

**ORDINANCE NO. 8  
SERIES 2010**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF GUNNISON, COLORADO; ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:**

Section 1. Adoption. Pursuant to Part 2 of Article 16 of Title 31, C.R.S, and Section 6.6 of the City of Gunnison Municipal Home Rule Charter, there is hereby adopted by reference Articles I and II, inclusive, of the 2010 edition of the "Model Traffic Code for Colorado," promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the City of Gunnison, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 2010 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

Part 17, Penalties and Procedure

Appendix, Part A, Instructions for adopting the Model Traffic Code by Reference

Appendix, Part B, Specimen Ordinance for Adopting Model Traffic Code by Reference

Appendix, Part C, Specimen Notice of Hearing

Appendix, Part D, Specimen Certification – Posting of Ordinance

Appendix, Part E, Instructions For Amending Mode Traffic Code Previously Adopted by Reference

Appendix, Part F, Listing of Amendments for Updating Previous Edition of Model Traffic Code Adopted by Reference

Appendix, Part G, Specimen Certification of Model Traffic Code

Section 3. Additions or Modifications. The said adopted Code is subject to the following additions or modifications:

Part 1, Traffic Regulations – Generally, is hereby amended by the addition of Section 118:

118    Use of motorized golf carts.

(1) The operation of motorized golf carts by permit is hereby authorized on streets within the City of Gunnison. Any person operating a motorized golf cart under permit has all the rights and duties applicable to the driver of any vehicle, except when those provisions cannot reasonably be applied to motorized golf carts. This provision does not authorize use of golf carts on any state highway. Except that golf carts may cross a state highway at a right angle at any cross street, after complying with traffic

control devices present and if none present shall yield the right of way to any vehicles or pedestrians on state highway.

(2) Authorization to operate a motorized golf cart on city streets is by permit only. Permits shall be issued by the chief of police or designee. Any person holding a valid, current driver's license may apply for a permit. All permits shall expire annually, on June 1. The fee for a permit shall be thirty dollars (\$30.00).

(3) Each application for a permit to operate a motorized golf cart on the city street shall include:

(a) The name, address, phone and drivers license number of the applicant;

(b) Proof of inspection, by the Gunnison Police Department, to insure the golf cart has all required equipment;

(c) Proof of current liability insurance;

(d) Such other information as the chief of police or City Council may from time to time require.

(4) The following equipment is required on any motorized golf cart during operation on any city street.

(a) The slow moving vehicle emblem provided for by state statute, properly mounted on the rear of the golf cart pursuant to state regulations;

(b) A rear view mirror, properly mounted on the golf cart so as to reflect to the operator a view of the street for a distance of at least two hundred (200) feet to the rear of the golf cart;

(c) One red safety flag mounted 4 foot from the ground and properly attached to the rear of the golf cart.

(5) It is unlawful for any person to operate a motorized golf cart on any city street where:

(a) The operator does not have in his possession a valid adult driver's license;

(b) The operator does not have in his possession a valid, current, and un-revoked permit issued to the operator;

(c) The motorized golf cart is operated between sunset and sunrise;

(d) The motorized golf cart is being operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred (500) feet;

(e) The motorized golf cart is not equipped with required equipment;

(f) The operator does not have current insurance coverage;

(7) The operator fails to observe all traffic laws and regulations, except when those provisions cannot reasonably be applied to motorized gold carts.

(8) A permit issued under the section may be revoked or modified at any time by the chief of police or designee if there is evidence that the permit holder cannot safely operate a motorized golf cart on the city street.

(9) Any person whose permit to operate a motorized golf cart has been revoked may appeal the revocation to the city manager. Appeals shall be submitted in writing to the city manager within twenty (20) days of the date of revocation.

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

Part 1, Section 109(9), Restricted Use of Snowmobiles, Skis, Toboggans, Coasters, Skates, and Similar Devices, is hereby amended to read as follows:

(a) Except as provided in subsection b of this section, it shall be lawful for persons to use any street or highway within this municipality for traveling on roller skis, coasters, roller skates, skateboards, or similar devices. Similar devices includes skis and coasters equipped with a gas or electric, engine manufactured to carry one person in a standing position, having a maximum speed of 15 miles per hour, equipped with a handlebar type steering mechanism and breaking system.

(b) It shall be unlawful for persons to use U. S. Highway 50, also known as Tomichi Avenue, and Colorado Highway 135, also known as Main Street, for traveling on roller skis, coasters, roller skates, skateboards, or similar devices, except while crossing these streets in a crosswalk, and when so crossing, such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians. Roller skis, coasters, roller skates, skateboards, or similar devices may not be used on any street during the hours of sunset to sunrise or when visibility is limited to less than 500 feet for any reason.

(c) Every person traveling on roller skis, coasters, roller skates, skateboards, or similar devices upon a roadway where their 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 persons shall also comply with special rules set forth in this article.

Whenever the word "vehicle" is used in any of the driving rules set forth in this code that are applicable to users of roller skis, coasters, roller skates, skateboards, and other similar devices, such term shall include the aforementioned.

(d) Every person traveling on roller skis, coasters, roller skates, skateboards, or similar devices shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(e) Persons traveling on roller skis, coasters, roller skates, skateboards, or similar devices shall not impede the normal flow of traffic or travel in such a manner as to disrupt the normal flow of traffic.

(f) Every person traveling on roller skis, coasters, roller skates, skateboards, or similar devices upon a street or highway shall ride as close to the right side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(g) Persons traveling on roller skis, coasters, roller skates, skateboards, or similar devices shall not ride more than two abreast except on lanes or parts of roadways set aside for their use.

(h) No person traveling on roller skis, coasters, roller skates, skateboards, or similar devices shall attach the same or himself to any vehicle being operated upon the roadway.

(i) No person shall travel on roller skis, coasters, roller skates, skateboards, or similar devices on sidewalks or areas designated for pedestrian use.

(j) No person shall use any street or highway within this municipality for traveling on toboggans or coasting sleds, and it shall be unlawful for any person to use the roadways within this municipality as a sled course for the purpose of coasting on sleds or toboggans.

(k) A snowmobile may be operated on streets and highways under the jurisdiction of this municipality only when such operation is authorized by special ordinance or addition to this code and appropriate notice is given thereof, and then only in the manner and on such streets prescribed by such ordinance consistent with the provisions of State law.

Part 12, Parking, is amended by the addition of the following:

Section 1203, Parking Not to Obstruct Traffic or Maintenance.

(1) 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.

(2) No person shall park any vehicle on any street or highway so as to interfere with scheduled road maintenance. Notice of scheduled road maintenance may be by written or verbal notice to property occupants adjoining street or highway, by posting of temporary signs on affected street, or any combination, 24 hours prior to the start of the maintenance.

(3) Vehicles parked in violation of this section may be towed pursuant to Part 18, Section 1803(2).

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

Part 12, Section 1205, Parking at Curb or Edge of Roadway, is amended by the addition of:

(3)(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 an angle to the curb at the edge of the roadway indicated by such signs or markings with its right front wheel within twelve (12) inches of the curb or edge of the roadway.

Part 12, Section 1206, Unattended Motor Vehicles, is hereby amended to read as follows:

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first removing the key from the ignition or locking the doors, and when standing upon any grade, said person shall effectively set the brake thereon, and 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.

(2) No person driving or in charge of a motor vehicle shall permit it to idle, whether attended or unattended, for a period in excess of thirty (30) minutes in any one (1) hour period anywhere within the city, other than a location designated for such activities by either the City Manager or the Chief of Police.

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

Part 18, Section 1804(4), Report of abandoned motor vehicles – owner's opportunity to request hearing: is hereby amended to read as follows:

(4)(a) If the responsible law enforcement agency does not use an operator to store the motor vehicle, the responsible law enforcement agency, within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by certified mail the owner of record, if ascertained, and any lien holder, if ascertained, of the fact of such report and the claim of any lien under section 42-4-1806. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from where it was towed, and that, unless claimed within thirty calendar days after the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(b) If the responsible law enforcement agency uses an operator to store the motor vehicle, the responsible law enforcement agency, within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by first-class mail the owner of record, if ascertained, and any lien holder, if ascertained, of the fact of the report and the claim of any lien under section 42-4-1806. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from where it was towed, and that, unless claimed within thirty calendar days after the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(c) The responsible law enforcement agency shall include in the notices sent pursuant to either paragraph (a) or (b) of this subsection (4) a statement informing the owner of record of the opportunity to request a hearing concerning the legality of the towing of the abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose

(d) If an owner or lien holder requests a hearing, the owner or lien holder shall make the request in writing to the responsible law enforcement agency within ten days after the notice was sent, as determined by the postmark. Such hearing, if requested, shall be conducted pursuant to section 24-4-105, C.R.S., if the responsible law enforcement agency is the Colorado state patrol. If a local political subdivision is the responsible law enforcement agency, such hearing shall be conducted pursuant to local hearing procedures. If it is determined at the hearing that the motor vehicle was illegally towed upon request from a law enforcement agency, all towing charges and storage fees assessed against the vehicle shall be paid by such law enforcement agency.

Appendices, Definitions, is amended by the addition of the following:

(29.1) "Electric personal assistive mobility device" or "EPAMD" means a self-balancing, non-tandem 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 seven hundred fifty watts.

(39.1) "Golf Cart" means a gas or electric powered vehicle having three or four wheels designed and intended to transport golf equipment and people while playing golf and not designed primarily for travel on the public street.

(105.1) "Street" means the entire width of any publicly owned property which has been established for the movement of vehicular traffic. On streets not defined by curbs width shall be determined by existing maintenance and vehicular use.

Section 3. Penalties. The following penalties, herewith set forth in full, shall apply to this ordinance:

A. It is unlawful for any person to violate any of the provisions adopted in this ordinance.

B. Violations of any provision of this Code that are classified as traffic infraction shall constitute a civil matter. Punishable by a fine of not less than Fifteen Dollars (\$15.00) nor more than One Hundred Dollars (\$100.00).

C. Every person convicted of a violation of any provision adopted in this ordinance, which is classified as a misdemeanor, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

D. If a person receives a penalty assessment notice for a violation under this code and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as provided for in 42-2-127(5.5), C.R.S.

Section 4. Application. This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which the municipality has jurisdiction and authority to regulate. The provisions of Sections 1206(2), 1401, 1402, 1413, and 606 of the adopted Model Traffic Code, respectively, concerning unattended motor vehicles, reckless driving, careless driving, eluding a police officer, and unauthorized devices, shall apply not only to public places and ways, but also throughout this municipality.

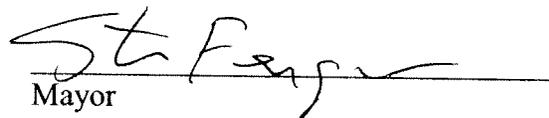
Section 5. Validity. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 6. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed, and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 7. Interpretation. This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or extent of the provisions of any article or section thereof.

Section 8. Certification. The City Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 16th day of November, 2010, on first reading, and introduced, read, and adopted on second and final reading this 14th day of December, 2010.

  
Mayor

ATTEST:

  
City Clerk

Ordinance and Public Hearing Notice  
Published in full in the  
Gunnison Country Times  
November 25, 2010 and  
December 2, 2010