

SPONSORED BY TRUSTEE

TRUSTEE'S BILL

ORDINANCE NO.

NO. 07-10  
Series of 2007

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**TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING SECTIONS 8-1 AND 8-4 OF THE HUDSON MUNICIPAL CODE REGARDING THE ADOPTION BY REFERENCE OF THE 2003 MODEL TRAFFIC CODE, AND ADOPTING A NEW SECTION 8-9 ENTITLED DELETIONS, MODIFICATIONS AND ADDITIONS TO THE MODEL TRAFFIC CODE**

WHEREAS, the Town has adopted the 1995 edition of the Model Traffic Code;

WHEREAS, the Colorado Department of Transportation issued a revised version of the Model Traffic Code in 2003;

WHEREAS, since the Town's adoption of the 1995 edition of the Model Traffic Code, changes have occurred within the law and through technological advancements that require amendments to the Model Traffic Code, including those provisions relating to the use of small motorized vehicles;

WHEREAS, the Board of Trustees finds and determines that the public health, safety and welfare will be served by the adoption of the Revised 2003 Edition of the Model Traffic Code and by the addition of a new Section 8-9 to the Hudson Municipal Code, whereby the Board of Trustees may amend the Model Traffic Code to reflect changes in the law and technology.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 8-1 of the Hudson Municipal Code is hereby repealed and reenacted as follows:

**Sec. 8-1. Adoption.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, E.P. 700., Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this ordinance and the Code adopted herein is to provide a system of traffic

regulations throughout the state and the nation. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Clerk of the Town of Hudson, Colorado, and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length, except as amended hereby.

Section 2. Section 8-4 of the Hudson Municipal Code is hereby repealed and reenacted as follows:

**Sec. 8-4 Penalties.**

(a) It shall be unlawful for any person to violate any of the provisions of this title or any of the provisions of the Model Traffic Code for Colorado Municipalities, 2003 edition. Any violations of the provision of said Model Traffic Code shall be a violation of this article.

(b) Except as provided in subsection (c) of this Section 8-4, any violations of this Article 1 shall be traffic infractions punishable by civil penalties of not more than four hundred ninety-nine dollars (499.00) to be determined and assessed at the discretion of the municipal court judge. Traffic infractions shall constitute civil matters.

(c) Any violations of Section 1105, Speed Contests; Section 1401, Reckless Driving; or Section 1413, Eluding or Attempting to Elude a Police Officer, of the Model Traffic Code shall be misdemeanor traffic violations subject to the penalties specified in Section 1-51 of this Code.

(d) Any person who pleads guilty or no contest to, or is convicted of, any offense specified in this title shall be assessed the applicable civil penalty or criminal punishment in an amount to be determined at the discretion of the municipal court judge. At any trial for offenses specified in this article, the burden of proof shall be upon the people of the Town to prove both civil traffic infractions and misdemeanor traffic violations beyond a reasonable doubt.

(e) Except for persons who are charged with one of the offenses specified in subsection (c) of this section, if a person fails to appear at a hearing before the court at the date and time specified in the summons and complaint, or at such other time as the court may order, the municipal court shall enter a default judgment, assess an appropriate civil penalty and assess applicable court costs and the law enforcement assistance surcharge against such person. A default judgment shall have the same legal effect as a plea of guilty or a conviction at trial. Upon motion made not later than one hundred eighty (180) days following the entry of a default judgment, the municipal court may vacate a default judgment upon adequate showing of excusable neglect, or that the default judgment violates the Constitution or laws of the United States, the Constitution or laws of the State of Colorado, or the Charter or ordinances of the Town, or any other reason justifying relief from the operation of the default judgment.

(f) If a person who is charged with one of the offenses specified in subsection (c) of this Section fails to appear at a hearing before the court at the date and time specified in the summons and complaint, or at such other time as the court may order, the court may issue a bench warrant for the arrest of such person and set the amount of bail for such person pursuant to Rule 246 of the Colorado Rules of Municipal Court Procedure.

(g) The municipal court shall report its entry of a default judgment, a plea of guilty or no contest, or a conviction or a forfeiture of bail against every person concerning any charge specified in this section, to the Department of Revenue, Motor Vehicles Division, and the Motor Vehicles Division may thereafter assess penalty points against such person's driving privileges pursuant to Section 42-2-127, C.R.S.

Section 3. Article 1 of Chapter 8 of the Hudson Municipal Code is hereby amended by the addition of a new Section 8-9, to be read as follows:

**Sec. 8-9. Deletions, Modifications and Additions to the Model Traffic Code.**

(a) Section 109 of Article 1 of the Model Traffic Code is hereby amended as follows:

**109. Motor-assisted scooters, motorized bicycles, animals, skis, skates, toy vehicles, and all-terrain recreational vehicles.**

(1) Every person riding a motor-assisted scooter upon a roadway where motor-assisted 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 Code, except those provisions of this Code which, by their very nature, can have no application. Said riders shall also comply with special rules set forth in this section and in section 220(2) and, when using streets and highways within municipalities and counties, shall be subject to local ordinances regulating the operation of motor-assisted scooters. Whenever the word "vehicle" is used in any of the driving rules set forth in this article that are applicable to motor-assisted scooter riders, such term shall include motor-assisted scooters.

(2) A person riding a motor-assisted scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No motor-assisted scooter shall be used to carry more persons at one time than the number for which it was designed and equipped.

(4) No person riding upon any motor-assisted scooter, motorized bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) Every person operating a motor-assisted 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 motor-assisted scooters upon a roadway shall not ride more than two abreast except on lanes or parts of roadways set aside for exclusive use of bicycles.

(7) For the sake of uniformity and bicycle and motorized bicycle safety throughout the state, the department of revenue in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle and motorized bicycle riders therein a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to such riders and their bicycles or motorized bicycles. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that are applicable within their respective jurisdictions.

(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 state 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 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. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

(10) No person shall operate any toy vehicle, motorized bicycle, all terrain vehicle, or other similar device on any highway, roadway, sidewalk, trail, bicycle path, or other property within the Town.

(11) 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 Code, except those provisions of this Code which by their very nature can have no application.

(12) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where

suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, animal rider, animal drawn conveyance, or other class or kind of non-motorized traffic which is found to be incompatible with the normal and safe movement of traffic, and upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice thereof; except that with respect to controlled access highways the provisions of section 42-4-1010(3), C.R.S., shall apply. When such official signs are so erected, no person shall violate any of the instructions contained thereon.

(13) 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.

(14) For purposes of this Section, the following terms shall have the following meanings:

(a) "All terrain vehicle" means a multi-purpose motorized vehicle having at least three (3) wheels that are generally sold and manufactured for utility such as agriculture and recreational use. All terrain vehicles may have multiple speed transmissions and can reach speeds of up to seventy-five (75) miles per hour.

(b) "Motor-assisted scooter" or "motorscooter" means a vehicle having two or three wheels, a step-through frame, and a cylinder capacity exceeding 50 C.C., which is registered and insured under Colorado Law and meets the federal motor vehicle safety standards.

(c) "Toy Vehicle" means any vehicle, whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen inches and is not designed, approved, or intended for use on public roadways or highways. "Toy vehicle" includes, but is not limited to, gas or electric powered vehicles commonly known as motorized bicycles, mopeds, trail bikes, mini bikes, "pocket" bikes, kamikaze boards, go-peds, stand-up scooters, go-carts, golf-carts, and other unregistered vehicles that do not meet the federal motor vehicle safety standards.

(b) Section 109.5 of Article I of the Model Traffic Code is hereby amended as follows:

(1) Except as provided in 42-4-111(1)(aa), C.R.S., no person shall operate a neighborhood electric vehicle on any highway, roadway, sidewalk, trail, or bicycle path within the Town.

(2) For purposes of this Section, "Neighborhood Electric Vehicle" means a self propelled, electrically powered vehicle that:

(a) Meets the equipment standards set forth in part 2 of article 4 of the Colorado Revised Statutes; and

(b) Has a speed attainable in one mile that does not exceed twenty-five miles per hour.

(c) Section 102(39) of Article II of the Model Traffic Code is hereby amended as follows:

(39) "Motor-driven cycle" means every motorcycle, including every motor-assisted scooter that is required to be registered and insured under Colorado law.

(d) Section 102(42)(a) of Article II of the Model Traffic Code is hereby amended as follows:

(42) (a) "Motorbicycle" means 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 (42), which motor vehicle is powered by an engine of not to exceed six-brake horsepower.

Section 4. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 6<sup>th</sup> day of June, 2007.



TOWN OF HUDSON, COLORADO

  
Neal Pontius, Mayor

ATTEST:

Judy Larson  
Judy Larson, Town Clerk

PASSED ON SECOND AND FINAL READING this 18<sup>th</sup> day of July,  
2007, AND ORDERED PUBLISHED ONCE IN FULL.



TOWN OF HUDSON, COLORADO

Neal Pontius  
Neal Pontius, Mayor

ATTEST:

Judy Larson  
Judy Larson, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann  
Corey Y. Hoffmann, Town Attorney