

Title 10

VEHICLES AND TRAFFIC

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10.04.010 Adoption of Model Code. Subject to Section 10.04.015, 016, and 017, there is hereby adopted by reference, in its entirety, the 2010 edition of the "Model Traffic Code for Colorado" and appendices thereto ("Model Code"), promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of said Model Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Chapter and the Model 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 Nation. (Ord. 8 §1, 1978; Ord. 22 §1, 1996; Ord. 7 §1, 2006; Ord. 6 §5, 2015)

10.04.15 Deletions. The following provisions of the Model Code are hereby deleted from the Model Code, and the Model Code is adopted subject to said deletions:

A. Part 1, "TRAFFIC REGULATION-GENERALLY," Sections 101, Short title and 102, Legislative declaration;

B. Part 1, "TRAFFIC REGULATION-GENERALLY," subsection (3) of Section 116 concerning restrictions for minor drivers;

C. Part 7, "RIGHTS OF WAY", Section 711, Driving on mountain highways;

D. Part 12, "PARKING", subsection (9) of Section 1208, Parking privileges for persons with disabilities;

E. Part 12, "PARKING", Section 1210, Designated areas on private property for authorized vehicles;

F. Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;

G. Part 17, "PENALTIES AND PROCEDURE," Sections 1701 and 1702,;

H. Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses;

I. Any penalty provisions in the Model Code that conflict with the provisions set forth in Chapter 10.04.017 of this Code are deleted and said Code provision shall control. (Ord. 6 §5, 2015

10.04.016 Additions and Modifications. The Model Code is subject to the following additions or modifications:

A. Subsection 3 of Section 114 of the Model Code is amended as to read as follows:

114. Removal of Traffic Hazards.

(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 (10) days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the local authority for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the local authority. This lien on the premises may be foreclosed by an action at law or in equity in the name of the City and in the court having jurisdiction thereof. If the local authority must resort to court action for collection of amounts due, the local authority shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the local authority prevails. In the event such costs are not paid by the

property owner when due, the City Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

B. Subsection 3 of Section 1205 of the Model Code is amended to read as follows:

1205. Parking at Curb or Edge of Roadway.

(3) 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 or edge of the roadway indicated by such signs or markings.

C. The following definitions are added to the "Definitions" appendix of the Model Code:

(28.5) **"Electrical Assisted Bicycle"** means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) **"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 750 watts.

(49.5) **"Low-Power Scooter"** means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(b) A wattage not exceeding 4,476 if powered by electricity.

The term "low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights of way.

D. The citation corrections identified in Exhibit A to Ord. #6, 2015 adopting the Model Code are incorporated herein by reference. (Ord. 6 §5, 2015)

10.04.017 Penalties.

A. Penalty Assessment Schedule. The municipal court for the City of Delta shall promulgate a penalty assessment schedule ("Schedule") and update said Schedule from time to time as is deemed necessary by the court.

B. Traffic Infraction. It is a traffic infraction for any person to violate parts 1 to 3 and 5 to 19 of the Model Code unless such violation is declared otherwise by the Model Code or any other state or local law. Any violation deemed to be a traffic infraction is subject to the standard penalties set forth in the municipal court's Schedule.

C. Traffic Offense. Any violation of the Model Code deemed by the Model Code to be a traffic offense is subject to the standard penalties available to the Delta Municipal Court set forth in Chapters 1.08.010 and 1.08.030 of the Delta Municipal Code.

D. It is expressly provided that a speeding violation of up to 24 miles per hour over the posted speed limit constitutes a traffic infraction and is subject to the penalties as provided in this Chapter. (Ord. 6 §5, 2015)

10.04.018 Off-Highway Vehicles.

A. Definitions.

1. "Off-Highway Vehicle" or "OHV" shall have the meaning given in C.R.S. § 33-14.5-101, as the same may be amended from time to time.

2. As used in this Section 10.04.018, "OHV Route" means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the City, excluding only Highway 50, Highway 92, and Highway 348.

B. OHV Use Permitted: any person 16 years or older is permitted to operate an off-highway vehicle on, within, and throughout the OHV Route, provided that:

1. The operator of the OHV has in their possession a valid motor vehicle driver's license or operator's license; and

2. The OHV has been registered and numbered in accordance with Article 14.5 of Title 33 of the Colorado Revised Statutes; and

3. The operator of the OHV has, in full force and effect, an insurance policy covering the OHV that complies with the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes.

It shall be unlawful for any person to operate an off-highway vehicle outside the OHV Route.

C. Traffic Regulations. The City's traffic regulations set forth in this Chapter 17, including the Model Code, shall apply to the operation of OHVs within the City. It expressly acknowledged that it is unlawful for any person to operate an OHV under the influence of alcohol or one or more drugs, or a combination of both, and that such conduct is subject to C.R.S. § 42-4-1301. (Ord. 6 §5, 2015)

10.04.020 Application. This Chapter 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 this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively, concerning reckless driving, careless driving, and eluding officers shall apply not only to public places and ways, but also throughout this municipality. (Ord. 8 §4, 1978; Ord. 22 §1, 1996; Ord. 7 §1, 2006)

10.04.030 Copies.

A. One copy of the Model Traffic Code and any secondary code pertaining thereto certified to be true copies by the Mayor and Clerk shall be kept filed in the Office of the Clerk available for public inspection.

B. The Clerk shall maintain a reasonable supply of copies of the Model Traffic Code adopted herein for purchase by the public at a moderate price. (Ord. 8 §7, 1978; Ord. 22 §1, 1996; Ord. 7, §1, 2006)

10.04.040 Parking Restrictions.

A. No person shall park any vehicle or trailer with a factory rating of more than one ton and/or which exceeds a height of 7'6" or a width of 8 feet or a length of 21 feet on any street or public right-of-way in any district zoned for residential use, for a period of more than one (1) hour unattended. Vehicles designed for handicapped persons or emergency medical vehicles shall be exempted from the provisions of this section.

B. No person shall park any vehicle or trailer on Block 4 of the original plat of the Town, now City, of Delta, commonly known as the Lincoln Parking Lot, during the hours of 3:00 a.m. to 5:00 a.m.

C. Where parking spaces are delineated by markings on the streets and City-owned property, all vehicles shall be properly parked completely within such marked spaces. (Ord. 8 §9, 1978; Ord. 22 §1, 1996; Ord. 33 §3, 1996; Ord. 7 §1, 2006)