



CITY OF CAÑON CITY

City Council

City Council Chambers
128 Main St., Cañon City, CO 81212
(719) 269-9011 • www.canoncity.org

GENERAL GOVERNMENT COMMITTEE MEETING

June 4, 2025
6:00 p.m.

AGENDA

1. CALL TO ORDER: City Council Chambers
2. ROLL CALL: COUNCIL MEMBERS DENNEHY, MELONI, SCHMISSEUR, STEIN, TRACY, WORTHINGTON, MAYOR PRO TEM HAMRICK, MAYOR TROUTMAN.
3. DISCUSSION:
 - A. MTC and Cat ordinance discussion
4. ADJOURN: The next regular meeting is scheduled for July 9, 2025.

Posted pursuant to code on Wednesday, May 28, 2025.
Cindy Foster Owens, City Clerk



CITY OF CAÑON CITY

City Administrator

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TO: Mayor and City Council
FROM: Ryan Stevens, City Administrator
PREPARED BY: Tim R. Bell
DATE: 06/04/2025
RE: MTC and Cat ordinance discussion

SUMMARY:* The City would like to adopt the 2024 Model Traffic Code (MTC) to update the current traffic code from the version now recognized (2010 MTC). The suggested changes would include the adoption of codes consistent with existing state traffic laws that have been discussed with both the prosecuting Municipal Attorney and the City Attorney.

In addition to the MTC, the City would also like to adopt an ordinance to allow the prosecution of offenders who mistreat cats as that language is not currently in the municipal code.

REVIEWED BY Yes No
LEGAL?

RECOMMENDED ACTION: Discuss the suggested updates and change to the Model Traffic Code and the adoption of a Cat ordinance

of attachments 3

**A BILL FOR
ORDINANCE NO. __, SERIES OF 2025**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING TITLE 6
OF THE CAÑON CITY MUNICIPAL CODE ADDING A NEW CHAPTER
6.10 CONCERNING CATS**

WHEREAS, the City's current animal control regulations do not address certain actions concerning cats; and

WHEREAS, the City Council believes it is the best interests of the City and its citizens to address certain actions concerning cats and provide impoundment authority under certain circumstances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:

Section 1. Title 6 of the Cañon City Municipal Code is amended by the addition of a new Chapter 6.10 to read as follows:

CHAPTER 6.10 – CATS

Sec. 6.10.010. Cruelty to cats.

It is unlawful for any person to knowingly, recklessly, or negligently torment, torture, needlessly mutilate, needlessly kill, deprive of necessary sustenance, unnecessarily or cruelly beat, allow to be housed in a manner that results in or may reasonably result in physical harm, carry or confine in or upon any vehicles in a cruel or reckless manner or otherwise mistreat or neglect any cat, or causes or procures it to be done or, having the charge or custody of any cat, fail to provide it with proper food, drink, or protection from weather, or abandon a cat within the City.

Sec. 6.10.020. Poisoning prohibited.

It is unlawful for any person to poison any cat or to distribute poison in any manner whatsoever with the intent of poisoning any cat.

Se. 6.10.030. Impoundment authority.

A. Impoundment.

1. Any time an animal control officer has reasonable suspicion to believe there has been a violation of this chapter, such cat may, at the discretion of an animal control officer as defined in Section 6.08.020, be taken into custody by an animal control officer and impounded in a humane manner.
2. Unless other time frames are specifically provided for in this chapter, any cat impounded which is not claimed within a five-day period may be disposed of by the kennel, only upon issuance of a written Municipal Court order. Disposal may be by adoption, donation or humane destruction at the sole discretion of the kennel. During the period of impoundment, the animal control officer shall make a reasonable effort to ascertain and notify the owner.

3. Any cat held as evidence at the kennel at the request of an animal control officer shall remain impounded pending a hearing. Any cat so impounded which is not claimed, or for which financial bond is not paid as set forth in this chapter may be disposed of as set forth in Subsection 6.10.030(A)(2) above. In no event shall said cat be released to the owner prior to the service of a penalty assessment or summons and complaint upon the owner.
4. The owner of any impounded cat shall be responsible for the payment of all charges and fees, including those for impoundment, boarding, euthanasia, disposal, veterinary, and all other services as needed. Fees and charges for impoundment of cats shall be as set by the impoundment facility and charges incurred by the City and/or the impoundment facility. No impounded cat shall be released until the owner has paid or arranged to pay all such charges and fees. Failure of the owner of any impounded cat to claim such cat from the kennel shall not relieve the owner from payment of all applicable charges and fees as established by the impoundment facility. It shall be unlawful for any owner to fail to pay such fees and charges.

B. Seizure and immediate destruction. When a veterinarian, kennel, animal control officer, or law enforcement officer has determined that a cat is critically ill or injured, is suffering extreme pain, or has a poor prognosis for recovery, nothing in this chapter shall be construed to prevent the immediate humane destruction of such cat.

Sec. 6.10.040. - Hearing on disposition of seized cats; financial bonding requirements; destruction, seizure, or release.

- A. Whenever a cat is seized or impounded pursuant to this chapter and a summons and complaint has been served, depending on the nature of the charge pending, the owner may be summoned before the Municipal Court on the next available court date following the seizure or impoundment to address only the issue of disposition of the seized and impounded cat. The City, through its animal control officers, shall make reasonable efforts to notify the owner in writing by personal service or by posting notice on the front door of the owner's residence. Unless the cat owner waives the time frame for advance service of such notice in order to expedite a hearing, this notice shall be served at least five (5) days prior to the hearing and shall state the time, date, location, and purpose of the hearing. Such hearings resulting from cat seizures or impoundments shall be given priority on the Municipal Court docket in order to minimize the expense to the owners for impoundment of seized cats.
- B. If a cat is seized and impounded on an evidence hold and the owner cannot be ascertained or served with either a penalty assessment or summons and complaint, disposition of the cat may proceed in accordance with the time frames and requirements of this section.
- C. If, on the date of the hearing, notice to the owner was provided as required under Section 6.10.040(A) above, the Municipal Court may proceed with the hearing as to the disposition of the cat, whether or not the owner appears.

D. Formal rules of evidence shall not apply at such cat disposition hearings, and any statements made at such hearings shall not be used as evidence at any subsequent hearing in the prosecution of the underlying charges. If the City establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to the cat, the Municipal Court shall order the cat to remain impounded at the owner's expense until final disposition of the pending municipal charges. If the Municipal Court determines that it is inappropriate to order the cat impounded, the Municipal Court may order the cat returned to the owner and kept under such circumstances as will ensure the safety of the cat.

E. Financial bonding for cost of holding impounded cats.

1. The owner of a cat that has been ordered impounded after the hearing may be required to post a bond with the Municipal Court in an amount sufficient to provide for the care and keeping of the cat from the date of impound, to the extent any such charges remain outstanding as of the date of the hearing, until the date set for trial on the pending municipal charges. Notice of such bond shall be given at the conclusion of the hearing to the owner, allowing five (5) days for the posting of such bond.
2. If the owner does not appear at the disposition hearing, the City shall, if ascertainable, send notice of the bond amount to the owner allowing the owner five (5) days from the date of the notice to post such bond.
3. If the owner fails to post the bond or cannot be ascertained by the City following reasonable efforts, the cat shall be deemed abandoned, and the kennel, upon issuance of a Municipal Court order, may dispose of the cat at any time after five (5) days from the date of notice, of the bond requirement. The date of notice shall be the later of the date the owner is provided notice or the date that the animal control officer or kennel makes reasonable efforts to ascertain and provide the owner with such notice. The City shall be provided copies of all notices issued under this section.
4. At the end of the time for which expenses are covered by the bond, the Municipal Court may determine disposition of the cat. The owner shall be liable for the cost of the care, keeping or disposal of the cat.

Sec. 6.10.050. – Violation

Any person who violates and is found guilty of any provision of this Chapter 6.10, for which a penalty is not otherwise specifically provided, is guilty of a misdemeanor and shall be punished by a fine in an amount that does not exceed the maximum fine provided for in Section 1.28.010.

Section 2. **Severability.** If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or

unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.

**A BILL FOR
ORDINANCE NO. __, SERIES OF 2025**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING CHAPTER 8.30
OF THE CAÑON CITY MUNICIPAL CODE RELATED TO INOPERABLE
MOTOR VEHICLES AND ADOPTING BY REFERENCE AS A PRIMARY CODE
THE MODEL TRAFFIC CODE FOR COLORADO, 2024 EDITION BY
REPEALING AND REENACTING CHAPTER 10.04 OF THE CAÑON CITY
MUNICIPAL CODE**

WHEREAS, C.R.S. § 42-4-110 and 42-4-111, authorize the City of Cañon City (the “City”) to regulate public streets, roads, alleys and other thoroughfares to protect the public health, safety, and welfare, and specifically to adopt by reference a model traffic code which embodies the rules of the road;

WHEREAS, the City desires to declare it a nuisance to park an inoperable motor vehicle in certain public places; and

WHEREAS, the City desires to adopt the 2024 edition of the Model Traffic Code for Colorado as promulgated by the Colorado Department of Transportation by reference with additions, deletions and modifications as specified below.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:

Section 1. Chapter 8.30 of the Cañon City Municipal Code is amended by the addition of Section 8.30.030 to read as follows:

Sec. 8.30.030. - Parking prohibited.

It shall be unlawful and deemed a nuisance to park an inoperable motor vehicle as defined by Section 8.12.020(BB) of the Cañon City Municipal Code on any street, alley, or throughfare, or any part thereof, within the City.

Section 2. Chapter 10.4 of the Cañon City Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 10.04 - MODEL TRAFFIC CODE

Sec. 10.04.010. – Adopted by reference.

Pursuant to Section 9 of Article XII of the Charter of Cañon City, Colorado, there is hereby adopted by this reference the 2024 edition of the “Model Traffic Code” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, CO 80204, all to have the same force and effect as if set forth herein in every particular, except for the deletions, amendments and additions hereinafter in this chapter set forth.

Sec. 10.04.020. - Copies for public use.

The Model Traffic Code, with amendments, shall be available to inspect by the public through the office of the City Clerk.

Sec. 10.04.030. - Purpose of Model Traffic Code provisions.

The subject matter and purpose of the Model Traffic Code is to provide a system of traffic control and regulation within the City and within certain areas outside the City which are under the City's jurisdiction, generally conforming to similar regulations throughout the State of Colorado and the United States.

Sec. 10.04.040. - Interpretation of provisions.

This chapter shall be interpreted and construed so 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 this chapter and the 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.

Sec. 10.04.050. - Application.

- A. 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 the City, the use of which the City has jurisdiction and authority to regulate, including, but not limited to, Temple Canyon Park, Red Canyon Park, Royal Gorge Park and Skyline Drive. All land within the corporate boundaries of the City, together with the land included within such designated parks and Skyline Drive shall constitute the "jurisdiction of the City" for purposes of the applicability and enforcement of the Model Traffic Code.
- B. The provisions of Sections 606, 607, 610, 1211, 1401, 1402 and 1413 of the Model Traffic Code, respectively concerning the display of unauthorized signs or devices, the interference with official devices, the display of unauthorized insignia, reckless driving, careless driving, and eluding or attempting to elude a police officer, shall apply to both public places and ways and private places throughout the jurisdiction of the City, as described in Subsection A of this section.

Sec. 10.04.060. - Violations and penalties.

- A. It is unlawful for any person to violate any provision of the Model Traffic Code, as adopted and amended in this chapter.
- B. If no other fine is specified or otherwise provided for in this chapter, including Subsection C of this section, every person who violates any provision of this Chapter 10.04, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in an amount that does not exceed the maximum fine provided for in Section 1.28.010 of the Cañon City Municipal Code.

C. Every person who is convicted of violating any provision of the Model Traffic Code (“MTC”) shall be punished according to the following schedule:

Offense—MTC Section	Fine
1. Parking Violations:	
a. Violations of Section 1214 (Time restricted parking)	\$30.00
b. Violations of Section 1208 (Concerning spaces reserved for persons with a disability and related matters)	\$100.00
c. Violations of Section 1202, 1204, 1205, 1206 or 1207	\$30.00
d. Violations of Section 1212 (Prohibiting the parking or storage of commercial vehicles, recreational vehicles and/or trailers on residential streets)	\$30.00 for a first violation within any 12-month period; \$50.00 for a second violation within any 12-month period; \$250.00 for a third or subsequent violation within any 12-month period. NOTE: Time periods between violations of Section 1212 shall be measured from date of occurrence to date of occurrence for purposes of determining the appropriate fine for second and/or subsequent violations.
2. Child Restraint Systems and Seat Belts:	

Violations of Section 236	\$130.00
Violations of Section 237	\$65.00
3. 0 and 1 Point Violations: All moving and non-moving violations of the MTC, not otherwise addressed in this schedule, for which the violator is assessed either no points or one point by the Colorado Department of Revenue, Division of Motor Vehicles ("DMV")	\$45.00
4. 2 to 12 Point Violations—Minimum Penalty: Violations of the MTC, not otherwise addressed in this schedule, for which the violator is assessed two or more points by the DMV	\$25.00 per point
5. 6 or More Point Violations—Maximum Penalty: All violations of the MTC, not otherwise addressed in this schedule, for which the violator may be assessed 6 or more points by the DMV	Maximum penalty is a fine in an amount that does not exceed the maximum fine provided for in Section 1.28.010
6. Speeding Violations:	
a. 1 to 4 mph over the maximum lawful speed limit	\$30.00
b. 5 to 9 mph over the maximum lawful speed limit	\$70.00
c. 10 to 19 mph over the maximum lawful speed limit	\$135.00
d. 20 to 39 mph over the maximum lawful speed limit	\$200.00
e. 40+ over the maximum lawful speed limit (See Section 1101 MTC and Section 10.04.200 CCMC)	\$340.00

7. Speeding violations in a "posted school zone"	Double the normal fine for the violation
8. Speeding violations in a "posted construction zone"	Double the normal fine for the violation
9. Careless driving violations	Minimum fine is \$150.00; other penalties are as provided for in Section 1402 (see Section 10.04.280 CCMC)
10. Reckless driving violations	Minimum fine is \$240.00; other penalties are as provided for in Section 1401 (see Section 10.04.270 CCMC)
11. Eluding a police officer	Minimum fine is \$500.00; other penalties are as provided for in Section 1413 (see Section 10.04.320 CCMC)
12. Compulsory insurance violations	Minimum fine for a first offense is \$500.00; other penalties are as provided for in Section 1409 (see Section 10.04.300 CCMC)
13. Moving violations, other than speeding, occurring in a "posted school zone"	Double the normal fine for the violation [see Section 615 and Appendices 1(72.1.2) MTC]

14. Moving violations, other than speeding, occurring in a "posted construction zone"	Double the normal fine for the violation [see Section 614 and Appendices 1(72.1.1) MTC]
15. Misuse of a Wireless Telephone Violations	
a. Violations of Section 239(2)	Minimum fine for a first offense is \$50.00; minimum fine for a second offense is \$100.00
b. Violations of Section 239(3)	Minimum fine is \$300.00; other penalties are as provided for in Section 239 (see Section 10.04.100 CCMC)
16. Violations of Section 1425 (Vehicle Noise)	\$500.00

D. In addition to any penalty provided for in this section with respect to any violation of the Model Traffic Code, a surcharge, as provided for in Section 1.16.090 of the Cañon City Municipal Code shall be assessed upon conviction of the violation.

E. When a penalty assessment notice is permitted by the Model Traffic Code, as amended, and issued by the peace officer contacting an alleged violator, the fine amount to be shown on the penalty assessment notice shall be the fine or minimum fine provided for at Subsection C of this section and the surcharge amount shall be calculated as provided for in Section 1.16.090 of the Cañon City Municipal Code.

Sec. 10.04.070. – Violation References.

Unless the context within which the word or term is used provides clearly and specifically to the contrary, "violation," "traffic violation," "offense," "traffic offense," "infraction," "traffic infraction" and "misdemeanor," if and when used in the Model Traffic Code, as adopted and amended in this chapter, shall mean or refer to a violation of an ordinance of the City that is punishable as provided in this chapter following a determination of guilt or

liability. Accordingly, such words and terms shall not necessarily have the same meanings and penalty implications as are provided for in the Colorado Revised Statutes.

Sec. 10.04.080. - Section 103(2)(b) modified—Scope and effect of Code.

Section 103(2)(b) of the Model Traffic Code is amended to read as follows:

(2) The provisions of this Code relating to the operation of vehicles 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;
- (b) For provisions of sections 1211, 1401, 1402 and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

Sec. 10.04.090. - Section 613 repealed—Failure to pay toll established by regional transportation authority.

Section 613 of the Model Traffic Code is hereby repealed.

Sec. 10.04.100. - Designation of highway maintenance, repair, or construction zones—Signs—Increase in penalties for moving violations.

Section 614 of the Model Traffic Code is hereby amended to read as follows:

(1) If maintenance, repair, or construction activities are occurring or will be occurring within four (4) hours on a local street or state highway located within the City, such portion of the street or highway may be designated as a highway maintenance, repair, or construction zone. Any person who commits a moving violation of the Model Traffic Code in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to increased penalties and surcharges.

(2) Any such zone shall be designated by displaying an appropriate sign in a conspicuous place at the beginning of the zone advising that maintenance, repair, or construction activity is taking place or will be taking place within the zone within four (4) hours. Such sign shall notify the public that increased penalties for moving violations of the Model Traffic Code are in effect in such zone. A second sign shall be erected or placed at the end of any such zone indicating that the increased penalties for such moving violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, repair, or construction zone shall conform to Colorado Department of Transportation requirements. Such signs may be displayed on any fixed, variable, or moveable stand. Such signs also may be placed on a moving vehicle if required for certain activities, including, but not limited to, highway or street painting work.

(4) Unless otherwise prohibited by law, maintenance, repair or construction zones may be designated and signs conforming to the requirements of this Section 614 may be displayed by:

- (a) Authorized City employees;
- (b) Persons performing maintenance, repair or construction work pursuant to contracts with the City; and/or
- (c) Persons, including employees or agents of other entities, authorized by law, franchise, or permit to perform maintenance, repair or construction work within City streets.

Sec. 10.04.110. - Section 617 repealed—Steep downhill grade zones.

Section 617 of the Model Traffic Code is hereby repealed.

Sec. 10.04.120. - Section 703(3) modified—Stopping at stop signs and yielding after stopping.

Section 703(3) of the Model Traffic Code is amended to read as follows:

(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, except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a stop sign, such collision shall be deemed *prima facie* evidence of his or her failure to yield right-of-way.

Sec. 10.04.130. - Section 704 modified—Vehicle entering roadway.

Section 704 of the Model Traffic Code is amended to read as follows:

704. Vehicle entering roadway.

(1) The driver of a vehicle about to enter or cross a roadway from any place other than a roadway shall stop before entering or crossing the roadway if the street, road, lane or way upon which the vehicle of such driver is traveling is controlled by a standard stop sign. The driver of a vehicle approaching such a standard 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 the street, road, lane or way and the roadway.

(2) When such place is not controlled by a standard stop sign, the driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

(3) The requirements of Subsection (1) of this Section 704 shall apply without regard to whether the standard stop sign is located on public or private land and without regard to whether the stop sign was erected or is maintained by the City. Nothing in this Section 704 shall be construed to require the City to erect or maintain any stop sign on private property but the Traffic Engineer is hereby authorized to permit the erection and maintenance of standard stop signs by private persons and entities to regulate and control traffic entering roadways from places other than roadways. The Traffic Engineer may maintain a schedule listing standard stop signs authorized or approved pursuant to this Subsection 704(3). Any such stop sign, once added to such schedule, shall be presumed to comply with the requirements of the Model Traffic Code unless the contrary is established by competent evidence.

Sec. 10.04.140. - Section 716 added—Leaving roadway to avoid traffic control.

There is hereby added to the Model Traffic Code a new Section 719 to read as follows:

716. Leaving Roadway to Avoid Traffic Control. It is unlawful for the driver of a motor vehicle to leave a roadway and cross public or private property to intentionally avoid an official traffic control device. Persons who violate this section shall be punished, upon conviction, by a fine in the amount that is provided for at Section 10.04.060(C) of the Cañon City Municipal Code for "0 point" violations.

Sec. 10.04.170. - Section 717 added—Driving under restraint prohibited.

There is hereby added to the Model Traffic Code a new Section 720 to read as follows:

717. Driving Under Restraint Prohibited.

(1) It is unlawful for any person to drive a motor vehicle or off-highway vehicle upon any street or highway in the City with knowledge that the person's license or privilege to drive, either as a resident or nonresident, is under restraint for an outstanding judgment.

(2) For the purposes of this section, "knowledge" means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint. "Knowledge" does not mean knowledge of a particular restraint or knowledge of the duration of the restraint.

(3) “Restraint” or “restrained” means any denial, revocation, or suspension of the person’s license or privilege to drive a motor vehicle in this state or another state.

(4) Prima facie evidence of restraint may be established by certification that a notice was mailed by first class mail pursuant to C.R.S. 42-1-119(2) to the last known address of the defendant, or by the delivery of the notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

(5) Any person in violation of Subsection (1) of this Section shall be punished, upon conviction, by a fine in the amount that is provided for at Section 10.04.060(C)(4) of the Cañon City Municipal Code for a “3 point” violation and assessed a three-point penalty. The Municipal Court, upon any person who is convicted of or pleads no contest to a violation of subsection (1) of this section, shall not waive or reduce the three-point penalty in accordance with C.R.S. § 42-2-138(2.5).

Sec. 10.04.180. - Section 902(4) modified—Limitations on turning.

Section 902 of the Model Traffic Code is amended by the addition of a new subsection (4) to read as follows:

(4) In the GC (general commercial) and CB (central business district) zoning districts of the City, the driver of any vehicle shall not cross one or more lanes of traffic for the purpose of entering an on-street parking place provided for vehicles traveling in the opposite direction. Left turns into off-street parking lots, when not prohibited by official traffic control devices, shall be governed by Sections 702 and 901(b).

Sec. 10.04.190. - Section 1101 modified—Speed limits.

Section 1101 of the Model Traffic Code is hereby repealed and reenacted to read as follows:

1101. Speed limits.

(1)(a) No person shall drive a vehicle on a highway at a speed that is in excess of the posted maximum speed limit or, where a maximum speed limit is not posted, at a speed that is in excess of the applicable lawful speed set forth at Subsection (2) of this section.

(b) For purposes of paragraph (1)(a), the posted maximum speed limit shall be the speed limit designated on an official speed limit sign or other official traffic control device for the applicable time and location.

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

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

- (b) Twenty-five (25) miles per hour in any business district, as defined in Appendices (11) of this Code;
- (c) Thirty (30) miles per hour in any residence district, as defined in Appendices (80) of this Code;
- (d) Forty (40) miles per hour on open mountain highways;
- (e) Forty-five (45) miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 507(3);
- (f) Fifty-five (55) miles per hour on other open highways which are not on the interstate system, as defined in C.R.S. § 43-2-101(2), and are not surfaced, four-lane freeways or expressways;
- (g) Fifty-five (55) miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in C.R.S. § 43-2-101(2), or are freeways or expressways;
- (h) Any speed not in excess of a maximum speed limit designated by an official traffic control device;
- (i) Ten (10) miles per hour in any alley;
- (j) Fifteen (15) miles per hour on Skyline Drive;
- (k) Twenty (20) miles per hour on any gravel-surfaced road or street.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to the maximum lawful speed limit when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) (No provision).

(5) In every charge of violating Subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit applicable at the specified time and location of the alleged violation.

(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

(7) The speed limits set forth in Subsection (2) of this section are the maximum lawful speed limits in the City.

(8) Unless a maximum lawful speed limit in excess of fifty-five (55) miles per hour is required pursuant to a mandatory State law that is applicable within the jurisdiction of the City and designated by an official traffic control device, the maximum lawful speed limit on any highway within the City limits of the City of Cañon City, including, but not limited to, highways that are part of the interstate system, shall be fifty-five (55) miles per hour.

(9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 108, exist.

(10) The minimum requirement for commission of a traffic violation under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(11) It shall not be a defense to prosecution for a violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(a) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the maximum lawful speed limit under the conditions then existing or at speeds greater than the maximum lawful speed limit.

Sec. 10.04.200. - Section 1102 repealed—Altering of speed limits.

Section 1102 of the Model Traffic Code is hereby repealed, but the City acknowledges and asserts its power and authority to regulate speeds within its jurisdiction, subject only to limitations set forth in applicable laws of the State of Colorado. However, certain of the powers referred to in this Section 1102 (which is derived from C.R.S. § 42-4-1102, are delegated to the Traffic Engineer in Section 10.04.460 of the Cañon City Municipal Code.

Sec. 10.04.210. – Section 1203 modified – Time limited parking restrictions

Section 1203 of the Model Traffic Code is hereby repealed and reenacted to read as follows:

1203. Time-limited parking restrictions.

(1) When signs are erected giving notice thereof, no person shall park a vehicle on any highway or street within the City, between the hours of nine a.m. and six p.m., for a period of time longer than is permitted in accordance with any schedule adopted and published by the Traffic Engineer pursuant to the authority granted to said Traffic Engineer under Section 10.04.460 of the Municipal Code. Such schedules shall include, but not necessarily be limited to: Schedule IX, covering areas where parking time is limited to three (3) hours, except as otherwise provided in Subsection (4) of Section 10.04.230; and Schedule IX-A, covering areas where parking time is limited to fifteen (15) minutes.

(2) Unless such schedules and signs indicate to the contrary, the time-limited parking restrictions provided for in Subsection 1203(1) shall not apply on Sunday or on public holidays designated by ordinance or resolution of City Council.

(3) Signs giving notice of such time-limited parking restrictions need not be spaced any closer than at opposite ends of any city block; provided that at least two (2) such signs must be located on each block or portion thereof that is subject to a time-limited parking restriction and further provided that all such signs must be located on the side of the street which is subject to the time-limited parking restriction.

(4) Business Parking Permits. Upon application and review, the City Administrator, or his or her designee, shall issue parking permits to business owners with businesses contiguous to or on streets subject to a three (3) hour limitation pursuant to Schedule IX of Section 10.04.230, for use by vehicles owned by or in the custody of the customers, representatives, contractors, visitors and invitees of such business owners. The parking permit shall not be used by employees or owners of any downtown business. A "business owner" for purposes of this Subsection means the owner or operator of a commercial business or enterprise, who, because of the nature of his or her business, and upon proof submitted to the City, requires parking for its customers, representatives, contractors, visitors and invitees in excess of three (3) hours.

(a) Application. A business parking permit may be obtained by filing a written application with the City, which application shall state the name and business address of the applicant. In considering applications for business parking permits, the City shall determine the need for a permit and may require proof of the following:

(i) A statement or documentation indicating the business in which the applicant is engaged.

(ii) That an applicant has a legal right to possession of the premises claimed as a business and a valid City sales tax license, if applicable.

(iii) That enforcement of a three (3) hour parking limitation will materially delay or interfere with the rendering of services provided by a qualifying business owner.

- (b) A vehicle displaying a valid permit issued pursuant to this subsection may be parked on a street otherwise subject to a three (3) hour limitation pursuant to Schedule IX of Section 10.04.203, for a period of five (5) hours.
- (c) No more than three (3) business parking permits per business owner shall be issued at any given time. For businesses with multiple owners, the number of permits shall not exceed three (3).
- (d) The permittee shall be responsible for ensuring the removal of the permit from the vehicle after usage or upon termination of the five (5) hour limitation.
- (e) If the permit is damaged or lost such that it must be replaced, the permittee, upon application therefor, shall be issued and pay for a replacement permit.
- (f) No person shall use or display any permit issued under this Subsection in violation of any provision of this code.
- (g) Any person may have business parking permits revoked if the use of the permit is used in violation of this Section. The City Administrator, or his or her designee, shall have the right to revoke such permits upon twenty-four (24) hours' notice to the permittee.
- (h) The City Administrator, or his or her designee, shall provide all necessary reports on permits to the Cañon City Police Department to assist with parking enforcement.

Sec. 10.04.220. -Section 1204(1) modified—Places where parking is prohibited.

Section 1204(1) of the Model Traffic Code is amended by the addition of a new Subsection 1204(1)(l) [following Subsection 1204(1)(k)] to read as follows:

- (l) Between the sidewalk and the curb, where there is space between the sidewalk and curb, or between the sidewalk and the parking lane on any street that has no curbs, when there is a space between the sidewalk and the parking lane.

Sec. 10.04.230. - Section 1204(7) modified—Places where parking is prohibited.

Section 1204(7) of the Model Traffic Code is amended to read as follows:

- (7)(a) Except as provided in paragraph (b) of this Subsection 1204(7), whenever a concrete or other hard-surfaced curb, or portion thereof, is painted yellow, it shall be illegal to stop, stand or park any motor vehicle, or portion of a vehicle, in the highway or street that is immediately adjacent to such painted curb. The prohibition contained in this paragraph shall apply even if there is no signage on or near to such painted curb indicating that parking is prohibited. The color yellow, when applied to a curb, or a portion of a curb, shall signify that stopping, standing or parking a motor vehicle adjacent to such painted curb, or portion thereof, is prohibited.

(b) It shall not be unlawful to park a motor vehicle on a highway or street adjacent to a curb that is painted yellow if, but only if, signage that is adjacent to or stenciled onto such painted curb permits motor vehicles to be parked adjacent to such painted curb for short periods of time that are stated on such signage or stenciled message; provided that the period during which a motor vehicle may be parked at such location shall not exceed the time allowed.

Sec. 10.04.240. -Section 1205(4) modified—Parking at curb or edge of roadway.

Section 1205(4) of the Model Traffic Code is amended to read as follows:

(4) Angle parking shall be permitted on roadways where official traffic control devices, including but not necessarily limited to painting lines indicating the boundaries of individual angled parking spaces on such roadways, clearly indicate that such parking is permitted. Subject to the prior approval of City Council and, when applicable, the requirements of Subsection 1205(3), with respect to the determination required from the Department of Transportation relative to angle parking on State highways, the Traffic Engineer shall determine where angle parking will be permitted.

Sec. 10.04.250. - Section 1209 modified—Owner liability for parking violations.

Section 1209 of the Model Traffic Code is redesignated as Section 1209(1) and a new Section 1209(2) is hereby added to read as follows:

(2) In any prosecution for a violation of any ordinance governing the stopping, parking or operating of a vehicle, where the operator of the vehicle is not known, the owner of said vehicle shall be liable upon conviction for the payment of any fine assessed, unless the owner of the vehicle can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required within twenty (20) days after notification by the issuance of the appropriate summons and complaint for the type of violation charged, to furnish to the municipal prosecutor the name and address of the person who had the care, custody or control of such vehicle.

Sec. 10.04.260. - Section 1214 added—Parking restrictions applicable to certain commercial vehicles, recreational vehicles and trailers on residential streets.

There is hereby added to the Model Traffic Code a new Section 1214 to read as follows:

1214. Parking Restrictions Applicable to Certain Commercial Vehicles, Recreational Vehicles and Trailers on Residential Streets. No person shall park or store any commercial vehicle, recreational vehicle, or trailer in violation of any provision of Section 12.26.030 of the Cañon City Municipal Code, the provisions of which are, by this reference, incorporated into this Section 1214.

Sec. 10.04.270. - Section 1401 modified—Reckless driving—Penalty.

Section 1401 of the Model Traffic Code is amended to read as follows:

1401. Reckless driving—Penalty.

(1) Any person who drives any motor vehicles, bicycle, or motorized bicycle anywhere within the jurisdiction of the City, as described in Section 10.04.050(A) of the Cañon City Municipal Code, 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 motorized bicycle shall not be subject to the provisions of C.R.S. § 42-2-127

(2) Any person who is convicted of reckless driving shall be punished by a fine of not less than two hundred forty dollars (\$240.00), nor more than one thousand dollars (\$1,000.00). Upon a second or subsequent conviction of reckless driving within any period of twelve (12) consecutive months, such person shall be punished by a fine of not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00).

Sec. 10.04.280. - Section 1402 modified—Careless driving—Penalty.

Section 1402 of the Model Traffic Code is amended to read as follows:

1402. Careless driving—Penalty.

(1) Any person who drives any motor vehicle, bicycle, or motorized bicycle anywhere within the jurisdiction of the City, as described in Section 10.04.050(A) of the Cañon City Municipal Code, in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle or motorized bicycle shall not be subject to the provisions of C.R.S. § 42-2-127.

(2) Any person who is convicted of careless driving shall be punished by a fine that is not less than one hundred fifty dollars (\$150.00), nor more than three hundred dollars (\$300.00); provided that if the person's actions are the proximate cause of bodily injury or death to another, such person shall be punished by a fine that is not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000.00).

Sec. 10.04.290. - Section 1402.5(2) modified—Vulnerable road user—prohibition.

Section 1402.5(2) of the Model Traffic Code is amended to read as follows:

(2) Prohibition. A person who drives a motor vehicle in violation of Section 1202 and whose actions are the proximate cause of serious bodily injury, as defined in C.R.S. § 42-4-1601(4)(b) to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.

Sec. 10.04.300. - Section 1402.5(3) modified—Vulnerable road user—Violations and penalties.

Section 1402.5(3) of the Model Traffic Code is amended to read as follows:

(3)(a) Violations and penalties. Infliction of serious bodily injury to a vulnerable road user is a traffic offense, punishable pursuant to Section 10.04.060 of the Cañon City Municipal Code.

(b) In addition to the penalties imposed in subsections (3)(a) and (3)(a) of this section, the court may order the violator to:

(I) Attend a driver improvement course in accordance with section 1717; and

(II) Perform useful public service for a number of hours, which must not exceed three hundred twenty hours, to be determined by the court in accordance with C.R.S. § 18-1.3-507,

(c) In addition to the penalties imposed in subsections (3)(a) and (3)(b) of this section, a person who is convicted of violating this section is subject to:

(I) License suspension in accordance with C.R.S. § 42-2-127; and

(II) An order of restitution under C.R.S. § 18-1.3-601 *et seq.*

Sec. 10.04.310. - Section 1409 modified—Compulsory insurance—Penalty.

Section 1409 of the Model Traffic Code is hereby amended to read as follows:

1409. Compulsory insurance—Penalty.

(1) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public streets and highways of the City when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law. [See C.R.S. §§ 10-4-619 and 10-4-624].

(2) No person shall operate a motor vehicle on the public streets and highways of the City without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(4)(a) Any person who violates the provisions of Subsection 1, 2, or 3 of this section commits a traffic offense and, upon conviction thereof, shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance, as required pursuant to C.R.S. §§ 10-4-619 or 10-4-624, has been obtained. Nothing in this paragraph (a) shall be

construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

- (b) Upon a second or subsequent conviction under this section within a period of five (5) years following a prior conviction under this section, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required pursuant to C.R.S. §§ 10-4-619 or 10-4-624, has been obtained.
- (c) The court may establish a payment schedule for a person convicted of violating the provisions of Subsection 1, 2, or 3 of this Section 1409.

(5) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute *prima facie* evidence, at a trial concerning a violation charged under Subsection 1 or 2 of this section, that such owner or operator of a motor vehicle violated Subsection 1 or 2 of this section.

(6) No person charged with violating Subsection 1, 2, or 3 of this section shall be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation.

(7) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:

- (a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and
- (b) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

(8) No portion of any fine imposed and collected by the Cañon City Municipal Court with respect to any violation of this section shall be subject to the provisions of C.R.S. § 42-4-1409(9), which applies to fines collected with respect to violations of state law, rather than violations of local ordinances.

Sec. 10.04.320. - Section 1412(1.5) added—Operation of bicycles and other human-powered vehicles.

There is hereby added to the Model Traffic Code a new Section 1412(1.5) to read as follows:

(1.5) It is unlawful for any person to drive, operate or cause to be operated any motor vehicle, including, but not limited to, any self-propelled vehicle, moped, go-cart, golf cart, motor scooter, electric personal assistive mobility device or "EPAMD," as defined in C.R.S. § 42-1-102(28.7), engaged electronic assisted bicycle, hoverboard, or similar mode of transportation, except upon established sidewalks specifically designated by the City Council and marked for such purpose. A person may operate an electrical assisted bicycle, as defined in C.R.S. § 42-1-102(28.5), as may be amended, with the electrical motor disengaged on sidewalks where bicycles are authorized to travel. Electric personal assistive mobility devices or "EPAMDs" shall be permitted only if the user is dismounted. Nothing in this subsection shall prohibit or restrict the use or operation of an "other power-driven mobility device" (OPDMD), as used and defined by the American with Disabilities Act (ADA) Title II and III, provided that the user operates the OPDMD at the speed of pedestrian traffic;

Sec. 10.04.330. - Section 1412(16) added—Operation of bicycles and other human-powered vehicles.

There is hereby added to the Model Traffic Code a new Section 1412(16) to read as follows:

(16)(a) It is unlawful for any person to ride a bicycle or use a skateboard on any sidewalk that is adjacent to Main Street, on both sides thereof, at any location east of Second Street and west of Ninth Street.

(b) At all locations northerly of Royal Gorge Boulevard and southerly of Macon Avenue it is unlawful for any person to ride a bicycle or use a skateboard on any sidewalk that is adjacent to the east side of Second Street; both sides of Third, Fourth, Fifth, Sixth, Seventh and Eighth Streets; and the west side of Ninth Street.

(c) The prohibitions contained in paragraphs (a) and (b) of this subsection shall apply without regard to whether signage prohibiting the riding of bicycles and/or the use of a skateboard on the sidewalks described in such paragraphs is erected at or near such locations.

Sec. 10.04.340. - Section 1413 modified—Eluding or attempting to elude a police officer.

Section 1413 of the Model Traffic Code is hereby amended to read as follows

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

(2) Unless the Municipal Court specifically finds that imposition of the minimum fine would be unconscionable according to all of the facts and circumstances presented to it during a sentencing hearing, the minimum fine for a conviction of a violation of 1413 (eluding or attempting to elude a police officer) shall be five hundred dollars (\$500.00). In all other respects, punishment of a person convicted of violating Subsection 1413(1) shall be within the limits provided for in Subsection 10.04.060(B) of the Cañon City Municipal Code.

Sec. 10.04.350. - Section 1425 added—Unnecessary vehicle noise.

There is hereby added to the Model Traffic Code a new Section 1425 to read as follows:

1425. Unnecessary vehicle noise.

(1) No person shall operate any vehicle in such a manner on a curve or turn or accelerate or decelerate such vehicle as to create loud and unnecessary noise or cause damage to the roadway.

(2) Prohibited use of compression engine brakes. Except as provided herein the use of compression brakes shall be prohibited within the City boundaries, specifically along U.S. Highway 50 between 1st Street and Justice Center Road, provided that the City has erected signage identifying this prohibition. Engine brakes may be used only in emergency or life/safety situations.

(3) A penalty assessment notice may be issued for violations of Section 1425.

Sec. 10.04.360. - Section 1701 modified—Traffic offenses classified—Schedule of fines.

Section 1701 of the Model Traffic Code is hereby repealed and reenacted to read as follows:

1701. Traffic offenses classified — Schedule of fines.

(1) It is a traffic offense for any person to violate any provision of the Model Traffic Code, as adopted and modified in this Chapter 10.04.

(2) Pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the Court Clerk or violations bureau, together with any surcharge calculated pursuant to Section 1.16.090 of the Cañon City Municipal Code, that is payable with respect to all Municipal Code violations other than parking violations.

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

(4) Fines, costs and surcharges pursuant to said Section 1.16.090 of the Cañon City Municipal Code shall be paid to, received by, and accounted for by the Violations Clerk or Court Clerk.

(5) Penalty Assessment Notices.

(a) Notice, Form and Contents. At the time that any person is arrested or otherwise contacted for the commission of any violation of the Model Traffic Code, except when the provisions of Subsection 1701(5)(c) prohibit, the contacting officer may offer to give a notice to the person in charge of or operating the motor vehicle involved, which notice shall be in the form of a penalty assessment notice. Such notice shall contain the information required by Section 1707 and C.M.C.R. 204(b)(4) relating to the information required on a summons and complaint. Should the person to whom the penalty assessment notice is tendered accept said notice, such acceptance shall constitute an acknowledgement of guilt by such person of his or her violation of the offense stated in such notice and a promise on such person's part to pay the fine specified in the schedule contained in Section 10.04.060(C) of the Cañon City Municipal Code for the violation involved, and the appropriate surcharge pursuant to Section 1.16.090 of the Cañon City Municipal Code, at the office of the Clerk of the Municipal Court in Cañon City, either in person or by mail within twenty (20) days from the date of notice; but any arrested person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine and surcharge may be taken by the officer to the nearest known post office facility and required to remit the amount of the specified fine and surcharge to the Municipal Court Clerk immediately by mail in United States currency or other legal tender, by money order or personal check. Refusal or inability to remit the specified fine and surcharge by mail when required shall constitute a refusal to accept a penalty assessment notice. The officer shall advise the person arrested of the points to be assessed in accordance with C.R.S. § 42-2-127, and, if applicable, of the option for a points reduction, as provided for in Section 10.04.060(F) of the Cañon City Municipal Code. Acceptance and payment of the prescribed fine and surcharge shall be deemed a complete satisfaction for the violation, and the violator shall be given a receipt which so states when such fine and surcharge are paid in currency or other form of legal tender. Checks tendered by the violator to and accepted by the Clerk of the Municipal Court and on which payment is received by the Clerk of the Municipal Court shall be deemed sufficient receipt.

(b) Notice, Refusal or Failure to Comply. Should the violator refuse to accept the penalty assessment notice prescribed by Subsection 1701(5)(a) when such notice is tendered by the contacting officer, the officer shall proceed in the manner employed when no penalty assessment notice is tendered. Should the violator accept the notice but fail to pay the prescribed penalty within twenty (20) days thereafter, the penalty assessment notice shall be construed to be a summons and complaint for a charge of violating the ordinance specified in said notice, and the prosecution of said violation shall thereafter be heard in the Municipal Court, in which event the violator shall be privileged to answer the charge made against him or her in the same manner as is

provided in situations where no penalty assessment is offered; except that the maximum penalty which may be imposed shall not exceed the penalty set forth in the schedule of fines contained in Section 10.04.060(C) of the Cañon City Municipal Code for the designated violation.

(c) Exceptions. The provisions of Subsection 1701(5)(a) shall not apply:

(I) Respecting a violation of Section 1101 of the Model Traffic Code, where the person charged exceeded the maximum lawful speed limit by more than nineteen (19) miles per hour; or

(II) When the person charged has caused or contributed to the cause of an accident resulting in bodily injury or death to another person; or

(III) When the person charged violated any of the following sections of the Model Traffic Code: Section 1401, 1409 or 1413, or committed any other violation for which the person charged, if convicted, will be assessed more than six (6) points by the Colorado Department of Revenue, Division of Motor Vehicles.

(d) Penalties. Every person who is convicted of a violation of any provision of the Model Traffic Code, to which the provisions of Subsection 1701(5)(a) apply, shall be fined in accordance with Section 10.04.060(C) of the Cañon City Municipal Code, whether the violator acknowledges guilt by payment of the fine and surcharge or is found guilty by the Municipal Court.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the windshield of the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharges thereon pursuant to sections 119(1)(f) and 104 to the Colorado department of revenue within ten days. If the penalty assessment and surcharge thereon is not paid within ten days, the Court shall order a default judgment. .

(7) The surcharges described in subsections (4) to (6) of this section are separate and distinct from a surcharge levied pursuant to C.R.S. § 24-33.5-415.6.

Sec. 10.04.370. - Section 1702 repealed—Counties-traffic offenses classified-schedule of fines.

Section 1702 of the Model Traffic Code is hereby repealed.

Sec. 10.04.380. - Section 1707(5) modified—Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses.

Section 1707(5) of the Model Traffic Code is amended to read as follows:

(5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a municipal court within the municipality in which the offense is alleged to have been committed.

Sec. 10.04.390. - Section 1707(7) repealed—Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses.

Section 1707(7) of the Model Traffic Code is hereby repealed.

Sec. 10.04.400. - Section 1708 repealed—Traffic Infractions.

Section 1708 of the Model Traffic Code is hereby repealed.

Sec. 10.04.410. - Section 1709(6) deleted—Penalty assessment notice for traffic offenses.

Section 1709(6) of the Model Traffic Code is hereby repealed.

Sec. 10.04.420. - Appendices 1(72.1) amended—Definitions.

Appendices 1(72.1) of the Model Traffic Code is amended by the addition of (72.1.1) and (72.1.2) to read as follows:

(72.1.1) “Posted construction zone” means a maintenance, repair or construction zone designated by appropriate signage in accordance with the provisions of Section 614 of the Model Traffic Code and/or C.R.S. § 42-4-614(2) and (3).

(72.1.2) “Posted school zone” means a school zone that is clearly designated by appropriate signage, in accordance with the provisions of Section 615 of the Model Traffic Code and/or C.R.S. § 42-4-615.

Sec. 10.04.430. - Appendices 1(100) modified—Definitions.

Appendices 1(100) to the Model Traffic Code is amended to read as follows:

(100) “Stop” means, when required, the complete cessation of movement. “Stop” or “Stopping” means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Sec. 10.04.440. - Traffic Engineer.

- A. The office of Traffic Engineer is established. The Public Works Director is designated as the Traffic Engineer and, as such, shall exercise the powers and duties provided for in this section, subject to the review of the City Council.
- B. At such times as the Traffic Engineer may be absent from the City or unable to perform his or her duties, the said duties shall be vested in the Chief of Police or such other municipal official as may be determined and authorized by City Council by resolution or ordinance.

- C. Subject to: (1) the review of City Council; (2) the requirements of applicable state law; and (3) the requirements of applicable ordinances of the City, the Traffic Engineer shall have the authority to exercise and implement any and all of the powers granted to "municipal authorities" in C.R.S. § 42-4-1102, as amended, and as said section may be amended following the adoption of the ordinance codified in this section. All such powers are incorporated into this section by this reference. Except in cases of emergency, as determined by agreement between the City Administrator and the Traffic Engineer, the review by City Council that is provided for in this subsection shall occur prior to the Traffic Engineer's exercise or implementation of any power delegated to the Traffic Engineer in this subsection.
- D. In addition to the powers and duties delegated elsewhere in this section and subject to the requirements of applicable state law, the Traffic Engineer shall have authority to cause the erection and display of appropriate official signs and other official traffic control devices and to otherwise do those things necessary to cause the implementation of any traffic regulation or designation enacted by or pursuant to any ordinance of the City Council, as enumerated in C.R.S. § 42-4-111(1), as amended, and as said section may be amended in the future.
- E. The Traffic Engineer shall have the authority to adopt and publish each of the following schedules:

Traffic Control Schedules for Designated Streets	
Schedule I	Through streets
Schedule II and III Combined	Decreased and increased speed limits
Schedule IV	Minimum speed
Schedule V	One-way streets and alleys
Schedule VI	Nonmotorized traffic and motor drive cycles excluded
Schedule VII	Stopping, standing or parking during certain hours on certain streets prohibited
Schedule VIII	Parking prohibited at all times on certain streets
Schedule VIII-A	Parking prohibited at all times on certain streets to general public

Schedule IX	Parking time limited on certain streets, (3) hours, except as otherwise provided in Subsection (4) of Section 10.04.250
Schedule IX-A	Parking time limited on certain streets, 15 minutes
Schedule X	Parking meter zones
Schedule XI	Right turn on steady red signal prohibited
Schedule XII	Left turn on steady red signal prohibited
Schedule XIII	Weight limitations upon vehicles using certain streets
Schedule XIV	Weight limitations upon vehicles using certain structures
Schedule XV	Traffic signals authorized
Schedule XVI	Ride stops authorized
Schedule XVII	Authorized and approved stop signs to regulate and control vehicular traffic entering or crossing a public roadway from a place other than a roadway (see Section 704 of the Model Traffic Code, as amended)

F. Any schedule permitted under Subsection E of this section that was in effect at the time of the adoption of the 2024 Model Traffic Code shall remain in effect until such schedule is amended or modified by the Traffic Engineer in accordance with the authority granted hereunder. No such revised or amended schedule shall be valid until a true and correct copy of the same shall have been filed in the office of the City Clerk, for review by the public, and in the Municipal Court. Additional copies shall be provided to the City Administrator, Chief of Police, City Attorney, any special prosecutor, and Director of Public Works.

G. Subject to the prior approval of the City Council, the Traffic Engineer is authorized to designate on Schedule XI those intersections where right turns on a steady red signal are prohibited and, on Schedule XII, those intersections where left turns onto one-way streets on a steady red signal are prohibited. After any such designation has been made by the Traffic Engineer and approved by the City Council, the Traffic Engineer may cause the erection of appropriate official signs to notify drivers of such prohibitions. Any person making a turn that is prohibited by any sign authorized and erected pursuant to this subsection commits a violation of Section 603 of the Model Traffic Code.

Sec. 10.04.450. - Validity.

If any part or parts of the 2024 Model Traffic Code, as adopted and modified in Chapter 10.04 of the Cañon City Municipal Code, are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of said Code. The City Council declares that it would have passed the ordinance adopting said Code and all local modifications, irrespective of the fact that any one part or parts of said Code might be declared invalid.

Sec. 10.04.460. - Authority to remove, relocate or impound certain vehicles.

A. Members of the police department are authorized, at their discretion, to remove or have removed at their direction a vehicle from any street or any public way or place to the nearest garage or other place of safety or to a garage or other impound facility designated or maintained by the police department or by the City or to elsewhere within the City, under the circumstances as follows:

1. When any vehicle is left unattended upon any bridge, causeway, viaduct, in any underpass or tunnel or where such vehicle constitutes an obstruction to traffic.
2. When a vehicle is found being driven upon the street and is in such a condition so as to represent an articulable substantial threat to the health, safety or welfare of the public.
3. When any vehicle is parked upon any street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic, with proper street or highway maintenance, or the maintenance or repair of the lines or other facilities of any City or other public utility, or the route for a parade authorized by a permit issued by the City Administrator or designee.
4. When any member of the police department has probable cause to believe that vehicle is an abandoned vehicle.
5. When the driver of such vehicle is taken into custody by the police department.
6. When removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency or disaster.
7. When any vehicle is parked in a posted fire lane.
8. When any vehicle is found on any property owned or controlled by the city or any other governmental agency except for the rights-of-way of streets or highways and designated parking spaces. This subsection does not apply to city maintenance or city patrol vehicles.
9. When any vehicle is parked upon any street scheduled for or upon which cleaning, sweeping, repair or maintenance operations are being conducted; provided, that

such street has been posted with an authorized sign temporarily prohibiting parking on such street during the involved operations.

10. When the vehicle is suspected of containing evidence of a crime, stolen goods or contraband or is evidence in a criminal investigation.
11. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
12. When any vehicle is left unattended on any street with its engine running or with keys in the ignition switch or lock.
13. When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property.
14. When the police officer has probable cause to believe that the driver of a vehicle is using license plates or a license permit unlawfully, misusing the license plates or the license permit issued to the driver or a vehicle is driven or parked without proper license plates or a license permit or with no license plates or license permit or a vehicle is driven or parked with an invalid or expired license plate or permit.
15. When the police officer has probable cause to believe that the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid or who does not have such a license in the driver's immediate possession or who drives a vehicle contrary to restrictions imposed upon the license, or who drives a vehicle while his or her operator's or chauffeur's license has been denied, suspended, cancelled, or revoked by the state.
16. When the driver of any vehicle or the vehicle which the driver is driving is suspected of having been involved in any hit-and-run accident.
17. When any vehicle is suspected of being stolen or parts thereof are suspected to be stolen parts.
18. When a trailer or semitrailer, not connected to a motor vehicle or truck, is kept, stored, or parked on any public roadway within the city for more than 24 hours after having been cited for a violation of Section 1212 or 1215 of the Model Traffic Code.
19. When an inoperable vehicle, as defined by Section 8.12.020(BB) of the Cañon City Municipal Code is kept, stored, or parked on any public right-of-way or roadway more than 24 hours after having been cited as an inoperable vehicle. If an inoperable vehicle, which has been cited as an inoperable vehicle, is found on any roadway

within six months of the date of the original citation, it shall be subject to immediate removal or impoundment.

20. When any vehicle is parked upon any street, highway or City property which has been posted as a tow-away zone.
- B. Except as may be otherwise provided by the Model Traffic Code, no vehicle impounded in any authorized garage as provided in this section shall be released therefrom until the charge for towing such vehicle into the garage and the storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be fixed by the contract between the city and the towing service/garage. Such charge shall be posted for public inspection in the office of the authorized garage. The individual tow truck operator shall also carry in his or her possession a list of the charges for services.
- C. Absent emergency or exigent circumstances, a police officer shall impound any vehicle lawfully stopped by the police officer if:
 1. The police officer observes the vehicle as described in subsection (A)(14) of this section, and the police officer has probable cause to believe that the operator is violating any section of C.R.S. § 42-3-101 *et seq.*; and
 2. The police officer observes the vehicle as described in subsection (A)(15) of this section, and the police officer has probable cause to believe that the operator is violating any section of C.R.S. § 42-2-101 *et seq.*; and
 3. The police officer has probable cause to believe the operator is violating Section 1409 of the Model Traffic Code, as amended, or C.R.S. § 42-7-510.

Sec. 10.04.470. - Impoundment – Notice, hearing, and applicability.

- A. Notice. Whenever, as authorized in this chapter, a police officer orders the towing or removal of a vehicle and the police officer knows or is able to ascertain from the registration the name and address of the owner thereof, such police officer shall give or cause to be given notice in writing to such owner of the fact of such removal and the reasons thereof and of the place to which such vehicle has been towed or removed. If any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage. The written notice shall also contain the following statement:
 1. A police officer has ordered the towing or removal of your vehicle. If you feel that the impoundment of your vehicle was improper, you have ten days from the date of this notice to file a written request with the Cañon City Municipal Court located at 161 Justice Center Road, Cañon City, CO 81212, for a hearing regarding the propriety of this impoundment. Such hearing should be scheduled within three days

(excluding Saturday, Sunday and city holidays) of the date your written request is received by the Cañon City Municipal Court. The court shall be empowered to waive the towing and storage fees, if it is found that there was no reason to believe that legal authority for the removal of the vehicle existed. The retrieval of your vehicle from impoundment does not waive your right to a subsequent hearing and reimbursement. In conjunction with a request for a hearing, you may contact the watch commander of the Cañon City Police Department for purposes of resolving a dispute concerning the impoundment of your vehicle. The Cañon City Police Department will consider fee waivers and reimbursements only in exceptional circumstances, or by order of the Court. After an initial request for refund or fee waiver from the watch commander is denied, and the Cañon City Municipal Court determines the impoundment was lawful, the Cañon City Police Department will not consider any subsequent requests for waivers of fees. **IT IS SUGGESTED THAT YOU RETRIEVE YOUR VEHICLE AS SOON AS POSSIBLE TO MINIMIZE THE ACCRUAL OF STORAGE FEES.**

2. The written notice shall be deposited in the United States mail by the close of the following business day at 5:00 pm. MST from the date of the impoundment of the vehicle, excluding Saturday, Sunday, and a city holiday. In lieu of mailing, the written notice may be personally handed to the owner.

B. Hearing.

1. If the owner of a vehicle files a written request with the court within ten days from the date of the notice of impoundment, described in subsection (A) of this section, a hearing shall be conducted before the municipal court. Such hearing should, to the extent reasonable, be conducted within three days of the court's receipt of the written demand for the hearing, unless such person requesting the hearing waives, in writing, the opportunity for a speedy hearing. Saturdays, Sundays and city holidays are to be excluded from the calculation of the three-day period. The sole issues before the court, at the hearing, shall be whether there was authority to impound the vehicle and whether the person demanding the hearing has the right to possession of the vehicle.
2. As used in this subsection, the term "authority to impound" means such a state of facts as would lead a person of ordinary care and prudence to believe that the police officer who ordered the towing or removal of the vehicle had legal authority to order such towing or removal.
3. The court shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The city shall carry the burden of establishing that there was authority to impound the vehicle. The burden of proof, for each issue, shall be by a preponderance of the evidence. The decision of the court shall be a final decision. Failure of the registered or legal owner or his or her agent to request a hearing in a timely manner or attend

a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

C. Reimbursement for towing and storage. Only upon affirmative determinations by the court that the person demanding the hearing has the right to possession of the subject vehicle and that the officer who ordered the towing of the vehicle did not have authority to impound such vehicle may the court order the City to either fully reimburse the owner of the impounded vehicle for all towing and storage fees paid by the owner or directly pay the towing and storage company for accrued fees.

D. Applicability. The hearing and reimbursement provisions contained in subsections (B) and (C) of this section shall only be applicable to vehicles which have been impounded by order of a police officer.

E. Compliance with time requirements. The time periods placed upon the City in this section are directory in nature. Failure of the City to strictly comply with the time periods shall not cause an automatic forfeiture of the City's rights under this Code.

Section 3. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.

**A BILL FOR
ORDINANCE NO. __, SERIES OF 2025**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING CHAPTER 8.30
OF THE CAÑON CITY MUNICIPAL CODE RELATED TO INOPERABLE
MOTOR VEHICLES AND ADOPTING BY REFERENCE AS A PRIMARY CODE
THE MODEL TRAFFIC CODE FOR COLORADO, 2024 EDITION BY
REPEALING AND REENACTING CHAPTER 10.04 OF THE CAÑON CITY
MUNICIPAL CODE**

WHEREAS, C.R.S. § 42-4-110 and 42-4-111, authorize the City of Cañon City (the “City”) to regulate public streets, roads, alleys and other thoroughfares to protect the public health, safety, and welfare, and specifically to adopt by reference a model traffic code which embodies the rules of the road;

WHEREAS, the City desires to declare it a nuisance to park an inoperable motor vehicle in certain public places; and

WHEREAS, the City desires to adopt the 2024 edition of the Model Traffic Code for Colorado as promulgated by the Colorado Department of Transportation by reference with additions, deletions and modifications as specified below.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:

Section 1. Chapter 8.30 of the Cañon City Municipal Code is amended by the addition of Section 8.30.030 to read as follows:

Sec. 8.30.030. - Parking prohibited.

It shall be unlawful and deemed a nuisance to park an inoperable motor vehicle as defined by Section 8.12.020(BB) of the Cañon City Municipal Code on any street, alley, or throughfare, or any part thereof, within the City.

Section 2. Chapter 10.4 of the Cañon City Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 10.04 - MODEL TRAFFIC CODE

Sec. 10.04.010. – Adopted by reference.

Pursuant to Section 9 of Article XII of the Charter of Cañon City, Colorado, there is hereby adopted by this reference the 2024 edition of the “Model Traffic Code” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, CO 80204, all to have the same force and effect as if set forth herein in every particular, except for the deletions, amendments and additions hereinafter in this chapter set forth.

Sec. 10.04.020. - Copies for public use.

The Model Traffic Code, with amendments, shall be available to inspect by the public through the office of the City Clerk.

Sec. 10.04.030. - Purpose of Model Traffic Code provisions.

The subject matter and purpose of the Model Traffic Code is to provide a system of traffic control and regulation within the City and within certain areas outside the City which are under the City's jurisdiction, generally conforming to similar regulations throughout the State of Colorado and the United States.

Sec. 10.04.040. - Interpretation of provisions.

This chapter shall be interpreted and construed so 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 this chapter and the 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.

Sec. 10.04.050. - Application.

- A. 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 the City, the use of which the City has jurisdiction and authority to regulate, including, but not limited to, Temple Canyon Park, Red Canyon Park, Royal Gorge Park and Skyline Drive. All land within the corporate boundaries of the City, together with the land included within such designated parks and Skyline Drive shall constitute the "jurisdiction of the City" for purposes of the applicability and enforcement of the Model Traffic Code.
- B. The provisions of Sections 606, 607, 610, 1211, 1401, 1402 and 1413 of the Model Traffic Code, respectively concerning the display of unauthorized signs or devices, the interference with official devices, the display of unauthorized insignia, reckless driving, careless driving, and eluding or attempting to elude a police officer, shall apply to both public places and ways and private places throughout the jurisdiction of the City, as described in Subsection A of this section.

Sec. 10.04.060. - Violations and penalties.

- A. It is unlawful for any person to violate any provision of the Model Traffic Code, as adopted and amended in this chapter.
- B. If no other fine is specified or otherwise provided for in this chapter, including Subsection C of this section, every person who violates any provision of this Chapter 10.04, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in an amount that does not exceed the maximum fine provided for in Section 1.28.010 of the Cañon City Municipal Code.

C. Every person who is convicted of violating any provision of the Model Traffic Code (“MTC”) shall be punished according to the following schedule:

Offense—MTC Section	Fine
1. Parking Violations:	
a. Violations of Section 1214 (Time restricted parking)	\$ <u>305</u> .00
b. Violations of Section 1208 (Concerning spaces reserved for persons with a disability and related matters)	\$100.00
c. Violations of Section 1202, 1204, 1205, 1206 or 1207	\$30.00
d. Violations of Section 1212 (Prohibiting the parking or storage of commercial vehicles, recreational vehicles and/or trailers on residential streets)	\$30.00 for a first violation within any 12-month period; \$50.00 for a second violation within any 12-month period; \$250.00 for a third or subsequent violation within any 12-month period. NOTE: Time periods between violations of Section 1212 shall be measured from date of occurrence to date of occurrence for purposes of determining the appropriate fine for second and/or subsequent violations.
2. Child Restraint Systems and Seat Belts:	

Violations of Section 236	\$ <u>13065</u> .00
Violations of Section 237	\$65.00
3. 0 and 1 Point Violations: All moving and non-moving violations of the MTC, not otherwise addressed in this schedule, for which the violator is assessed either no points or one point by the Colorado Department of Revenue, Division of Motor Vehicles ("DMV")	\$45.00
4. 2 to 12 Point Violations—Minimum Penalty: Violations of the MTC, not otherwise addressed in this schedule, for which the violator is assessed two or more points by the DMV	\$25.00 per point
5. 6 or More Point Violations—Maximum Penalty: All violations of the MTC, not otherwise addressed in this schedule, for which the violator may be assessed 6 or more points by the DMV	Maximum penalty is a fine in an amount that does not exceed the maximum fine provided for in Section 1.28.010
6. Speeding Violations:	
a. 1 to 4 mph over the maximum lawful speed limit	\$30.00
b. 5 to 9 mph over the maximum lawful speed limit	\$70.00
c. 10 to 19 mph over the maximum lawful speed limit	\$135.00
d. 20 to 39 mph over the maximum lawful speed limit	\$200.00
e. 40+ over the maximum lawful speed limit (See Section 1101 MTC and Section 10.04.200 CCMC)	\$340.00

7. Speeding violations in a "posted school zone"	Double the normal fine for the violation
8. Speeding violations in a "posted construction zone"	Double the normal fine for the violation
9. Careless driving violations	Minimum fine is \$150.00; other penalties are as provided for in Section 1402 (see Section 10.04.280 CCMC)
10. Reckless driving violations	Minimum fine is \$240.00; other penalties are as provided for in Section 1401 (see Section 10.04.270 CCMC)
11. Eluding a police officer	Minimum fine is \$500.00; other penalties are as provided for in Section 1413 (see Section 10.04.320 CCMC)
12. Compulsory insurance violations	Minimum fine for a first offense is \$500.00; other penalties are as provided for in Section 1409 (see Section 10.04.300 CCMC)
13. Moving violations, other than speeding, occurring in a "posted school zone"	Double the normal fine for the violation [see Section 615 and Appendices 1(72.1.2) MTC]

14. Moving violations, other than speeding, occurring in a "posted construction zone"	Double the normal fine for the violation [see Section 614 and Appendices 1(72.1.1) MTC]
15. Misuse of a Wireless Telephone Violations	
a. Violations of Section 239(2)	Minimum fine for a first offense is \$50.00; minimum fine for a second offense is \$100.00
b. Violations of Section 239(3)	Minimum fine is \$300.00; other penalties are as provided for in Section 239 (see Section 10.04.100 CCMC)
16. Violations of Section 1425 (Vehicle Noise)	\$500.00

D. In addition to any penalty provided for in this section with respect to any violation of the Model Traffic Code, a surcharge, as provided for in Section 1.16.090 of the Cañon City Municipal Code shall be assessed upon conviction of the violation.

E. When a penalty assessment notice is permitted by the Model Traffic Code, as amended, and issued by the peace officer contacting an alleged violator, the fine amount to be shown on the penalty assessment notice shall be the fine or minimum fine provided for at Subsection C of this section and the surcharge amount shall be calculated as provided for in Section 1.16.090 of the Cañon City Municipal Code.

F. ~~If a person receives a penalty assessment notice for violation of any section of the Model Traffic Code, as amended, and pays the fine and surcharge for the violation on or before the date when the payment is due, the points assessed for the violation shall be reduced as follows:~~

1. ~~For a violation having an assessment of three (3) or more points (under C.R.S. § 42-2-127(5), the points are reduced by two (2) points.~~

2. For a violation having an assessment of two (2) points (under C.R.S. § 42-2-127(5)), the points are reduced by one point.

G. For purposes of Subsection F of this section, receipt of payment by mail by the City or the postmarking of such payment on or prior to the twentieth (20th) day after receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.

Sec. 10.04.070. – Violation References.

Unless the context within which the word or term is used provides clearly and specifically to the contrary, "violation," "traffic violation," "offense," "traffic offense," "infraction," "traffic infraction" and "misdemeanor," if and when used in the Model Traffic Code, as adopted and amended in this chapter, shall mean or refer to a violation of an ordinance of the City that is punishable as provided in this chapter following a determination of guilt or liability. Accordingly, such words and terms shall not necessarily have the same meanings and penalty implications as are provided for in the Colorado Revised Statutes.

Sec. 10.04.080. - Section 103(2)(b) modified—Scope and effect of Code.

Section 103(2)(b) of the Model Traffic Code is amended to read as follows:

(2) The provisions of this Code relating to the operation of vehicles 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;
- (b) For provisions of sections 1211, 1401, 1402 and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

Sec. 10.04.090. - Section 613 repealed—Failure to pay toll established by regional transportation authority.

Section 613 of the Model Traffic Code is hereby repealed.

Sec. 10.04.100. - Designation of highway maintenance, repair, or construction zones—Signs—Increase in penalties for moving violations.

Section 614 of the Model Traffic Code is hereby amended to read as follows:

(1) If maintenance, repair, or construction activities are occurring or will be occurring within four (4) hours on a local street or state highway located within the City, such portion of the street or highway may be designated as a highway maintenance, repair, or construction zone. Any person who commits a moving violation of the Model Traffic Code in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to increased penalties and surcharges.

(2) Any such zone shall be designated by displaying an appropriate sign in a conspicuous place at the beginning of the zone advising that maintenance, repair, or construction activity is taking place or will be taking place within the zone within four (4) hours. Such sign shall notify the public that increased penalties for moving violations of the Model Traffic Code are in effect in such zone. A second sign shall be erected or placed at the end of any such zone indicating that the increased penalties for such moving violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, repair, or construction zone shall conform to Colorado Department of Transportation requirements. Such signs may be displayed on any fixed, variable, or moveable stand. Such signs also may be placed on a moving vehicle if required for certain activities, including, but not limited to, highway or street painting work.

(4) Unless otherwise prohibited by law, maintenance, repair or construction zones may be designated and signs conforming to the requirements of this Section 614 may be displayed by:

- (a) Authorized City employees;
- (b) Persons performing maintenance, repair or construction work pursuant to contracts with the City; and/or
- (c) Persons, including employees or agents of other entities, authorized by law, franchise, or permit to perform maintenance, repair or construction work within City streets.

Sec. 10.04.110. - Section 617 repealed—Steep downhill grade zones.

Section 617 of the Model Traffic Code is hereby repealed.

Sec. 10.04.120. - Section 703(3) modified—Stopping at stop signs and yielding after stopping.

Section 703(3) of the Model Traffic Code is amended to read as follows:

(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, except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a stop sign,

such collision shall be deemed *prima facie* evidence of his or her failure to yield right-of-way.

Sec. 10.04.130. - Section 704 modified—Vehicle entering roadway.

Section 704 of the Model Traffic Code is amended to read as follows:

704. Vehicle entering roadway.

(1) The driver of a vehicle about to enter or cross a roadway from any place other than a roadway shall stop before entering or crossing the roadway if the street, road, lane or way upon which the vehicle of such driver is traveling is controlled by a standard stop sign. The driver of a vehicle approaching such a standard 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 the street, road, lane or way and the roadway.

(2) When such place is not controlled by a standard stop sign, the driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

(3) The requirements of Subsection (1) of this Section 704 shall apply without regard to whether the standard stop sign is located on public or private land and without regard to whether the stop sign was erected or is maintained by the City. Nothing in this Section 704 shall be construed to require the City to erect or maintain any stop sign on private property but the Traffic Engineer is hereby authorized to permit the erection and maintenance of standard stop signs by private persons and entities to regulate and control traffic entering roadways from places other than roadways. The Traffic Engineer may maintain a schedule listing standard stop signs authorized or approved pursuant to this Subsection 704(3). Any such stop sign, once added to such schedule, shall be presumed to comply with the requirements of the Model Traffic Code unless the contrary is established by competent evidence.

Sec. 10.04.140. - Section 716 added—Leaving roadway to avoid traffic control.

There is hereby added to the Model Traffic Code a new Section 719 to read as follows:

716. Leaving Roadway to Avoid Traffic Control. It is unlawful for the driver of a motor vehicle to leave a roadway and cross public or private property to intentionally avoid an official traffic control device. Persons who violate this section shall be punished, upon conviction, by a fine in the amount that is provided for at Section 10.04.060(C) of the Cañon City Municipal Code for "0 point" violations.

Sec. 10.04.170. - Section 717 added—Driving under restraint prohibited.

There is hereby added to the Model Traffic Code a new Section 720 to read as follows:

717. Driving Under Restraint Prohibited.

(1) It is unlawful for any person to drive a motor vehicle or off-highway vehicle upon any street or highway in the City with knowledge that the person's license or privilege to drive, either as a resident or nonresident, is under restraint for an outstanding judgment.

(2) For the purposes of this section, "knowledge" means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint. "Knowledge" does not mean knowledge of a particular restraint or knowledge of the duration of the restraint.

(3) "Restraint" or "restrained" means any denial, revocation, or suspension of the person's license or privilege to drive a motor vehicle in this state or another state.

(4) Prima facie evidence of restraint may be established by certification that a notice was mailed by first class mail pursuant to C.R.S. 42-1-119(2) to the last known address of the defendant, or by the delivery of the notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

(25) Any person in violation of Subsection (1) of this Section shall be punished, upon conviction, by a fine in the amount that is provided for at Section 10.04.060(C)(4) of the Cañon City Municipal Code for a "3 point" violation and assessed a three-point penalty. The Municipal Court, upon any person who is convicted of or pleads no contest to a violation of subsection (1) of this section, shall not waive or reduce the three-point penalty in accordance with C.R.S. § 42-2-138(2.5).

Sec. 10.04.180. - Section 902(4) modified—Limitations on turning.

Section 902 of the Model Traffic Code is amended by the addition of a new subsection (4) to read as follows:

(4) In the GC (general commercial) and CB (central business district) zoning districts of the City, the driver of any vehicle shall not cross one or more lanes of traffic for the purpose of entering an on-street parking place provided for vehicles traveling in the opposite direction. Left turns into off-street parking lots, when not prohibited by official traffic control devices, shall be governed by Sections 702 and 901(b).

Sec. 10.04.190. - Section 1101 modified—Speed limits.

Section 1101 of the Model Traffic Code is hereby repealed and reenacted to read as follows:

1101. Speed limits.

(1)(a) No person shall drive a vehicle on a highway at a speed that is in excess of the posted maximum speed limit or, where a maximum speed limit is not posted, at a speed that is in excess of the applicable lawful speed set forth at Subsection (2) of this section.

(b) For purposes of paragraph (1)(a), the posted maximum speed limit shall be the speed limit designated on an official speed limit sign or other official traffic control device for the applicable time and location.

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

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

(b) Twenty-five (25) miles per hour in any business district, as defined in Appendices (11) of this Code;

(c) Thirty (30) miles per hour in any residence district, as defined in Appendices (80) of this Code;

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

(e) Forty-five (45) miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 507(3);

(f) Fifty-five (55) miles per hour on other open highways which are not on the interstate system, as defined in C.R.S. § 43-2-101(2), and are not surfaced, four-lane freeways or expressways;

(g) Fifty-five (55) miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in C.R.S. § 43-2-101(2), or are freeways or expressways;

(h) Any speed not in excess of a maximum speed limit designated by an official traffic control device;

(i) Ten (10) miles per hour in any alley;

(j) Fifteen (15) miles per hour on Skyline Drive;

(k) Twenty (20) miles per hour on any gravel-surfaced road or street.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to the maximum lawful speed limit a reasonable and prudent speed when a

special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) (No provision).

(5) In every charge of violating Subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit applicable at the specified time and location of the alleged violation.

(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

(7) The speed limits set forth in Subsection (2) of this section are the maximum lawful speed limits in the City.

(8) Unless a maximum lawful speed limit in excess of fifty-five (55) miles per hour is required pursuant to a mandatory State law that is applicable within the jurisdiction of the City and designated by an official traffic control device, the maximum lawful speed limit on any highway within the City limits of the City of Cañon City, including, but not limited to, highways that are part of the interstate system, shall be fifty-five (55) miles per hour.

(9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 108, exist.

(10) The minimum requirement for commission of a traffic violation under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(11) It shall not be a defense to prosecution for a violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

- (a) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or
- (c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the maximum lawful speed limit under the conditions then existing or at speeds greater than the maximum lawful speed limit.

Sec. 10.04.200. - Section 1102 repealed—Altering of speed limits.

Section 1102 of the Model Traffic Code is hereby repealed, but the City acknowledges and asserts its power and authority to regulate speeds within its jurisdiction, subject only to limitations set forth in applicable laws of the State of Colorado. However, certain of the powers referred to in this Section 1102 (which is derived from C.R.S. § 42-4-1102, are delegated to the Traffic Engineer in Section 10.04.460 of the Cañon City Municipal Code.

Sec. 10.04.210. – Section 1203 modified – Time limited parking restrictions

Section 1203 of the Model Traffic Code is hereby repealed and reenacted to read as follows:

1203. Time-limited parking restrictions.

(1) When signs are erected giving notice thereof, no person shall park a vehicle on any highway or street within the City, between the hours of nine a.m. and six p.m., for a period of time longer than is permitted in accordance with any schedule adopted and published by the Traffic Engineer pursuant to the authority granted to said Traffic Engineer under Section 10.04.460 of the Municipal Code. Such schedules shall include, but not necessarily be limited to: Schedule IX, covering areas where parking time is limited to three (3) hours, except as otherwise provided in Subsection (4) of Section 10.04.230; and Schedule IX-A, covering areas where parking time is limited to fifteen (15) minutes.

(2) Unless such schedules and signs indicate to the contrary, the time-limited parking restrictions provided for in Subsection 1203(1) shall not apply on Sunday or on public holidays designated by ordinance or resolution of City Council.

(3) Signs giving notice of such time-limited parking restrictions need not be spaced any closer than at opposite ends of any city block; provided that at least two (2) such signs must be located on each block or portion thereof that is subject to a time-limited parking restriction and further provided that all such signs must be located on the side of the street which is subject to the time-limited parking restriction.

(4) Business Parking Permits. Upon application and review, the City Administrator, or his or her designee, shall issue parking permits to business owners with businesses contiguous to or on streets subject to a three (3) hour limitation pursuant to Schedule IX of Section 10.04.230, for use by vehicles owned by or in the custody of the customers, representatives, contractors, visitors and invitees of such business owners. The parking permit shall not be used by employees or owners of any downtown business. A "business owner" for purposes

of this Subsection means the owner or operator of a commercial business or enterprise, who, because of the nature of his or her business, and upon proof submitted to the City, requires parking for its customers, representatives, contractors, visitors and invitees in excess of three (3) hours.

- (a) Application. A business parking permit may be obtained by filing a written application with the City, which application shall state the name and business address of the applicant. In considering applications for business parking permits, the City shall determine the need for a permit and may require proof of the following:
 - (i) A statement or documentation indicating the business in which the applicant is engaged.
 - (ii) That an applicant has a legal right to possession of the premises claimed as a business and a valid City sales tax license, if applicable.
 - (iii) That enforcement of a three (3) hour parking limitation will materially delay or interfere with the rendering of services provided by a qualifying business owner.
- (b) A vehicle displaying a valid permit issued pursuant to this subsection may be parked on a street otherwise subject to a three (3) hour limitation pursuant to Schedule IX of Section 10.04.203, for a period of five (5) hours.
- (c) No more than three (3) business parking permits per business owner shall be issued at any given time. For businesses with multiple owners, the number of permits shall not exceed three (3).
- (d) The permittee shall be responsible for ensuring the removal of the permit from the vehicle after usage or upon termination of the five (5) hour limitation.
- (e) If the permit is damaged or lost such that it must be replaced, the permittee, upon application therefor, shall be issued and pay for a replacement permit.
- (f) No person shall use or display any permit issued under this Subsection in violation of any provision of this code.
- (g) Any person may have business parking permits revoked if the use of the permit is used in violation of this Section. The City Administrator, or his or her designee, shall have the right to revoke such permits upon twenty-four (24) hours' notice to the permittee.
- (h) The City Administrator, or his or her designee, shall provide all necessary reports on permits to the Cañon City Police Department to assist with parking enforcement.

Sec. 10.04.220. -Section 1204(1) modified—Places where parking is prohibited.

Section 1204(1) of the Model Traffic Code is amended by the addition of a new Subsection 1204(1)(l) [following Subsection 1204(1)(k)] to read as follows:

(l) Between the sidewalk and the curb, where there is space between the sidewalk and curb, or between the sidewalk and the parking lane on any street that has no curbs, when there is a space between the sidewalk and the parking lane.

Sec. 10.04.230. - Section 1204(7) modified—Places where parking is prohibited.

Section 1204(7) of the Model Traffic Code is amended to read as follows:

(7)(a) Except as provided in paragraph (b) of this Subsection 1204(7), whenever a concrete or other hard-surfaced curb, or portion thereof, is painted yellow, it shall be illegal to stop, stand or park any motor vehicle, or portion of a vehicle, in the highway or street that is immediately adjacent to such painted curb. The prohibition contained in this paragraph shall apply even if there is no signage on or near to such painted curb indicating that parking is prohibited. The color yellow, when applied to a curb, or a portion of a curb, shall signify that stopping, standing or parking a motor vehicle adjacent to such painted curb, or portion thereof, is prohibited.

(b) It shall not be unlawful to park a motor vehicle on a highway or street adjacent to a curb that is painted yellow if, but only if, signage that is adjacent to or stenciled onto such painted curb permits motor vehicles to be parked adjacent to such painted curb for short periods of time that are stated on such signage or stenciled message; provided that the period during which a motor vehicle may be parked at such location shall not exceed the time allowed.

Sec. 10.04.240. -Section 1205(4) modified—Parking at curb or edge of roadway.

Section 1205(4) of the Model Traffic Code is amended to read as follows:

(4) Angle parking shall be permitted on roadways where official traffic control devices, including but not necessarily limited to painting lines indicating the boundaries of individual angled parking spaces on such roadways, clearly indicate that such parking is permitted. Subject to the prior approval of City Council and, when applicable, the requirements of Subsection 1205(3), with respect to the determination required from the Department of Transportation relative to angle parking on State highways, the Traffic Engineer shall determine where angle parking will be permitted.

Sec. 10.04.250. - Section 1209 modified—Owner liability for parking violations.

Section 1209 of the Model Traffic Code is redesignated as Section 1209(1) and a new Section 1209(2) is hereby added to read as follows:

(2) In any prosecution for a violation of any ordinance governing the stopping, parking or operating of a vehicle, where the operator of the vehicle is not known, the owner of said vehicle shall be liable upon conviction for the payment of any fine assessed, unless the owner of the vehicle can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required within twenty (20) days after notification by the issuance of the appropriate summons and complaint for the type of violation charged, to

furnish to the municipal prosecutor the name and address of the person who had the care, custody or control of such vehicle.

Sec. 10.04.260. - Section 1214 added—Parking restrictions applicable to certain commercial vehicles, recreational vehicles and trailers on residential streets.

There is hereby added to the Model Traffic Code a new Section 1214 to read as follows:

1214. Parking Restrictions Applicable to Certain Commercial Vehicles, Recreational Vehicles and Trailers on Residential Streets. No person shall park or store any commercial vehicle, recreational vehicle, or trailer in violation of any provision of Section 12.26.030 of the Cañon City Municipal Code, the provisions of which are, by this reference, incorporated into this Section 1214.

Sec. 10.04.270. - Section 1401 modified—Reckless driving—Penalty.

Section 1401 of the Model Traffic Code is amended to read as follows:

1401. Reckless driving—Penalty.

(1) Any person who drives any motor vehicles, bicycle, or motorized bicycle anywhere within the jurisdiction of the City, as described in Section 10.04.050(A) of the Cañon City Municipal Code, 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 motorized bicycle shall not be subject to the provisions of C.R.S. § 42-2-127

(2) Any person who is convicted of reckless driving shall be punished by a fine of not less than two hundred forty dollars (\$240.00), nor more than one thousand dollars (\$1,000.00). Upon a second or subsequent conviction of reckless driving within any period of twelve (12) consecutive months, such person shall be punished by a fine of not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00), ~~or by imprisonment for not less than ten (10) days nor more than one year, or by both such fine and imprisonment.~~

Sec. 10.04.280. - Section 1402 modified—Careless driving—Penalty.

Section 1402 of the Model Traffic Code is amended to read as follows:

1402. Careless driving—Penalty.

(1) Any person who drives any motor vehicle, bicycle, or motorized bicycle anywhere within the jurisdiction of the City, as described in Section 10.04.050(A) of the Cañon City Municipal Code, in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle or motorized bicycle shall not be subject to the provisions of C.R.S. § 42-2-127.

(2) Any person who is convicted of careless driving shall be punished by a fine that is not less than one hundred fifty dollars (\$150.00), nor more than three hundred dollars (\$300.00), ~~or by imprisonment of not more than ninety (90) days, or both~~; provided that if the person's actions are the proximate cause of bodily injury or death to another, such person shall be punished by a fine that is not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1,000.00)~~), or by imprisonment for not fewer than ten (10) days, nor more than one year, or by both such fine and imprisonment~~.

Sec. 10.04.290. - Section 1402.5(2) modified—Vulnerable road user—prohibition.

Section 1402.5(2) of the Model Traffic Code is amended to read as follows:

(2) Prohibition. A person who drives a motor vehicle in violation of Section 1202 and whose actions are the proximate cause of serious bodily injury, as defined in C.R.S. § 42-4-1601(4)(b) to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.

Sec. 10.04.300. - Section 1402.5(3) modified—Vulnerable road user—Violations and penalties.

Section 1402.5(3) of the Model Traffic Code is amended to read as follows:

(3)(a) Violations and penalties. Infliction of serious bodily injury to a vulnerable road user is a traffic offense, punishable pursuant to Section 10.04.060 of the Cañon City Municipal Code.

(b) In addition to the penalties imposed in subsections (3)(a) and (3)(a) of this section, the court may order the violator to:

(I) Attend a driver improvement course in accordance with section 1717; and

(II) Perform useful public service for a number of hours, which must not exceed three hundred twenty hours, to be determined by the court in accordance with C.R.S. § 18-1.3-507,

(c) In addition to the penalties imposed in subsections (3)(a) and (3)(b) of this section, a person who is convicted of violating this section is subject to:

(I) License suspension in accordance with C.R.S. § 42-2-127; and

(II) An order of restitution under C.R.S. § 18-1.3-601 *et seq.*

Sec. 10.04.310. - Section 1409 modified—Compulsory insurance—Penalty.

Section 1409 of the Model Traffic Code is hereby amended to read as follows:

1409. Compulsory insurance—Penalty.

- (1) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public streets and highways of the City when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law. [See C.R.S. §§ 10-4-619 and 10-4-624].
- (2) No person shall operate a motor vehicle on the public streets and highways of the City without a complying policy or certificate of self-insurance in full force and effect as required by law.
- (3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.
- (4)(a) Any person who violates the provisions of Subsection 1, 2, or 3 of this section commits a traffic offense and, upon conviction thereof, shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance, as required pursuant to C.R.S. §§ 10-4-619 or 10-4-624, has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five (5) years following a prior conviction under this section, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required pursuant to C.R.S. §§ 10-4-619 or 10-4-624, has been obtained.

(c) The court may establish a payment schedule for a person convicted of violating the provisions of Subsection 1, 2, or 3 of this Section 1409.
- (5) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute *prima facie* evidence, at a trial concerning a violation charged under Subsection 1 or 2 of this section, that such owner or operator of a motor vehicle violated Subsection 1 or 2 of this section.
- (6) No person charged with violating Subsection 1, 2, or 3 of this section shall be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation.
- (7) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:

- (a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and
- (b) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

(8) No portion of any fine imposed and collected by the Cañon City Municipal Court with respect to any violation of this section shall be subject to the provisions of C.R.S. § 42-4-1409(9), which applies to fines collected with respect to violations of state law, rather than violations of local ordinances.

Sec. 10.04.320. - Section 1412(1.5) added—Operation of bicycles and other human-powered vehicles.

There is hereby added to the Model Traffic Code a new Section 1412(1.5) to read as follows:

(1.5) It is unlawful for any person to drive, operate or cause to be operated any motor vehicle, including, but not limited to, any self-propelled vehicle, moped, go-cart, golf cart, motor scooter, electric personal assistive mobility device or "EPAMD," as defined in C.R.S. § 42-1-102(28.7), engaged electronic assisted bicycle, hoverboard, or similar mode of transportation, except upon established sidewalks specifically designated by the City Council and marked for such purpose. A person may operate an electrical assisted bicycle, as defined in C.R.S. § 42-1-102(28.5), as may be amended, with the electrical motor disengaged on sidewalks where bicycles are authorized to travel. Electric personal assistive mobility devices or "EPAMDs" shall be permitted only if the user is dismounted. Nothing in this subsection shall prohibit or restrict the use or operation of an "other power-driven mobility device" (OPDMD), as used and defined by the American with Disabilities Act (ADA) Title II and III, provided that the user operates the OPDMD at the speed of pedestrian traffic;

Sec. 10.04.330. - Section 1412(16) added—Operation of bicycles and other human-powered vehicles.

There is hereby added to the Model Traffic Code a new Section 1412(16) to read as follows:

- (16)(a) It is unlawful for any person to ride a bicycle or use a skateboard on any sidewalk that is adjacent to Main Street, on both sides thereof, at any location east of Second Street and west of Ninth Street.
- (b) At all locations northerly of Royal Gorge Boulevard and southerly of Macon Avenue it is unlawful for any person to ride a bicycle or use a skateboard on any sidewalk that is adjacent to the east side of Second Street; both sides of Third, Fourth, Fifth, Sixth, Seventh and Eighth Streets; and the west side of Ninth Street.

(c) The prohibitions contained in paragraphs (a) and (b) of this subsection shall apply without regard to whether signage prohibiting the riding of bicycles and/or the use of a skateboard on the sidewalks described in such paragraphs is erected at or near such locations.

Sec. 10.04.340. - Section 1413 modified—Eluding or attempting to elude a police officer.

Section 1413 of the Model Traffic Code is hereby amended to read as follows

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

(2) Unless the Municipal Court specifically finds that imposition of the minimum fine would be unconscionable according to all of the facts and circumstances presented to it during a sentencing hearing, the minimum fine for a conviction of a violation of 1413 (eluding or attempting to elude a police officer) shall be five hundred dollars (\$500.00). In all other respects, punishment of a person convicted of violating Subsection 1413(1) shall be within the limits provided for in Subsection 10.04.060(B) of the Cañon City Municipal Code.

Sec. 10.04.350. - Section 1425 added—Unnecessary vehicle noise.

There is hereby added to the Model Traffic Code a new Section 1425 to read as follows:

1425. Unnecessary vehicle noise.

(1) No person shall operate any vehicle in such a manner on a curve or turn or accelerate or decelerate such vehicle as to create loud and unnecessary noise or cause damage to the roadway.

(2) Prohibited use of compression engine brakes. Except as provided herein the use of compression brakes shall be prohibited within the City boundaries, specifically along U.S. Highway 50 between 1st Street and Justice Center Road, provided that the City has erected signage identifying this prohibition. Engine brakes may be used only in emergency or life/safety situations.

(3) A penalty assessment notice may be issued for violations of Section 1425.

Sec. 10.04.360. - Section 1701 modified—Traffic offenses classified—Schedule of fines.

Section 1701 of the Model Traffic Code is hereby repealed and reenacted to read as follows:

1701. Traffic offenses classified — Schedule of fines.

(1) It is a traffic offense for any person to violate any provision of the Model Traffic Code, as adopted and modified in this Chapter 10.04.

(2) Pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the Court Clerk or violations bureau, together with any surcharge calculated pursuant to Section 1.16.090 of the Cañon City Municipal Code, that is payable with respect to all Municipal Code violations other than parking violations.

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

(4) Fines, costs and surcharges pursuant to said Section 1.16.090 of the Cañon City Municipal Code shall be paid to, received by, and accounted for by the Violations Clerk or Court Clerk.

(5) Penalty Assessment Notices.

(a) Notice, Form and Contents. At the time that any person is arrested or otherwise contacted for the commission of any violation of the Model Traffic Code, except when the provisions of Subsection 1701(5)(c) prohibit, the contacting officer may offer to give a notice to the person in charge of or operating the motor vehicle involved, which notice shall be in the form of a penalty assessment notice. Such notice shall contain the information required by Section 1707 and C.M.C.R. 204(b)(4) relating to the information required on a summons and complaint. Should the person to whom the penalty assessment notice is tendered accept said notice, such acceptance shall constitute an acknowledgement of guilt by such person of his or her violation of the offense stated in such notice and a promise on such person's part to pay the fine specified in the schedule contained in Section 10.04.060(C) of the Cañon City Municipal Code for the violation involved, and the appropriate surcharge pursuant to Section 1.16.090 of the Cañon City Municipal Code, at the office of the Clerk of the Municipal Court in Cañon City, either in person or by mail within twenty (20) days from the date of notice; but any arrested person who accepts a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine and surcharge may be taken by the officer to the nearest known post office facility and required to remit the amount of the specified fine and surcharge to the Municipal Court Clerk immediately by mail in United States currency or other legal tender, by money order or personal check. Refusal or inability to remit the specified fine and surcharge by mail when required shall constitute a refusal to accept a penalty

assessment notice. The officer shall advise the person arrested of the points to be assessed in accordance with C.R.S. § 42-2-127, and, if applicable, of the option for a points reduction, as provided for in Section 10.04.060(F) of the Cañon City Municipal Code. Acceptance and payment of the prescribed fine and surcharge shall be deemed a complete satisfaction for the violation, and the violator shall be given a receipt which so states when such fine and surcharge are paid in currency or other form of legal tender. Checks tendered by the violator to and accepted by the Clerk of the Municipal Court and on which payment is received by the Clerk of the Municipal Court shall be deemed sufficient receipt.

(b) Notice, Refusal or Failure to Comply. Should the violator refuse to accept the penalty assessment notice prescribed by Subsection 1701(5)(a) when such notice is tendered by the contacting officer, the officer shall proceed in the manner employed when no penalty assessment notice is tendered. Should the violator accept the notice but fail to pay the prescribed penalty within twenty (20) days thereafter, the penalty assessment notice shall be construed to be a summons and complaint for a charge of violating the ordinance specified in said notice, and the prosecution of said violation shall thereafter be heard in the Municipal Court, in which event the violator shall be privileged to answer the charge made against him or her in the same manner as is provided in situations where no penalty assessment is offered; except that the maximum penalty which may be imposed shall not exceed the penalty set forth in the schedule of fines contained in Section 10.04.060(C) of the Cañon City Municipal Code for the designated violation.

(c) Exceptions. The provisions of Subsection 1701(5)(a) shall not apply:

(I) Respecting a violation of Section 1101 of the Model Traffic Code, where the person charged exceeded the maximum lawful speed limit by more than nineteen (19) miles per hour; or

(II) When the person charged has caused or contributed to the cause of an accident resulting in bodily injury or death to another person; or

(III) When the person charged violated any of the following sections of the Model Traffic Code: Section 1401, 1409 or 1413, or committed any other violation for which the person charged, if convicted, will be assessed more than six (6) points by the Colorado Department of Revenue, Division of Motor Vehicles.

(d) Penalties. Every person who is convicted of a violation of any provision of the Model Traffic Code, to which the provisions of Subsection 1701(5)(a) apply, shall be fined in accordance with Section 10.04.060(C) of the Cañon City Municipal Code, whether the violator acknowledges guilt by payment of the fine and surcharge or is found guilty by the Municipal Court.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the windshield of the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of

the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharges thereon pursuant to sections 119(1)(f) and 104 to the Colorado department of revenue within ten days. If the penalty assessment and surcharge thereon is not paid within ten days, the Court shall order a default judgment. ~~of the issuance of the notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within the twenty days from the date of mailing of such notice, the penalty assessment notice shall be construed to be a summons and complaint for a charge of violating the ordinance specified in said notice, and the prosecution of said violation shall thereafter be heard in the Municipal Court, in which event the violator shall be privileged to answer the charge made against him or her in the same manner as is provided in situations where no penalty assessment is offered.~~

~~(7) Notwithstanding Subsections 5(b) and (6) of this section, receipt of payment by mail by the department or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.~~

~~(87) The surcharges described in subsections (4) to (6) of this section are separate and distinct from a surcharge levied pursuant to C.R.S. § 24-33.5-415.6.~~

Sec. 10.04.370. - Section 1702 repealed—Counties-traffic offenses classified-schedule of fines.

Section 1702 of the Model Traffic Code is hereby repealed.

Sec. 10.04.380. - Section 1707(5) modified—Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses.

Section 1707(5) of the Model Traffic Code is amended to read as follows:

(5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a municipal court within the municipality in which the offense is alleged to have been committed.

Sec. 10.04.390. - Section 1707(7) repealed—Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses.

Section 1707(7) of the Model Traffic Code is hereby repealed.

Sec. 10.04.400. - Section 1708 repealed—Traffic Infractions.

Section 1708 of the Model Traffic Code is hereby repealed.

Sec. 10.04.410. - Section 1709(6) deleted—Penalty assessment notice for traffic offenses.

Section 1709(6) of the Model Traffic Code is hereby repealed.

Sec. 10.04.420. - Appendices 1(72.1) amended—Definitions.

Appendices 1(72.1) of the Model Traffic Code is amended by the addition of (72.1.1) and (72.1.2) to read as follows:

(72.1.1) “Posted construction zone” means a maintenance, repair or construction zone designated by appropriate signage in accordance with the provisions of Section 614 of the Model Traffic Code and/or C.R.S. § 42-4-614(2) and (3).

(72.1.2) “Posted school zone” means a school zone that is clearly designated by appropriate signage, in accordance with the provisions of Section 615 of the Model Traffic Code and/or C.R.S. § 42-4-615.

Sec. 10.04.430. - Appendices 1(100) modified—Definitions.

Appendices 1(100) to the Model Traffic Code is amended to read as follows:

(100) “Stop” means, when required, the complete cessation of movement. “Stop” or “Stopping” means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Sec. 10.04.440. - Traffic Engineer.

- A. The office of Traffic Engineer is established. The Public Works Director is designated as the Traffic Engineer and, as such, shall exercise the powers and duties provided for in this section, subject to the review of the City Council.
- B. At such times as the Traffic Engineer may be absent from the City or unable to perform his or her duties, the said duties shall be vested in the Chief of Police or such other municipal official as may be determined and authorized by City Council by resolution or ordinance.
- C. Subject to: (1) the review of City Council; (2) the requirements of applicable state law; and (3) the requirements of applicable ordinances of the City, the Traffic Engineer shall have the authority to exercise and implement any and all of the powers granted to “municipal authorities” in C.R.S. § 42-4-1102, as amended, and as said section may be amended following the adoption of the ordinance codified in this section. All such powers are incorporated into this section by this reference. Except in cases of emergency, as determined by agreement between the City Administrator and the Traffic Engineer, the review by City Council that is provided for in this subsection shall occur prior to the Traffic Engineer's exercise or implementation of any power delegated to the Traffic Engineer in this subsection.
- D. In addition to the powers and duties delegated elsewhere in this section and subject to the requirements of applicable state law, the Traffic Engineer shall have authority to cause the erection and display of appropriate official signs and other official traffic control devices and to otherwise do those things necessary to cause the implementation of any traffic

regulation or designation enacted by or pursuant to any ordinance of the City Council, as enumerated in C.R.S. § 42-4-111(1), as amended, and as said section may be amended in the future.

E. The Traffic Engineer shall have the authority to adopt and publish each of the following schedules:

Traffic Control Schedules for Designated Streets	
Schedule I	Through streets
Schedule II and III Combined	Decreased and increased speed limits
Schedule IV	Minimum speed
Schedule V	One-way streets and alleys
Schedule VI	Nonmotorized traffic and motor drive cycles excluded
Schedule VII	Stopping, standing or parking during certain hours on certain streets prohibited
Schedule VIII	Parking prohibited at all times on certain streets
Schedule VIII-A	Parking prohibited at all times on certain streets to general public
Schedule IX	Parking time limited on certain streets, (3) hours, except as otherwise provided in Subsection (4) of Section 10.04.250
Schedule IX-A	Parking time limited on certain streets, 15 minutes
Schedule X	Parking meter zones
Schedule XI	Right turn on steady red signal prohibited
Schedule XII	Left turn on steady red signal prohibited
Schedule XIII	Weight limitations upon vehicles using certain streets
Schedule XIV	Weight limitations upon vehicles using certain structures

Schedule XV	Traffic signals authorized
Schedule XVI	Ride stops authorized
Schedule XVII	Authorized and approved stop signs to regulate and control vehicular traffic entering or crossing a public roadway from a place other than a roadway (see Section 704 of the Model Traffic Code, as amended)

- F. Any schedule permitted under Subsection E of this section that was in effect at the time of the adoption of the 2024 Model Traffic Code shall remain in effect until such schedule is amended or modified by the Traffic Engineer in accordance with the authority granted hereunder. No such revised or amended schedule shall be valid until a true and correct copy of the same shall have been filed in the office of the City Clerk, for review by the public, and in the Municipal Court. Additional copies shall be provided to the City Administrator, Chief of Police, City Attorney, any special prosecutor, and Director of Public Works.
- G. Subject to the prior approval of the City Council, the Traffic Engineer is authorized to designate on Schedule XI those intersections where right turns on a steady red signal are prohibited and, on Schedule XII, those intersections where left turns onto one-way streets on a steady red signal are prohibited. After any such designation has been made by the Traffic Engineer and approved by the City Council, the Traffic Engineer may cause the erection of appropriate official signs to notify drivers of such prohibitions. Any person making a turn that is prohibited by any sign authorized and erected pursuant to this subsection commits a violation of Section 603 of the Model Traffic Code.

Sec. 10.04.450. - Validity.

If any part or parts of the 2024 Model Traffic Code, as adopted and modified in Chapter 10.04 of the Cañon City Municipal Code, are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of said Code. The City Council declares that it would have passed the ordinance adopting said Code and all local modifications, irrespective of the fact that any one part or parts of said Code might be declared invalid.

Sec. 10.04.460. - Authority to remove, relocate or impound certain vehicles.

- A. Members of the police department are authorized, at their discretion, to remove or have removed at their direction a vehicle from any street or any public way or place to the nearest garage or other place of safety or to a garage or other impound facility designated or maintained by the police department or by the City or to elsewhere within the City, under the circumstances as follows:

1. When any vehicle is left unattended upon any bridge, causeway, viaduct, in any underpass or tunnel or where such vehicle constitutes an obstruction to traffic.
2. When a vehicle is found being driven upon the street and is in such a condition so as to represent an articulable substantial threat to the health, safety or welfare of the public.
3. When any vehicle is parked upon any street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic, with proper street or highway maintenance, or the maintenance or repair of the lines or other facilities of any City or other public utility, or the route for a parade authorized by a permit issued by the City Administrator or designee.
4. When any member of the police department has probable cause to believe that vehicle is an abandoned vehicle.
5. When the driver of such vehicle is taken into custody by the police department.
6. When removal is necessary in the interest of public safety because of fire, flood, storm, or other emergency or disaster.
7. When any vehicle is parked in a posted fire lane.
8. When any vehicle is found on any property owned or controlled by the city or any other governmental agency except for the rights-of-way of streets or highways and designated parking spaces. This subsection does not apply to city maintenance or city patrol vehicles.
9. When any vehicle is parked upon any street scheduled for or upon which cleaning, sweeping, repair or maintenance operations are being conducted; provided, that such street has been posted with an authorized sign temporarily prohibiting parking on such street during the involved operations.
10. When the vehicle is suspected of containing evidence of a crime, stolen goods or contraband or is evidence in a criminal investigation.
11. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
12. When any vehicle is left unattended on any street with its engine running or with keys in the ignition switch or lock.
13. When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property.

14. When the police officer has probable cause to believe that the driver of a vehicle is using license plates or a license permit unlawfully, misusing the license plates or the license permit issued to the driver or a vehicle is driven or parked without proper license plates or a license permit or with no license plates or license permit or a vehicle is driven or parked with an invalid or expired license plate or permit.
15. When the police officer has probable cause to believe that the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid or who does not have such a license in the driver's immediate possession or who drives a vehicle contrary to restrictions imposed upon the license, or who drives a vehicle while his or her operator's or chauffeur's license has been denied, suspended, cancelled, or revoked by the state.
16. When the driver of any vehicle or the vehicle which the driver is driving is suspected of having been involved in any hit-and-run accident.
17. When any vehicle is suspected of being stolen or parts thereof are suspected to be stolen parts.
18. When a trailer or semitrailer, not connected to a motor vehicle or truck, is kept, stored, or parked on any public roadway within the city for more than 24 hours after having been cited for a violation of Section 1212 or 1215 of the Model Traffic Code.
19. When an inoperable vehicle, as defined by Section 8.12.020(BB) of the Cañon City Municipal Code is kept, stored, or parked on any public right-of-way or roadway more than 24 hours after having been cited as an inoperable vehicle. If an inoperable vehicle, which has been cited as an inoperable vehicle, is found on any roadway within six months of the date of the original citation, it shall be subject to immediate removal or impoundment.
20. When any vehicle is parked upon any street, highway or City property which has been posted as a tow-away zone.

B. Except as may be otherwise provided by the Model Traffic Code, no vehicle impounded in any authorized garage as provided in this section shall be released therefrom until the charge for towing such vehicle into the garage and the storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be fixed by the contract between the city and the towing service/garage. Such charge shall be posted for public inspection in the office of the authorized garage. The individual tow truck operator shall also carry in his or her possession a list of the charges for services.

C. Absent emergency or exigent circumstances, a police officer shall impound any vehicle lawfully stopped by the police officer if:

1. The police officer observes the vehicle as described in subsection (A)(14) of this section, and the police officer has probable cause to believe that the operator is violating any section of C.R.S. § 42-3-101 *et seq.*; and
2. The police officer observes the vehicle as described in subsection (A)(15) of this section, and the police officer has probable cause to believe that the operator is violating any section of C.R.S. § 42-2-101 *et seq.*; and
3. The police officer has probable cause to believe the operator is violating Section 1409 of the Model Traffic Code, as amended, or C.R.S. § 42-7-510.

Sec. 10.04.470. - Impoundment – Notice, hearing, and applicability.

A. Notice. Whenever, as authorized in this chapter, a police officer orders the towing or removal of a vehicle and the police officer knows or is able to ascertain from the registration the name and address of the owner thereof, such police officer shall give or cause to be given notice in writing to such owner of the fact of such removal and the reasons thereof and of the place to which such vehicle has been towed or removed. If any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage. The written notice shall also contain the following statement:

1. A police officer has ordered the towing or removal of your vehicle. If you feel that the impoundment of your vehicle was improper, you have ten days from the date of this notice to file a written request with the Cañon City Municipal Court located at 161 Justice Center Road, Cañon City, CO 81212, for a hearing regarding the propriety of this impoundment. Such hearing should be scheduled within three days (excluding Saturday, Sunday and city holidays) of the date your written request is received by the Cañon City Municipal Court. The court shall be empowered to waive the towing and storage fees, if it is found that there was no reason to believe that legal authority for the removal of the vehicle existed. The retrieval of your vehicle from impoundment does not waive your right to a subsequent hearing and reimbursement. In conjunction with a request for a hearing, you may contact the watch commander of the Cañon City Police Department for purposes of resolving a dispute concerning the impoundment of your vehicle. The Cañon City Police Department will consider fee waivers and reimbursements only in exceptional circumstances, or by order of the Court. After an initial request for refund or fee waiver from the watch commander is denied, and the Cañon City Municipal Court determines the impoundment was lawful, the Cañon City Police Department will not consider any subsequent requests for waivers of fees. **IT IS SUGGESTED THAT YOU RETRIEVE YOUR VEHICLE AS SOON AS POSSIBLE TO MINIMIZE THE ACCRUAL OF STORAGE FEES.**
2. The written notice shall be deposited in the United States mail by the close of the following business day at 5:00 pm. MST from the date of the impoundment of the

vehicle, excluding Saturday, Sunday, and a city holiday. In lieu of mailing, the written notice may be personally handed to the owner.

B. Hearing.

1. If the owner of a vehicle files a written request with the court within ten days from the date of the notice of impoundment, described in subsection (A) of this section, a hearing shall be conducted before the municipal court. Such hearing should, to the extent reasonable, be conducted within three days of the court's receipt of the written demand for the hearing, unless such person requesting the hearing waives, in writing, the opportunity for a speedy hearing. Saturdays, Sundays and city holidays are to be excluded from the calculation of the three-day period. The sole issues before the court, at the hearing, shall be whether there was authority to impound the vehicle and whether the person demanding the hearing has the right to possession of the vehicle.
2. As used in this subsection, the term "authority to impound" means such a state of facts as would lead a person of ordinary care and prudence to believe that the police officer who ordered the towing or removal of the vehicle had legal authority to order such towing or removal.
3. The court shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The city shall carry the burden of establishing that there was authority to impound the vehicle. The burden of proof, for each issue, shall be by a preponderance of the evidence. The decision of the court shall be a final decision. Failure of the registered or legal owner or his or her agent to request a hearing in a timely manner or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

C. Reimbursement for towing and storage. Only upon affirmative determinations by the court that the person demanding the hearing has the right to possession of the subject vehicle and that the officer who ordered the towing of the vehicle did not have authority to impound such vehicle may the court order the City to either fully reimburse the owner of the impounded vehicle for all towing and storage fees paid by the owner or directly pay the towing and storage company for accrued fees.

D. Applicability. The hearing and reimbursement provisions contained in subsections (B) and (C) of this section shall only be applicable to vehicles which have been impounded by order of a police officer.

E. Compliance with time requirements. The time periods placed upon the City in this section are directory in nature. Failure of the City to strictly comply with the time periods shall not cause an automatic forfeiture of the City's rights under this Code.

Section 3. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.