portion of a street delineating the edge of a roadway intended for vehicular traffic, constructed with a vertical face for the purpose of restricting vehicular access from the roadway.

(11.2) "Curb mountable" means that portion of a street delineating the edge of a roadway intended for vehicular traffic, constructed with a sloping face allowing for vehicular access from the roadway to other paved surfaces intended for vehicular use.

(11.3) "Curbwalk" means that portion of a street located directly adjacent to a mountable curb between the curb and the outside limit of the public right-of-way for use by persons entering or exiting vehicles, not being a sidewalk for use by pedestrians.

(18) "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 section 42-4-1701 C.R.S., or this Code, if the summons states clearly the points to be assessed for the offense.

(e) As to a holder of a commercial driver's license as defined in section 42-2-202 or the operator of a commercial motor vehicle as defined in section 42-2-402:

(i) An unvacated adjudication of guilt or a determination by an authorized administrative hearing that a person has violated or failed to comply with the law;

(ii) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(iii) The payment of a fine or court cost or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated; or

(iv) A deferred sentence.

- (56) “Motorcycle” means ~~every a~~ motor vehicle that uses handlebars to steer and that is 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 that the term does not include a~~ “farm tractor” ~~and except a motorized bicycle or low-power scooters as defined in 49.5 and 49.7 of this section.~~
- (57) “Motor-driven cycle” is hereby repealed.
- (59) “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 low-power scooters, wheelchairs or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 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. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, “motor vehicle” includes a low-power scooter.
- (60) (a) “Motorscooter” and “motorbicycle” is hereby repealed.
- (60) (b) “Motorized bicycle” is hereby repealed.
- (62) “Neighborhood electric vehicle” is hereby repealed.
- (78.5) "Public right-of-way" means the land between adjacent property lines used or dedicated for street and utilities purposes.
- (87.5) "Road machinery" means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance and repair of roadways and the digging of ditches.
- (94.5) "Shoulder" means that portion of a street or highway not improved, designed or ordinarily used for vehicular traffic, but provided for emergency stopping or standing of disabled vehicles.

(94.7) "Snowmobile" means a self-propelled vehicle primarily designed for travel on snow or ice, and supported in part by skis, belts, or cleats.

(121) "Vehicle" means ~~any a~~ device ~~which that~~ is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, any a bicycle, and an electrical assisted bicycle, but ~~such term~~ does not include ~~any a~~ wheelchair ~~as defined by subsection (122) of this section~~, or any off-highway vehicle, snowmobile, ~~any~~ farm tractor, or ~~any~~ implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(123) "Yield" for the purposes of this Code shall mean to take appropriate action to grant the right-of-way.

4. All references throughout the Thornton City Code to provisions of the 2003 MTC are hereby amended to reference applicable provisions of the 2010 MTC, as adopted and amended by this ordinance.

5. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

7. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

8. This ordinance shall take effect on final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on June 29, 2010.

PASSED AND ADOPTED on second and final reading on _____, 2010.

CITY OF THORNTON, COLORADO

Erik Hansen, Mayor

ATTEST:

Nancy A. Vincent, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Margaret Emerich, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on July 8, 2010, and after second and final reading on _____, 2010.