TOWN OF FREDERICK, COLORADO
ORDINANCE NO. ___

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

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO:

Section 1. Chapter 8, Article I, Section 8-1 of the Frederick Municipal Code, entitled "Adoption," is hereby repealed in its entirety and re-enacted to read as follows:

Sec. 8-1. Adoption.

Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2010 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town of Frederick, Colorado. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Frederick, Colorado, and may be inspected during regular business hours.

Section 2. Chapter 8, Article I, Section 8-2 of the Frederick Municipal Code, entitled "Amendments," is hereby repealed in its entirety and re-enacted to read as follows:

Sec. 8-2. Deletions.

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

§109(13)	Low-power scooters, animals, skis, skates, and toy vehicles on highways
§109.5(3)	Low-speed electric vehicles
§109.6(3)	Class B low-speed vehicles
§114	Removal of traffic hazards
§116(3)	Restrictions on minor drivers under eighteen year of age
§117(4)	Personal mobility devices

§201(8)	Obstruction of view or driving mechanism – hazardous situation
§202(4)	Unsafe vehicles
§203(4)	Unsafe vehicles – spot inspections
§204(4)	When lighted lamps are required
§205(4)	Headlamps on motor vehicles
§206(7)	Tail lamps and reflectors
§207(6)	Clearance and identification
§208(4)	Stop lamps and turn signals
§209	Lamp or flag on projecting load (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§210(4)	Lamps on parked vehicles
§211(8)	Lamps on farm equipment and other vehicles and equipment
§212(5)	Spot lamps and auxiliary lamps
§213(6)	Audible and visual signals on emergency vehicles
§214(6)	Visual signals on service vehicles
§215(9)	Signal lamps and devices – additional lighting equipment
§216(3)	Multiple-beam road lights
§217(2)	Use of multiple-beam lights
§218(2)	Single-beam road-lighting equipment
§219	Number of lamps permitted (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§220(7)	Low-power scooters – lighting equipment – department control – use and operation
§221(9)	Bicycle and personal mobility device equipment
§222(1)(a)	Volunteer firefighters – volunteer ambulance attendants – special lights and alarm systems (last sentence only: "If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.")
§223(3)	Brakes
§224(6)	Horns or warning devices
§225(3)	Mufflers – prevention of noise
§226(3)	Mirrors – exterior placements

§227(3)	Windows unobstructed – certain materials prohibited – windshield wiper requirements
§228(8)	Restrictions on tire equipment
§229(5)	Safety glazing material in motor vehicles
§230(5)	Emergency lighting equipment – who must carry
§231	Parking lights (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§232(3)	Minimum safety standards for motorcycles and low-power scooters
§233(3)	Alteration of suspension system
§234(4)	Slow-moving vehicles – display emblem
§236(6)	Child restraint systems required – definitions - exceptions
§237(4)	Safety belt systems – mandatory use – exemptions – penalty
§238(3)	Blue and red lights – illegal use or possession
§239(5)	Misuse of a wireless telephone – definitions – penalty – preemption
§240	Low-speed electric vehicle equipment requirements (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§502(6)	Width of vehicles
§503	Projecting loads on passenger vehicles (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§504(7)	Height and length of vehicles
§505(5)	Longer vehicle combinations
§506(4)	Trailers and towed vehicles
§507(6)	Wheel and axle loads
§509(3)	Vehicles weighed – excess removed
§512(3)	Liability for damage to highway
§603(5)	Obedience to official traffic control devices
§604(2)	Traffic control signal legend
§605(3)	Flashing signals
§606(3)	Display of unauthorized signs or devices

§607(2)(a)	Interference with official devices (last sentence only: "Except as otherwise provided in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.")
§607(2)(b)	Interference with official devices
§608(3)	Signals by hand or signal device
§609(2)	Method of giving hand and arm signals
§610	Unauthorized insignia ((last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§611(2)	Paraplegic persons or persons with disabilities – distress flag
§612(3)	When signals are inoperative or malfunctioning
§701(3)	Vehicles approaching or entering intersection
§702	Vehicle turning left (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§703(5)	Entering through highway – stop or yield intersection
§704	Vehicles entering roadway (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§705(3)(a)	Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle
§706(3)	Obedience to railroad signal
§707(6)	Certain vehicles must stop at railroad grade crossings
§708(6)	Moving heaving equipment at roadroad crossing
§709	Stop when traffic obstructed (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§710(4)	Emerging from or entering alley, driveway, or building
§711(3)	Driving on mountain highways
§712(3)	Driving in highway work area (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§801(4)	Pedestrian obedience to traffic control devices and traffic regulations
§802(6)	Pedestrians' right-of-way in crosswalks
§803(5)	Crossing at other than crosswalks
§805(9)	Pedestrians walking or traveling in a wheelchair on highways
§806	Driving through safety zone prohibited (last sentence only: "Any person who violates any provision of this section commits a class A traffic

	infraction.")
§807	Drivers to exercise due care (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§808	Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§901(3)	Required position and method of turning
§902(4)	Limitations on turning around
§903(5)	Turning movements and required signals
§1001(4)	Drive on right side – exceptions
§1002(3)	Passing oncoming vehicles
§1003(2)	Overtaking a vehicle on the left
§1004(3)	When overtaking on the right is permitted
§1005(5)	Limitations on overtaking on the left
§1006(4)	One-way roadways and rotary traffic islands
§1007(2)	Driving on roadways laned for traffic
§1008(4)	Following too closely
§1009(3)	Coasting prohibited
§1010(3)	Driving on divided or controlled-access highways (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§1011(3)	Use of runaway vehicle ramps
§1012(3)	High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes
§1013(3)	Passing lane – definitions – penalty
§1101(12)	Speed limits
§1103(5)	Minimum speed regulation
§1104(4)	Speed limits on elevated structures
§1105(2)(c)	Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
§1105(8)(c)	Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
§1201	Starting parked vehicle (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")

§1202(2)	Parking or abandonment of vehicles
§1204(7)	Stopping, standing, or parking prohibited in specified places
§1205(4)	Parking at curb or edge of roadway
§1206	Unattended motor vehicle (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1207	Opening and closing vehicle doors (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1208(6)(7)	Parking privileges for persons with disabilities – applicability
§1210(3)	Designated areas on private property for authorized vehicles
§1211(2)	Limitations on backing
§1401(2)	Reckless driving – penalty
§1402(2)	Careless driving - penalty
§1403	Following fire apparatus prohibited (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§1404	Crossing fire hose (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1405	Riding in trailers (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1406(5)	Foreign matter on highway prohibited
§1407(3)	Spilling loads on highways prohibited
§1407.5(4)	Splash guards – when required
§1408(3)	Operation of motor vehicles on property under control of or owned by parks and recreation districts
§1409(4)(9)	Compulsory insurance – penalty
§1411(2)	Use of earphones while driving
§1412(12)	Operation of bicycles and other human-powered vehicles
§1414(2)	Use of dyed fuel on highways prohibited
§1415(4)	Radar jamming devices prohibited – penalty
§1502(5)	Riding on motorcycles – protective helmet
§1503(6)	Operating motorcycles on roadways laned for traffic

§1504	Clinging to other vehicles (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§1701	Municipalities – traffic offenses classified – schedule of fines
§1702	Counties – traffic offenses classified – schedule of fines
§1706	Juveniles – convicted – arrested and incarcerated – provisions for confinement
§1709	Penalty assessment notice for traffic offenses – violations of provisions by officer – driver's license
§1710	Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures
Part 18	Vehicles Abandoned on Public Property (including sections 1801 – 1814)
§1903(6)	School buses – stops – signs – passing
§1904(3)	Regulations for school buses – regulations for discharge of passengers – penalty – exception
Article II	Definitions:
	(57) "Motor-driven cycle"
	(60)(a) "Motorscooter" and "motorbicycle"
	(60)(b) "Motorized bicycle"
	(62) "Neighborhood electric vehicle"

Section 3. Chapter 8, Article I, Section 8-3 of the Frederick Municipal Code, entitled "Adoption," is hereby and enacted to read as follows:

Sec. 8-3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

(1) **Article 11: Definitions:**

(28.5) **"Electrical assisted bicycle"** means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred and fifty watts of power, and a top motor-powered speed of twenty miles per hour.

(28.7) **"Electrical personal assistive mobility device"** or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power

output of no more than seven hundred fifty watts.

(39.5) **"Golf car"** means a self-propelled vehicle not designed for operation on roadways and that has:

(a) A design speed of less than twenty miles per hour;

(b) At least three wheels in contact with the ground;

(c) An empty weight of not more than one thousand three hundred pounds; and

(d) A carrying capacity of not more than four persons.

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

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

(II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "Low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility impaired people who use pedestrian rights-or-way.

(49.6) **"Low-speed electric vehicle"** means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground;

(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(56) "**Motorcycle**" means every motor vehicle designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor or low-power scooter.

(58) **"Motor vehicle"** means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to

transport persons and property over the public highways; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power. "Motor vehicle" includes a neighborhood electric vehicle operated pursuant to section 42-4-111(1)(aa). For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), C.R.S., operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter.

(111)(a) **"Toy vehicle"** means any vehicle that has wheels and is not designed for use on public highways or for off-road use.

(b) **"Toy vehicle"** includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) **"Toy vehicle"** does not include off-highway vehicles or snowmobiles.

(121) **"Vehicle"** means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electric assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(2) **103(2)(b). Scope and effect of Model Traffic Code – exceptions to provisions.**

(b) For provisions of sections 1402, 1402, 1413 and 1211 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

(3) **§615. School zones – increase in penalties for moving traffic violations.**

(1) Any person who commits a traffic infraction or a traffic offense in a school zone is subject to increased penalties as provided at Frederick Municipal Code §8-7(5), as amended.

(4) **§1204. Stopping, standing, or parking prohibited in specified places.**

(1)(l) At any other place where yellow or red curb markings prohibit stopping.

(2)(g) At any other place where yellow or red curb markings prohibit standing.

(3)(c) At any other place where yellow or red curb marking prohibit parking.

(5) **§1211. Limitations on backing.**

(1) The driver of a vehicle, whether on public or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other vehicles or traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(6) **§1413 Eluding or attempting to elude a police officer**

It shall be unlawful for any operator of a motor vehicle who a police 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, or to willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempt in any other manner to elude the police officer, or elude such police officer.

(7) **§1703. Parties to a crime.**

Every person who commits, conspires to commit, or aids or abets in the commission of any traffic violation, whether a traffic infraction or a traffic offense, and whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such infraction or offense.

Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

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

(2) Penalties for civil traffic infractions.

Upon conviction, entry of a guilty plea or a plea of *nolo contendere* to a civil traffic infraction, as defined in Section 8-102 of the Frederick Municipal Code, a fine not to exceed one thousand dollars ($1,000.00) may be imposed by the Court. As a guide, penalties may

be imposed at twenty-five dollars ($25.00) for each point assessed on the summons and complaint.

Points Assessed	Potential Penalty
0 point violation	$25.00
1 point violation	$25.00
2 point violation	$50.00
3 point violation	$75.00
4 point violation	$100.00
6 point violation	$150.00
8 point violation	$200.00
12 point violation	$300.00

(3) Penalties for noncivil traffic offenses.

(a) Upon conviction, entry of a guilty plea or a plea of *nolo contendere*, to a traffic offense, as setforth below, any adult (person age eighteen [18] years or older) may be fined by an amount not to exceed one thousand dollars ($1,000.00), or incarcerated for a period not to exceed one (1) year, or both.

(b) Upon conviction, entry of a guilty plea or a plea of *nolo contendere*, to a traffic offense, as setforth below, any juvenile (person under the age of eighteen [18] years) may be fined by an amount not to exceed one thousand dollars ($1,000.00).

(c) Noncivil traffic offenses subject to penalties as set forth in subparagraphs (a) and (b) of this section (3) are as follows:

MTC 1101	speeding violations (25 – 39 mph over speed limit)	6 points
MTC 1101	speeding violations (40+ mph over speed limit)	12 points
MTC 1105	speed contest	12 points
MTC 1401	reckless driving	8 points
MTC 1413	Eluding or attempting to elude police	12 points
MTC 1903	Fail to stop for school bus	6 points
MTC 1409	Compulsory insurance	4 points

(d) Penalties for traffic infractions or offenses in a maintenance, repair or construction zone designated pursuant to Section 614 of the Model Traffic Code, 2010 edition, shall be double the penalty for such violation as set forth above.

(e) Penalties for traffic infractions or offenses that occur in a school zone shall be double the penalty for such violation as set forth above.

Section 5. Applications.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Section 1211, 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning limitations on backing, reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall not apply only to public places and ways but also throughout this municipality.

Section 6. Validity. If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 8. Interpretation.

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

Section 9. Certification.

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

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS

____ day of _____, 2010.

TOWN OF FREDERICK

By:_____
Eric E. Doering, Mayor

ATTEST:

By_____
Nanette Fornof, Town Clerk