

CHAPTER 10

Vehicles and Traffic

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ARTICLE 10-4

Model Traffic Code

Sec. 10-4-10. Short title.

This Article and the code herein adopted shall be known and cited as the *Municipal Traffic Code of Brighton, Colorado*, and all references throughout this Article to *the Code* or to *this Article* shall be construed to include the code adopted herein by reference. (Ord. 998 §1(part), 1979; Ord. 1498 §1, 1997)

Sec. 10-4-20. Adoption.

Pursuant to Article V, Sections 5.8, 5.9 and 5.12 of the City Charter, and Part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Sections 1, 2, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17 and 19 and Appendix I, Definitions, of the 2010 edition of the *Model Traffic Code of Colorado*, 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 City. The purpose of this Article and the *Model Traffic 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 2010 edition of the *Model Traffic Code* adopted herein are now filed in the office of the City Clerk and may be inspected during regular business hours. (Ord. 2109 §1, 2011)

Sec. 10-4-40. Penalties.

(a) It is unlawful for any person to violate any of the provisions adopted in this Article, whether the same is defined herein as a traffic infraction or traffic offense.

(b) Definitions; generally.

(1) When used in this Chapter, the words and phrases deemed shall, for the purposes of this Article, have the meanings respectively ascribed to them in Subsection (c) below, except where the context clearly indicates a different meaning.

(2) Whenever any words and phrases used in this Article are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this Article and the 2010 edition of the Model Traffic Code as herein adopted.

(3) In the event of any conflict between the Model Traffic Code and the definitions contained in this Article, this Article shall be controlling.

(c) Definitions as used in this Article:

Charging document means the document commencing or initiating the traffic violation matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice or other document charging the person with the commission of a traffic violation.

Convicted means the admission of guilt for any traffic offense, the entry of judgment of guilt or the entry of default judgment as set forth in this Article against any person for the commission of a traffic offense.

Defendant means any person charged with the commission of a traffic violation.

Judgment means the admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability or the entry of default judgment as set forth in this Article against any person for the commission of a traffic infraction.

Penalty means the fine and/or imprisonment imposed pursuant to this Section or as provided otherwise in this Code.

Traffic infraction means every violation of any provision of this Chapter relating to traffic or any provision of the Model Traffic Code as adopted in Section 10-4-20 above, except those traffic violations deemed as traffic offenses.

Traffic offense means the following offenses as set forth in this Chapter or in the Model Traffic Code:

- a. Sections 1101, 1103 and 1104: Provided that the speed alleged is in excess of the posted or maximum speed limit by twenty (20) miles per hour or more.
- b. Section 1105: Speed contests.
- c. Section 1401: Reckless driving.
- d. Section 1402(2): Careless driving with bodily injury.
- e. Section 1409: Compulsory insurance, as amended herein.
- f. Section 107: Obedience to police officer.
- g. Section 1413: Eluding or attempting to elude police officer.
- h. Section 1903: Stopping for school buses.

Traffic violation means any violation of this Article, whether or not such violation is a traffic infraction or traffic offense.

(d) Traffic infractions not criminal.

(1) Notwithstanding any provision to the contrary in this Article or this Code, all violations of any provisions of the Model Traffic Code, unless defined as traffic offenses in Paragraph (c)(7) above, are traffic infractions and shall be quasi-civil matters and not criminal violations. The Colorado Municipal Court Rules shall apply to civil traffic infractions, except as stated in this Article.

(2) Traffic infractions shall be tried only to the Municipal Judge or Associate Municipal Judge.

(e) No jury trial for traffic infractions. A defendant brought to trial solely upon a traffic infraction or infractions shall have no right to a trial by jury as contemplated by Section 13-10-114, C.R.S., or Rule 223, Colorado Municipal Court Rules, and trial of traffic infractions shall be to the Court. No defendant found liable for a traffic infraction shall be punished by imprisonment.

(f) Right to jury trial for traffic offenses.

(1) Any defendant charged with any traffic offense shall have the right to a jury trial upon proper perfection of a jury trial demand pursuant to the Colorado Municipal Court Rules of Procedure.

(2) If a defendant is charged with more than one (1) traffic violation arising out of the same incident and at least one (1) of the charged violations is a traffic offense, the defendant shall have the right to demand a trial by jury as set forth in this Section as to all violations/offenses, which shall be consolidated for purposes of trial.

(g) Commencement of traffic infraction action. An action under this Article charging a traffic infraction is commenced by the tender or service of a charging document upon the defendant or by conspicuously attaching a parking traffic infraction-charging document to the subject vehicle and by filing the charging document with the Municipal Court.

(h) Judgment after final hearing.

(1) If it finds all elements of a traffic infraction beyond a reasonable doubt, the Court shall find the defendant guilty or liable and enter appropriate judgment.

(2) The judgment shall be satisfied upon payment to the Clerk of the total penalty and court costs.

(3) If the defendant fails to satisfy the judgment upon the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by and upon application of the defendant, then the Court shall treat such nonpayment, in the full amount of the penalty, fees and costs, as a default.

(i) Post-trial motions and appeal. As to trials on traffic infractions, there shall be no post-trial motions except motions to set aside a default judgment.

(j) Default judgments.

(1) The Court shall enter judgment by default against a person charged with a traffic infraction or traffic offense who fails to plead guilty or admit liability to the offense and who fails to appear in the Municipal Court to answer such charge on the date and time listed on the charging document, or on the date and time such person is scheduled for trial.

(2) If the defendant fails to appear for any hearing, the Court shall enter judgment against the defendant.

(3) The amount of the judgment shall be the specified penalty assessed after a finding of guilt or liability, fees and additional costs assessable to municipal violations generally or upon conviction of quasi-civil municipal charges. The Court shall not add such fees and additional costs to parking

assessment default judgments.

(4) The Court may set aside a judgment entered under Subsection (h) of this Section on a showing of good cause or excusable neglect by the defendant, or a showing that the Court did not have jurisdiction over the subject matter of the alleged infraction or offense or over the person of the alleged violator. The Court shall have no jurisdiction to set aside a judgment unless a motion has been filed within thirty (30) calendar days after entry of the judgment.

(5) If the defendant fails to file a motion to vacate the judgment within the thirty-day period provided in Paragraph (4) above or such motion is denied, the Court shall forward the record of such judgment, including points assessed, to the State Division of Motor Vehicles, pursuant to the provisions of Sections 42-2-127(5), 42-4-1709 and 42-4-1710, C.R.S.

(6) The defendant may satisfy a judgment entered under this rule by paying the Clerk.

(7) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment on a traffic infraction.

(k) Penalties – traffic offenses. Every person convicted of a violation of any traffic offense as defined and adopted in this Article shall be punished as provided in Section 1-24-10 of this Code.

(l) Collection of judgments. Upon finality of a judgment under this Article and in addition to all legal, enforcement, administrative or collection procedures and remedies otherwise available, the City Attorney is authorized to file a civil action with any state court having appropriate jurisdiction, which filing shall include the record of the case certified by the Clerk of the Municipal Court, praying for judgment based thereon, and, on the entry of a judgment, the City Attorney is authorized to proceed with judgment execution and collection procedures authorized by law for the amount of the judgment, costs and fees incurred in the proceedings and legal interest. Ord. 2109 §4, 2011)

Sec. 10-4-50. Application.

This Article and the 2010 Model Traffic Code as adopted apply to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, either within or outside the corporate limits of the City, over which the City has jurisdiction and authority to regulate. The provisions of Sections: 606, Display of unauthorized signs or devices; 1204, Stopping, standing or parking prohibited in specified places; 1211, Limitations on backing; 1401, Reckless driving; 1402, Careless driving; and 1413, Eluding or attempting to elude a police officer; apply not only to public places and ways but also throughout the jurisdiction of the City. (Ord. 2109 §2, 2011)

Sec. 10-4-60. Interpretation.

This Article and the 2010 edition of the Model Traffic Code as adopted 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 this Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof. (Ord. 2109 §7, 2011)

Sec. 10-4-70. Certification.

The City Clerk shall certify to the passage of the ordinance adopting the 2010 edition of the Model Traffic Code and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours. (Ord. 2109 §8, 2011)

Sec. 10-4-80. Validity.

If any part or parts of this Article are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have passed the ordinance codified herein and each part or parts thereof, irrespective of the fact that any one (1) part or parts be declared invalid. (Ord. 2109 §5, 2011)

Sec. 10-4-90. Repeal.

Existing or parts of ordinances covering the same matters as embraced in this Article are hereby repealed, and all ordinances or parts of ordinances inconsistent with the provisions of this Article 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 Article. (Ord. 2109 §6, 2011)

Sec. 10-4-100. Additions, deletions or modifications.

(a) Deletions.

(1) The 2010 edition of the Model Traffic Code is adopted as if set out at length save and except the following Articles and or Sections, which are declared to be inapplicable to the City and are therefore expressly deleted:

<i>Section</i>	<i>Title</i>
§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 for minor drivers – definitions
§117(4)	Personal mobility devices
§201(8)	Obstruction of view or driving mechanism – hazardous situation
§202(4)	Unsafe vehicles – penalty – identification plates
§203(4)	Unsafe vehicles – spot inspections
§204(4)	When lighted lamps are required
§205(4)	Head lamps 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 – exemptions
§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 heavy equipment at railroad grade 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	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: "(4) Any person who violates any provision of this section commits a class A traffic infraction.")
§1011	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	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 – prevention of spilling of aggregate trash or recyclables
§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 – legislative intent
§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	Traffic offenses and infractions classified – penalty and surcharge schedule – repeal
§1702	Alcohol – or drug-related offenses – collateral attack
§1706	Juveniles – convicted – arrested and incarcerated – provisions for confinement
§1708	Traffic infractions – proper court for hearing, burden of proof – appeal – collateral attack
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Appendix I.	Definitions:
(57)	<i>Motor-driven cycle</i>
(60)(a)	<i>Motorscooter and motorbicycle</i>
(60)(b)	<i>Motorized bicycle</i>
(62)	<i>Neighborhood electric vehicle</i>

(2) All Subsections of the 2010 edition of the *Model Traffic Code* that categorize violations into classes of traffic infractions, traffic offenses or misdemeanors contrary to the provisions of Section 10-4-40 of this Article; or which set forth a specific penalty for a violation, whether monetary or otherwise are hereby deleted.

(b) Modifications. The 2010 edition of the *Model Traffic Code* is adopted as if set out at length, provided that the following specified articles, sections and provisions are modified to read as follows:

"103. Scope and effect of Model Traffic Code – exceptions to provisions.

"(2) The 2010 Model Traffic Code as adopted applies to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, either within or outside the corporate limits of the City, over which the City has jurisdiction and authority to regulate

as set forth in Section 10-4-50 of the Brighton Municipal Code, as the same may be amended from time to time."

"237. Safety belt systems – mandatory use – exemptions – penalty.

"(6) Testimony at a trial for a violation charged pursuant to subsection (2) of this section may include:"

"614. Designation of highway maintenance, repair, or construction zones – signs – increase in penalties for speeding violations.

"(1)(a) Any person who commits a speeding violation in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to which shall include a fine double in amount from the fine normally imposed for the moving violation, whether traffic infraction or offense.

"(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a street, right-of-way or other thoroughfare or state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone.

"(2) Public authorities, within their jurisdiction, shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. Public authorities shall erect a second sign after such zone indicating that the increased penalties for certain traffic 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, construction, or repair zone shall conform to department of transportation requirements. Local authorities may display such signs on any fixed, variable, or movable stand. Local authorities may place such a sign on a moving vehicle if required for certain activities, including but not limited to highway painting work."

"615. School zones – increase in penalties for moving traffic violations.

"(1) Any person who commits a moving traffic violation in a school zone is subject to increased penalties which shall include a fine double in amount from the fine normally imposed for the moving violation, whether traffic infraction or offense.

"(2) For the purposes of this section, *school zone* means an area that is designated as a school zone and has appropriate signs posted indicating that the fines will be doubled.

"(3) This section does not apply if the fine for a violation has been doubled pursuant to section 614 because such violation also occurred within a highway maintenance, repair, or construction zone."

"1211. Limitations on backing.

"(1) The driver of a vehicle, whether on public property 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."

"Appendix I – Definitions.

"(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.

"(59) *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) *Toy vehicle*.

"(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 any 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, or any farm tractor, or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air."

"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, to willfully increase his or her speed or extinguish 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."

"1703. Parties to a crime.

"Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense violation, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such violation or liable for such violation, 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 violation or liable for such violation."

(c) Additions. The 2010 edition of the *Model Traffic Code* is adopted as if set out at length and in addition thereto shall include the following Articles, Sections and provisions to read as follows:

"235. Enforcement of standards for commercial vehicles – spot inspections.

"(1) A police officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, pursuant to Colorado Code of Regulations 8-1507-1, 'Authority to Adopt Standards and Specifications.'

"(2) A police officer may immobilize, impound, or otherwise direct that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the rules and regulations promulgated by the Colorado Department of Public Safety, pursuant to Colorado Code of Regulations 8-1507-1 'Authority to Adopt Standards and Specifications.'

"(3) Any person, as defined in section 42-4-102(69), C.R.S., who violates subsection (2) of this section, commits a traffic infraction."

"509. Vehicles weighed – excess removed.

"(1) Any police or peace officer, as described in section 16-2.5-101, C.R.S., having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

"(2)(a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under sections 501 to 512 and 1407. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

"(b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in section 102(32), such officer shall permit the driver of such

vehicle to proceed to the driver's destination without requiring the driver to unload the excess portion of such load.

"(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a traffic infraction."

"513. Weight limits on certain streets or parts thereof.

"When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon any of the streets, rights-of-way, bridges, or parts thereof."

"1204. Stopping, standing, or parking prohibited in specified places.

"(1)(l) At any other place where yellow or red curb marking prohibit stopping, standing or parking.

"(2)(g) At any other place where yellow or red curb marking prohibit stopping, standing or parking.

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

"Appendix I. 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) Low-power scooter.

"(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-of-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 C.F.R. 565 or displays a seventeen-character vehicle identification number as provided in 49 C.F.R. 565."

(Ord. 2109 §3, 2011; Ord. 2129 §1, 2012; Ord. 2140 §1, 2012)

ARTICLE 10-5

Parking on Private Property Restrictions

Sec. 10-5-10. Parking on private property restrictions.

The following restrictions shall apply to the parking of vehicles on private property within the City:

(1) It is unlawful for any person to place, keep, store or park a vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry whether occupied or not (otherwise than temporarily for the purpose of and while actually engaged in loading or unloading deliveries), in a private driveway, school parking lot, condominium complex parking lot, business parking lot or on otherwise private property without the express or implied consent of the owner, manager or person in lawful possession or control of such property.

(2) In all zone districts other than residential zone districts as specified in Paragraph (4) below, it shall be unlawful to keep, store or park a vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry, whether occupied or not (otherwise than temporarily for the purpose of and while actually engaged in loading or unloading deliveries) in any front yard or side yard on street unless such vehicles are parked on a driveway paved with

concrete, asphalt, rock or gravel or in a side yard behind a lawfully constructed six-foot privacy fence.

(3) It shall be unlawful to park any vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry on private property so that the public sidewalk is obstructed.

(4) In all residential zone districts except Rural Estate (RE) zone districts and Planned Unit Developments which include residential development regulations in conflict with the provisions of this Article, it shall be unlawful to park a truck tractor or semi-trailer (regardless of size), truck exceeding eight thousand (8,000) pounds empty weight, bus, farm tractor, implements of husbandry, tow truck or vehicle equipped to provide towing services and construction equipment on any private street, driveway, on a vacant lot or in a front yard or side yard on street; provided, however, that the parking on a construction site for which a valid building permit exists is allowed for the purpose of loading and unloading materials.

(5) It shall be unlawful to park a vehicle on any private street or private property within the City displaying that vehicle for sale or lease, except that a property owner may display one (1) vehicle per residential dwelling unit with a "For Sale" sign or a "For Lease" sign listing the owner's address or phone number in the driveway of his or her residence, provided that the vehicle does not violate the requirements contained in this Section. This Subsection shall not apply to car sales lots approved for such use pursuant to this Code.

(6) It shall be unlawful to park more than one (1) vehicle associated with a business on private property in any residential zone district where such vehicle is visible from public or private property. (Ord. 2036 §1, 2009)

Sec. 10-5-20. Vehicles subject to tow.

(a) Any vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry parked in violation of this Code which blocks the movement of other vehicles parking in the immediate vicinity or moving through the immediate vicinity or parked in such a manner as to block driveways, exits, access to garages or the movement of other vehicles in parking areas regulated hereunder is subject to tow regardless of whether or not the subject area is posted regarding towing of illegally parked vehicles.

(b) Any vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry which has been abandoned as set forth in Article 10-8 is subject to tow by the owner of the property, regardless of whether or not the subject area is posted regarding towing of illegally parked vehicles in accordance with Section 42-4-2101, et seq., C.R.S., as the same may be amended.

(c) When permanent signs are posted on private property in substantial compliance with the Uniform Traffic Control Device Manual, in a conspicuous location warning persons parking vehicles that improperly parked vehicles on such property are subject to tow, vehicles parked in violation of this Article shall be subject to immediate removal and disposition by the owner of the property or the City in accordance with the applicable provisions of this Code, Section 42-4-1801, et seq., C.R.S.; and Section 42-4-2101, et seq., C.R.S, as the same may be amended. (Ord. 2036 §1, 2009)

ARTICLE 10-6

Parking on Public Property Restrictions

Sec. 10-6-10. Parking on public property restrictions.

The following restrictions shall apply to the parking of vehicles on public property and rights-of-way within the City:

(1) No person shall park, keep or store any truck, tractor or semi trailer (regardless of size), truck exceeding eight thousand (8,000) pounds empty weight, tow truck or vehicle equipped to provide towing services, bus, trailer coach, mobile home, detached camper or pickup shell, farm tractor, implement of husbandry, construction equipment, recreation vehicle or utility trailer for a period of time longer than one (1) hour on a public right-of-way within a residentially zoned area or on a public right-of-way adjacent to any lot upon which there is a residence in any zoned district; except where the vehicles or trailers are parked adjacent to a lot on which is located a motel or hotel being used by the operator of the vehicle or trailers. The period of time during which such vehicles are engaged in rendering services in the immediate area shall be excluded from computation of the one-hour limit provided by this Section.

(2) No person shall stop, stand or park a vehicle or permit a vehicle to be stopped or parked within a designated fire lane on any street, private way, parking lot or at any other place within the City. A standard traffic parking sign erected in the City to designate a fire lane is presumed to be an official sign unless otherwise shown by competent evidence.

(3) No person shall stop, stand or park a vehicle upon a street or highway in a manner as to block the driveway entrance to any property abutting the street or highway.

(4) It shall be unlawful to park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

(5) It shall be unlawful to park any vehicle which is required to be licensed by Colorado statute upon any street or highway within the City unless a valid license is properly displayed on the vehicle.

(6) It shall be unlawful to park any vehicle upon any public street, highway, public right-of-way or public property in the City for the principal purpose of:

a. Displaying such vehicle for sale or lease;

b. Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency; or

c. Displaying advertising.

(7) No person shall park or store any vehicle exceeding twenty (20) feet in length or any motor or trailer coach, mobile home, semi-trailer, truck tractor, recreational vehicle or trailer anywhere in the

City in such a manner as to obstruct or interfere with pedestrian or vehicle traffic or the view of any intersection or official traffic control device. (Ord. 2036 §1, 2009)

Sec. 10-6-20. Exceptions.

The restrictions contained in this Article 10-6 shall not apply to the following:

- (1) A traffic control or traffic monitoring trailer owned or used by a governmental entity;
- (2) While the operator of such vehicle is making deliveries in the normal course of business;
- (3) While the vehicle is being used in conjunction with construction on or adjacent to the location of such vehicle;
- (4) While the vehicle is stopped for emergency repairs;
- (5) While the vehicle is being utilized as an on-call response vehicle by a public utility;
- (6) Commercial vehicles when such vehicles are being expeditiously loaded or unloaded;
- (7) Equipment or vehicles being used to perform the special operations for which it was designed, including but not limited to the construction, operation, removal or repair of utility or public utility property or facilities or public streets and rights-of-way; and
- (8) Motor coaches, trailer coaches, mobile homes, recreational vehicles or trailers when parked for less than a forty-eight-hour period for the purposes of loading and unloading. (Ord. 2036 §1, 2009)

ARTICLE 10-7

Enforcement, Impoundment, Hearings and Penalties

Sec. 10-7-10. Nuisance.

The keeping, storing or parking of any vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry and construction equipment in violation of the ordinances, rules and regulations of the City or statutes of the State is declared to be a nuisance. (Ord. 2036 §1, 2009)

Sec. 10-7-20. Authority of City to investigate, abate, remove and impound vehicles.

(a) The City Manager or his or her designee, including but not limited to the Chief of Police or the Community Development Director, is hereby authorized to investigate any vehicle located at any place, whether public or private, within the City that reasonable appears to be in violation of the ordinances, rules and regulations of the City or statutes of the State; or which is lost, stolen, abandoned or unclaimed.

(b) Such officials of the City are authorized to go onto private property for the purpose of making an investigation into any violation of the ordinances, rules and regulations of the City or statutes of the State;

or, if a vehicle is lost, stolen, abandoned or unclaimed and for the purpose of determining ownership and condition of any vehicle.

(c) Such officials of the City are authorized to enforce the terms and provisions of the ordinances, rules and regulations of the City or statutes of the State; or if a vehicle is lost, stolen, abandoned or unclaimed by causing the removal of a vehicle from any public or private property in the City and thereafter to impound or cause such vehicle to be impounded in accordance with the applicable provisions of this Code; Section 42-4-1801, et seq., C.R.S.; and Section 42-4-201, et seq., C.R.S., as the same may be amended, when it reasonable appears to such official that:

(1) A vehicle is in violation of the ordinances, rules and regulations of the City or statutes of the State or this Article;

(2) A vehicle is situated in a manner that obstructs the normal movement of traffic or creates a hazard to other traffic on a public street, alley or parking lot and the person in possession of the vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;

(3) A vehicle being operate on a street, highway or alleyway is so defective as to pose a hazard to public safety;

(4) A vehicle is found unattended and situated in a manner that obstructs or interferes with the commencement or ongoing operation of a public works construction, maintenance or repair project or emergency situation;

(5) The driver of the vehicle is taken into custody by a law enforcement officer;

(6) Removal of the vehicle is necessary in the interest of public health or safety because of fire, flood, snow, storm or other emergency and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;

(7) There is probable cause to believe that the operator's license of the driver or person in possession of the vehicle is suspended, revoked, denied or cancelled;

(8) There is probable cause to believe that the vehicle is stolen;

(9) A vehicle blocks ingress to or egress from a public or private driveway, alleyway, street or highway and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;

(10) A vehicle has been found upon property in a signed or designated "no parking" or "tow away" or "fire lane" zone, or is found in a space designated for "handicapped" or "disabled" parking without displaying a current and valid placard or license plate required for that purpose and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal; or

(11) There is probable cause to believe that a vehicle is being vandalized, looted or its parts are being stolen or removed and reasonable inquiries have been made upon abutting property in an effort to locate the person in possession of the vehicle. (Ord. 2036 §1, 2009)

Sec. 10-7-30. Hearings.

(a) All hearings related to impounded vehicles requested in accordance with the applicable provisions of this Code, Section 42-4-1801, et seq., C.R.S., and Section 42-4-2101, et seq., C.R.S., as the same may be amended, shall be conducted before a hearing officer designated by the City Manager, or if none has been designated, by the Municipal Judge in accordance with Paragraph 2-16-10(3) of this Code as the same may be amended, within seventy-two (72) hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right a speedy hearing. Weekends and holidays are to be excluded from the calculation of the seventy-two-hour period.

(b) The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question. The hearing officer shall determine whether there was probable cause to conclude that the vehicle was subject to impoundment. For the purposes of this Section, *probable cause* shall mean a state of facts as would lead a reasonable person to believe that there was sufficient compliance with the provisions of this Chapter 10, Vehicles and Traffic, or other lawful authority as to grant authority to tow and impound the vehicle.

(c) The hearing shall be conducted in an informal manner and shall not be bound by technical rules of evidence. The hearing officer may receive all or part of the evidence in written form. 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 probable cause to impound the vehicle in question. The burden of proof shall be by a preponderance of the evidence. Failure of the registered or legal owner to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such a hearing and probable cause, in such instance, shall be conclusively presumed.

(d) At the conclusion of the hearing, the hearing officer shall prepare a written decision. At that time, a copy of such decision shall be provided to the registered or legal owner or his or her agent. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer shall constitute final agency action.

(e) The notice and hearing requirements of this Chapter 10, Vehicles and Traffic; Section 42-4-1801, et seq., C.R.S.; and Section 42-4-2101, et seq., C.R.S., as the same may be amended, shall not be applicable as to any vehicle which is towed, impounded and held pursuant to order of a law enforcement agency for evidentiary purposes relating to any criminal case which is under investigation or pending in a court of competent jurisdiction. (Ord. 2036 §1, 2009)

Sec. 10-7-40. Storage and towing charges.

No vehicles removed to and stored and impounded in the City garage or in a lot maintained for the storage of impounded vehicles shall be released until the charge for towing or otherwise removing the vehicle and the charge for storing the same shall have been paid. Charges for the towing or other removal of any vehicle shall be based upon a computation of all actual expenses the City incurred in accomplishing the towing or removal, and a schedule of the charge or charges shall be posted for public inspection in the offices of the Police Department, the Traffic Violations Bureau and the impoundmentlot. The charge for storing each vehicle so removed to and stored or impounded in the City garage or a lot maintained for that purpose shall be fixed by the Annual Fee Resolution and based upon a computation of the actual expenses incurred by the City. (Ord. 2036 §1, 2009)

Sec. 10-7-50. Summons and complaint.

(a) The restrictions related to keeping, storing or parking a vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry or construction equipment, whether occupied or not, may be enforced by a police officer or code enforcement officer by issuance of a summons and complaint as provided in this Code.

(b) In the event that the owner or person in possession or control of a vehicle or the owner, tenant, occupant or person in control of property upon which a vehicle is found is not present or is otherwise unwilling or unable to lawfully provide for the vehicle's immediate removal, then a summons and complaint alleging the violation of this Article may be issued against the vehicle, reasonably describing the same by make, model and color and/or by year and VIN number, if known or readily ascertainable.

(c) If the driver or owner of an unattended vehicle charged with a violation of the provisions of this Code relative to keeping, storing and parking of a vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry, whether occupied or not, in the City, does not respond within the time specified in the summons and complaint affixed to such vehicle, boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry, whether occupied or not, by appearance or payment at the Traffic Violations Bureau or appearance in the Municipal Court, the Clerk of the Court or Traffic Violations Bureau shall send a second notice by regular mail, postage prepaid to the last known address of such person, to which the original summons and complaint was directed, warning such person that, in the event the summons and complaint are disregarded, a warrant of arrest for such person will be issued. The second notice shall contain a date and time certain for the named person to appear in Court.

(d) No notice or warning of such violation shall be required prior to a criminal prosecution for violation of this Chapter, and such prosecution may occur regardless of whether impoundment or nuisance abatement procedures have or have not been commenced.

(e) In any prosecution charging a violation of any provision of this Section, proof that the particular vehicle or trailer described in the notice was parked in violation of such provision, together with proof that the defendant named in the notice was at the time of such violation the registered owner of the vehicle or trailer or was an owner or occupant of the premises upon which the vehicle was found, shall constitute prima facie evidence that the registered owner or premises occupant was the person who parked or permitted the parking of the vehicle or trailer at the time and place of the violation. (Ord. 2036 §1, 2009)

Sec. 10-7-60. Procedures not exclusive.

(a) This Section provides an alternative method for service of a summons upon the owners of vehicles and trailers required to be registered by law. Nothing in this Section shall preclude a code enforcement officer or police officer from serving a municipal summons or citation in any other manner permitted by law.

(b) Enforcement of the restrictions and provisions of this Chapter may be by abatement, impoundment or summons and complaint or a combination thereof. (Ord. 2036 §1, 2009)

Sec. 10-7-70. Penalties.

Any person convicted of a violation of this Chapter may be punished as provided specifically in this Chapter or as provided in Article 1-24, General Penalty, or this Code. (Ord. 2036 §1, 2009)

ARTICLE 10-8

Inoperable Vehicles

Sec. 10-8-10. Inoperable vehicles prohibited.

(a) The purpose of this Article is to protect the public health, safety and welfare by prohibiting the outdoor storage of abandoned or inoperable vehicles on public or private property within the City, and to establish procedures for removing from such property any vehicle that is abandoned or inoperable, obstructs traffic, is so defective as to pose a safety hazard, is involved in criminal conduct, or whose impoundment is otherwise authorized by this Article or any other applicable law, including but not limited to the provisions of Sections 42-4-1801 et seq., and 42-4-2101 et seq., C.R.S. No person shall abandon, leave, junk, discard, store or place any inoperable vehicle upon property within the City in violation of this Article, unless such placement or storage is expressly permitted upon such property by the applicable zoning regulations of the City in effect at the time of such placement or storage.

(b) The outdoor placement or storage of any abandoned, lost, stolen, junked, wrecked, discarded or inoperable vehicle, as such terms are used in this Article, upon any real property within the City not specifically zoned for such purpose, or upon any street, alley or public or private right-of-way within the City, or the keeping of any partially wrecked, junked, inoperable or unlicensed vehicle or parts thereof on any property within the City, is unlawful and is hereby declared a nuisance. It shall be unlawful for any person who is the owner of any vehicle or any person who is in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, to cause, permit or allow any partially wrecked, junked, inoperable or unlicensed vehicle or parts thereof to remain on such property in violation of this Article. (Ord. 1236 §1(part), 1986; Ord. 1335 §2, 1989; Ord. 1778 §1, 2003)

Sec. 10-8-20. Definitions.

Abandoned vehicle means any vehicle that is stored, placed or otherwise left upon property within the City for a period of twenty-four (24) hours or more, without the actual knowledge and consent of the owner or lessee of such property. Any vehicle so stored, placed or left upon such property for a period of twenty-four (24) hours or more without the actual knowledge and consent of the property owner or lessee shall be presumed abandoned.

Antique vehicle means any vehicle meeting the definition of a collector's item under State law, and valued principally because of its early date of manufacture, design or historical interest or significance, and bearing current and valid collector's plates.

Inoperable vehicle means any motor vehicle not capable of being promptly started and driven under its own power upon a street or highway.

Property means any real property within the City, whether public or private, that is not an established street or highway.

Unlicensed vehicle means any motor vehicle not bearing current and valid license plates or other evidence of current and valid registration.

Vehicle means any automobile, motor vehicle or mechanically propelled device designed to travel along the ground by the use of wheels, treads, runners or slides, that may be used to transport persons or property, or to operate or pull machinery or trailers, and shall include without limitation: cars, trucks, RVs, trailers, aircraft, motorcycles, motor scooters, tractors, farm equipment, power equipment, buggies and wagons. (Ord. 1236 §1(part), 1986; Ord. 1778 §1, 2003)

Sec. 10-8-30. Prima facie evidence of abandoned or inoperable vehicle; presumptions.

(a) Any vehicle that is stored, placed or otherwise left upon property within the City for a period of twenty-four (24) hours or more, without the actual knowledge and consent of the owner or lessee of such property, shall be presumed abandoned under this Article.

(b) Any vehicle that has been parked in the same location for a period of thirty (30) consecutive days or more shall be presumed inoperable under this Article. Any vehicle not bearing current and valid license plates or other evidence of current and valid registration shall be presumed inoperable under this Article. Any vehicle that is dismantled, in whole or in part, or is otherwise damaged, in disrepair or lacking equipment to the extent that it would be unlawful or unsafe to operate on public streets or highways, shall be presumed inoperable under this Article. (Ord. 1236 §1(part), 1986; Ord. 1778 §1, 2003)

Sec. 10-8-40. Prohibited storage or placement of vehicles.

(a) No person shall store, place, suffer, permit or cause to be stored or placed upon any property within the City, including, but not limited to, any street, highway, alleyway or other right-of-way, any vehicle that violates this Article or any vehicle that otherwise constitutes a nuisance as provided by this Article, except as may be provided herein or under the zoning regulations of the City. Any vehicle found so stored or placed shall be presumed to have been so stored or placed there by the registered owner of the vehicle and shall be subject to immediate removal and impoundment by the City as provided in this Article.

(b) For purposes of enforcement of this Article, all adult persons residing in a single-family residence shall be deemed to be in control of the property upon which the residence is located. Apartment complex or other multi-family parking lot areas, common areas or grounds shall be deemed to be under the control of the record owner of the complex and/or of any manager of such complex. Any vehicle found upon the parking lot areas, common areas or grounds of a condominium complex shall be deemed to be under the control of the registered owner of such vehicle and/or any manager of such complex or officer of the condominium association. (Ord. 1236 §1(part), 1986; Ord. 1589, 1999; Ord. 1778 §1, 2003)

Sec. 10-8-50. Authority of City to investigate, abate, remove or impound vehicles.

(a) The City Manager or his or her designee, including, but not limited to the Chief of Police or his or her designee or the Community Development Director or his or her designee, is hereby authorized to

investigate any vehicle located at any place within the City that reasonably appears to be in violation of this Article or is lost, stolen or unclaimed.

(b) Such officials of the City are authorized to go onto private property for the purpose of making an investigation into any violation of this Article and for the purpose of determining ownership and condition of any vehicle reasonably appearing to be in violation of any provision of this Article.

(c) Such officials of the City are authorized to enforce the terms and provisions of this Article, to remove or cause to be removed a vehicle from any public or private property in the City, and thereafter to impound or cause such vehicle to be impounded as provided by this Article, when it reasonably appears to such official that:

- (1) A vehicle is in violation of this Article;
- (2) A vehicle is situated in a manner that obstructs the normal movement of traffic or creates a hazard to other traffic on a public street, alley or parking lot, and the person in possession of the vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;
- (3) A vehicle being operated on a street, highway or alleyway is so defective as to pose a hazard to public safety;
- (4) A vehicle is found unattended and situated in a manner that obstructs or interferes with the commencement or ongoing operation of a public works construction, maintenance or repair project or emergency situation;
- (5) The driver of the vehicle is taken into custody by the Police Department or a peace officer;
- (6) Removal of the vehicle is necessary in the interest of public health or safety because of fire, flood, snow, storm or other emergency, and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;
- (7) There is probable cause to believe that the operator's license of the driver or person in possession of the vehicle is suspended, revoked, denied or cancelled;
- (8) There is probable cause to believe that the vehicle is stolen;
- (9) A vehicle blocks ingress to or egress from a public or private driveway, alleyway, street or highway and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;
- (10) A vehicle has been found upon property in a signed or designated "no parking" or "tow away" or "fire lane" zone, or is found in a space designated for "handicapped" or "disabled" parking without displaying a current and valid placard or license plate required for that purpose, and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal; or

(11) There is probable cause to believe that a vehicle is being vandalized, looted or its parts are being stolen or removed, and reasonable inquiries have been made upon abutting property in an effort to locate the person in possession of the vehicle. (Ord. 1236 §1(part), 1986; Ord. 1778 §1, 2003)

Sec. 10-8-60. Exceptions.

This Article shall not apply to the following situations:

(1) To the outdoor placement or storage of inoperable vehicles on property within the City where such placement or storage upon such property is specifically permitted under the zoning ordinances of the City, including variances or permits validly obtained through the processes provided for in the City's zoning ordinances; and

(2) To antique vehicles bearing current and valid license plates as provided in this Article; and provided that such antique vehicles, if inoperable, shall be screened from ordinary public view, or may remain unscreened if located within a garage. (Ord. 1304 §1, 1988; Ord. 1778 §1, 2003)

Sec. 10-8-70. Enforcement and penalties.

(a) Any person found operating or otherwise in possession or control of a vehicle that is in violation of any provision of this Article, or the owner of such vehicle if the person found operating or in possession or control of the vehicle is not the owner, or the owner or lessee of property upon which such vehicle is found, shall be punishable by a fine of not more than five hundred dollars (\$500.00) for each violation or by incarceration of not more than ninety (90) days for each violation, or both. No notice or warning of such violation shall be required prior to a criminal prosecution for violation of this Article, and such prosecution may occur regardless of whether impoundment or nuisance abatement procedures have or have not been commenced.

(b) In the event that the owner or person in possession or control of a vehicle or the owner, tenant, occupant or person in control of property upon which a vehicle is found, is not present or is otherwise unwilling or unable to lawfully provide for the vehicle's immediate removal, then a summons and complaint alleging the violation of this Article may be issued against the vehicle, reasonably describing the same by make, model and color and/or by year and VIN number, if known or readily ascertainable. (Ord. 1335 §3, 1989; Ord. 1589, 1999; Ord. 1778 §1, 2003)

ARTICLE 10-10

Permits for Parking of Vehicles

Sec. 10-10-10. Permit authorized.

A permit for the parking on private property for those vehicles restricted pursuant to Articles 10-7 and 10-8 of this Code may be granted as provided in this Article, except that no such permit shall be granted for the parking of any trailer or mobile home prohibited by a zoning ordinance of the City. (Ord. 1238 §1(part), 1986)

Sec. 10-10-20. Vehicle defined.

For purposes of this Article, *vehicle* means and includes boat/boat trailer, trailer, travel trailer, tent trailer, horse trailer, minihome, Class A mobile home, detached pickup camper and every vehicle as defined in Article 10-8. (Ord. 1238 §1(part), 1986)

Sec. 10-10-30. Conditions for issuance of permit.

The following conditions shall apply for all permits issued pursuant to this Article:

- (1) Such permit shall be granted only for the property at which the applicant resides.
- (2) The permit shall be valid only for the specific vehicle described in the application and the specific location for which it is granted. Any change of vehicle or of location shall require a new application.
- (3) Only two (2) such permits shall be allowed for a residence at any one (1) time.
- (4) The vehicle authorized by permit shall be parked on a durable and dustless surface described as follows: concrete and asphalt, or the equivalent, including river rock where previously installed and properly maintained and contained (small gravel and cut asphalt shingles are not acceptable); where a parking area does not have direct access to a public street (that is, the parking area gets its access from an existing on-site concrete or asphalt drive); and large gravel is acceptable provided that the material is of a sufficient size and depth to provide a durable surface and the area is properly maintained and contained.
- (5) No part of the vehicle shall extend beyond any lot line, obstruct any public or private walk or block access of emergency equipment to the side and rear yards of the property.
- (6) When the vehicle is parked, its parking permit shall be displayed in its front and rear window so as to be clearly visible from the street.
- (7) When the vehicle is parked, its engine shall not be run for a total of more than fifteen (15) minutes between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 1238 §1(part), 1986)

Sec. 10-10-40. Application.

An application for such parking permit shall be submitted to the Director of Community Development and shall include:

- (1) The name, address and telephone number of the applicant, which applicant must reside on the subject property and be either the registered owner of the vehicle or otherwise responsible for it;
- (2) A plot plan of the property, including the proposed parking location of the vehicle;
- (3) If the applicant is not the owner of the subject property, a statement of approval signed by the owner of the property on which the vehicle is to be parked;
- (4) The make, model, year of manufacture, color, vehicle identification number, license plate number and state of registration of the vehicle;

(5) A list of the name and address of the principal resident of each property within a radius of one hundred (100) feet of the proposed parking location of the vehicle;

(6) A statement of approval signed by the principal resident of each property within a radius of one hundred (100) feet of the proposed parking location of the vehicle agreeing that such residents have no objection to the granting of the permit; and

(7) An application fee of twenty-five dollars (\$25.00). (Ord. 1238 §1(part), 1986)

Sec. 10-10-50. Consideration for granting permit.

The Director of Community Development shall review the application and, in reaching his or her decision as to whether the permit shall be granted, shall consider the following:

- (1) The concerns and desires of the residents of the immediate neighborhoods;
- (2) Any unnecessary and substantial hardship that may result from denial of the permit;
- (3) Noise or odor problem which may result from the granting of such a permit;
- (4) Alternate parking locations available to the applicant;
- (5) Compatibility of the proposed parking of such vehicle with the neighborhood; and
- (6) The public health, safety and welfare of the residents of the City. (Ord. 1238 §1(part), 1986)

Sec. 10-10-60. Conditions.

The Director of Community Development may impose such reasonable conditions as he or she deems appropriate for granting of the permit. (Ord. 1238 §1(part), 1986)

Sec. 10-10-70. Term of permit.

Any permit authorized pursuant to this Article shall be valid for a period of one (1) year and may be renewed subject to the terms and conditions provided for in this Article for initial application for such permit; except that in the event the City has received no valid complaints concerning parking of the subject vehicle during the previous permit period, the Director of Community Development shall grant a renewal of such permit without fee. (Ord. 1238 §1(part), 1986)

Sec. 10-10-80. Appeal of decision.

A decision of the Director of Community Development rendered pursuant to this Article may be appealed to the Zoning Board of Adjustment by any interested party within thirty (30) days of decision of the Director of Community Development, and such appeal shall be heard by the Zoning Board of Adjustment pursuant to notice, procedure and fee payments in the same manner as an application for a variance pursuant to the zoning ordinance of the City. (Ord. 1238 §1(part), 1986)

Sec. 10-10-90. Revocation of permit.

Any permit issued pursuant to this Article may be revoked for cause after notice to the applicant and hearing thereon. Such hearing on the revocation shall be conducted by the Director of Community Development if the permit was issued by him or her and, if issued by the Zoning Board of Adjustment, such hearing shall be conducted by the Zoning Board of Adjustment. (Ord. 1238 §1(part), 1986)

ARTICLE 10-11

Illegally Parked Vehicles

Sec. 10-11-10. Summons and complaint for illegally parked vehicles.

If the driver or owner of an unattended vehicle charged with a violation of the provisions of this Code relative to keeping, storing and parking of vehicles in the City, does not respond within the time specified in the summons and complaint affixed to such vehicle by appearance or payment at the Traffic Violations Bureau, or appearance in the Municipal Court, the Clerk of the Court or Traffic Violations Bureau shall send a second notice by regular mail, postage prepaid to the last known address of such person, to which the original summons and complaint was directed, warning such person that in the event the summons and complaint are disregarded, a warrant of arrest for such person will be issued. The second notice shall contain a date and time certain for the named person to appear in Court. (Ord. 1239 §1, 1986)

ARTICLE 10-12

Railroads

Sec. 10-12-10. Maximum speed restricted.

No person shall move, drive or propel or cause to be moved, driven or propelled any railroad car or locomotive engine on or over any portion of a railroad through the City at a rate of speed exceeding forty (40) miles per hour except:

(1) That when in its course of movement a train or locomotive has reached and fully occupied the Bromley Lane or County Line Road crossings, the speed limit hereinabove imposed shall not thereafter apply to or restrict the speed of such movement; and further

(2) That the speed restriction herein imposed is not applicable and shall not be imposed upon that portion of the railroad located within the following-described area until such time as the following-described area becomes urbanized:

a. That portion of Union Pacific Railroad right-of-way extending south of Bromley Lane to the southernmost City limit boundary; and

b. That portion of Union Pacific Railroad right-of-way extending north of County Line Road to the northernmost City limit boundary. (Ord. 1093 §1, 1982; Ord. 1589, 1999)

Sec. 10-12-20. Obstruction of public right-of-way.

No person shall obstruct or cause or permit the obstruction of the free passage on any public right-of-way within the City by means of any railroad car or locomotive engine, for a period of time exceeding five (5) consecutive minutes. (Ord. 806 §2, 1975; Ord. 1589, 1999)

Sec. 10-12-30. Violation; penalty.

Any person convicted of a violation of this Article may be punishable as provided by Article 1-24 of this Code. (Ord. 806 §2, 1975)

ARTICLE 10-13

Restricted Use of Streets

Sec. 10-13-10. Definitions.

The following words, terms and phrases shall have the following meanings:

Designated truck route means a street, highway, public way or roadway designated by the Traffic Engineer from which through travel by trucks is permitted.

Immediate area of operation means a location where picking up or delivery of a load occurs.

Prohibited route means a street, highway, public way or roadway over which truck or other specified travel is prohibited.

Restricted route means a street, highway, public way or roadway from which travel is restricted or limited to vehicles or loads of certain type, weight or size.

Truck means any commercial vehicle configured to haul products and defined as a truck in the Colorado Model Traffic Code, as the same may be amended from time to time. (Ord. 1952 §2, 2008)

Sec. 10-13-20. Restricted use of streets.

(a) The use of certain streets, highways, public ways and roadways by trucks, motor-driven cycles, bicycles and horse-drawn vehicles

or other nonmotorized means of travel or movement shall be restricted or prohibited as provided herein, and when official signs giving notice thereof are erected.

(b) When signs are so erected giving notice of restrictions or prohibitions upon the use of streets, highways, public ways and roadways, no person shall disobey the directions or instructions stated on such signs.

(c) The provisions of Subsection (a) of this Section shall not be construed to prohibit the drivers of any excluded vehicles from traveling over such restricted or prohibited streets, highways, public ways and roadways for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, highways, public ways and roadways, provided that

such excluded vehicles enter such streets, highways, public ways and roadways at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest destination, and provided further that the truck may proceed to another destination without returning to a truck route, if to so return would unreasonably increase the distance to be traveled between destinations. Any person operating a truck upon all or any portion of a street, highway, public way or roadway that is not a truck route, or upon a prohibited route, shall have in the person's possession a log book, delivery slip or other evidence of the point of origin and destination to justify the presence of the vehicle upon the route. Failure to produce evidence upon request of a police officer shall be unlawful and a separate violation. (Ord. 1952 §2, 2008)

Sec. 10-13-30. Restricted routes.

(a) In accord with a City Council-approved restricted use of streets plan, the Traffic Engineer shall have the authority to designate all or portions of those streets, highways, public ways and roadways upon which trucks and other restricted means of transportation may or may not operate. The Traffic Engineer shall have the additional authority to restrict the use of the City's streets, highways, public ways and roadways as provided in Subsection 10-13-20(a) above, as it may be amended. The designation and restrictions shall be based upon traffic engineering investigations and studies, public safety, environmental considerations, economic factors affecting trucking and the trucking industry, desires of the inhabitants and neighborhood characteristics of affected areas.

(b) The Traffic Engineer shall maintain in the office of the Traffic Engineer maps designating truck routes, prohibited routes and restricted routes as the same may apply to trucks and other means of transportation, which shall be available to all persons upon request.

(c) The Traffic Engineer shall post with appropriate signs truck routes and those routes that are prohibited or restricted. (Ord. 1952 §2, 2008)

Sec. 10-13-40. Violations.

(a) When official signs are erected giving notice thereof, no person shall operate any vehicle at any time upon the streets, highways, public ways or roadways or parts thereof in violation of the posted restrictions.

(b) Through truck travel shall be unlawful upon prohibited routes. It shall be unlawful for any person to operate or cause to be operated a truck upon a prohibited route without an origin or destination in the immediate area of operation as provided in Subsection 10-13-20(c) above, as it may be amended.

(c) Upon the designation of truck routes, it shall be unlawful for any person to operate or cause to be operated a truck upon any other street, highway, public way or roadway. (Ord. 1952 §2, 2008)

Sec. 10-13-50. State highways excepted.

This Article shall not apply to state highway routes within the City. (Ord. 1952 §2, 2008)

Sec. 10-13-60. Permits.

(a) The Director of Public Works may, in the Director's discretion, upon receiving application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to

operate or move a vehicle or combination of vehicles of a type, size or weight or load exceeding the maximum specified in the Model Traffic Code, additions and amendments thereto, as adopted by the City or otherwise not in conformity with the provisions of this Article.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular streets, highways, public ways or roadways for which the permit to operate is required, and the time of such movement.

(c) In granting such permit, the Director of Public Works may, at the Director's discretion, limit the number of trips or establish seasonal or other time limitations within which the vehicles described may be operated on the streets, highways, public ways or roadways indicated or otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to protect the safety of other users, to protect the efficient movement of traffic from unreasonable interference or to protect the streets, highways, public ways and roadways from undue damage, and may require such other undertaking or other security as may be deemed necessary to compensate for any injury to any street, highway, public ways or roadways.

(d) Permits issued by the Colorado Department of Transportation, authorizing the movement of vehicles under this Section, on any of the connecting links of the state highway system within this municipality, shall be construed to have the joint approval of the Director.

(e) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

(f) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the State, implements of husbandry and farm tractors temporarily moved upon the street, public way, highway or roadway, including transportation of such tractors or implements by a person dealing therein to his or her place of business or to the premises of a purchaser or prospective purchaser. (Ord. 1952 §2, 2008)

ARTICLE 10-14

Definitions

Sec. 10-14-10. Definitions.

As used in this Chapter, the definitions of the Model Traffic Code as the same may be adopted and amended shall apply, and, in addition thereto, the following terms shall have the meanings indicated:

Abandoned vehicle means any vehicle that is stored, placed or otherwise left upon property within the City for a period of twenty-four (24) hours or more, without the actual knowledge and consent of the owner or lessee of such property. Any vehicle so stored, placed or left upon such property for a period of twenty-four (24) hours or more without the actual knowledge and consent of the property owner or lessee shall be presumed abandoned.

Antique vehicle means any vehicle meeting the definition of a collector's item under State law and valued principally because of its early date of manufacture, design or historical interest or significance, and bearing current and valid collector's plates.

Bus means a motor vehicle designed to seat more than ten (10) passengers and used for the transportation of persons, either for compensation or not, including but not limited to motor vehicles operated for profit by governmental agencies and motor vehicles used for the transportation of children to and from school.

Camper means a non-wheeled, detachable piece of vehicular equipment which weighs over five hundred (500) pounds, used for temporary or permanent habitation, which has no independent motor power and which is capable of being placed on a vehicle but which is not capable of being towed.

Construction equipment means a vehicle, whether self-propelled or not, designed for the use in the construction, maintenance or repair of roadways, structures and ditches, or modified for use in the construction, maintenance or repair of roadways, structures and ditches, the use of which on public roadways is incidental to its primary use.

Designated fire lane means a location determined by the Fire Chief and marked with an official sign in order to provide access for fire-fighting equipment.

Driveway, unless otherwise specified in this Article, means a private road or way (whether unimproved, improved, regularly maintained or irregularly maintained) which is used for access from the public street, roadway or alley to private property to place, keep, store or park a vehicle, which includes by illustration and limitation, truck (regardless of size), boat, detached camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor or implement of husbandry.

Front yard or side yard on street means that part of a lot which exists between any lot line which runs parallel to a street and the extension of the nearest exterior wall of the building located upon that lot.

Implied consent shall be deemed to have been given persons parking their vehicles in privately owned parking lots open for public use when persons park vehicles in such parking lots for the purpose of patronizing or otherwise associating with the entities or businesses at such sites. It shall be prima facie evidence that a person parking a vehicle did not have the implied consent of the owner, manager or person in lawful possession or control of the parking lot to so park if:

- a. The business and entity associated with the parking area is closed, or the person parking the vehicle did not during the period of parking in such parking lot patronize a business or businesses associated with the parking area;
- b. The vehicle is parked in an area specifically marked to prohibit parking; or
- c. The vehicle is parked in violation of specifically marked spaces allocated in apartment or condominium complex parking areas.

Inoperable vehicle means any motor vehicle not capable of being promptly started and driven under its own power upon a street or highway.

Loading and unloading means the uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle during an eight-hour maximum period.

Property means any real property within the City, whether public or private, that is not an established street or highway.

Residential street means those public streets whose primary function is to provide access to immediately adjacent land used for single-family or multi-family residential purposes.

Tow truck means any vehicle used as a drive-away transporter or tow-away transporter of other vehicles where such are towed or transported singly or by saddlemount, towbar or fullmount methods, or by any lawful combination thereof.

Unlicensed vehicle means any motor vehicle not bearing current and valid license plates or other evidence of current and valid registration.

Vehicle associated with a business means any vehicle which has a sign affixed to it referring to a business or any vehicle displaying special tags or insignia identified with a particular occupation. (Ord. 2036 §1, 2009)