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¹ Article 1, Sections 20-1, 20-3, 20-4 and 20-5 Repealed and Re-enacted, Ord. 1812, eff. 5-12-06.

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² 20-23 Enacted, Ord. 1562, 5-31-97.

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⁴ Chapter 20 is amended by the addition of Article 5 adding Section 20-25, 20-26, 20-27 and 20-28. Ord. 1725, eff., 6-13-03)

⁵ Chapter 20, Article 6, Sections 20-29 thru 20-33 enacted, Ord. 1854, eff. 6/27/08; Section 20-21 Repealed

CHAPTER 20. VEHICLES AND TRAFFIC.

ARTICLE 1. MUNICIPAL TRAFFIC CODE.

Section 20-1. Model Traffic Code for Colorado - Adoption.¹

Pursuant of Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive of the 2003 Revised Edition of the “Model Traffic Code for Colorado,” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk of the City of Trinidad, Colorado, and may be inspected during regular business hours. The 2003 Edition of the Model Traffic Code is adopted as if set out at length. (Ord. 1812, 20-1, eff. 5-12-06)

Section 20-2. Additions and modifications.²

The adopted Model Traffic Code is subject to the following modification:

- (1) Section 1412(10)(b).

No person shall ride a bicycle or skateboard upon any sidewalk located within the following street segments of the downtown area:

Commercial Street from Colorado Avenue (Five Points) to First Street;
Main Street from Carbon Street and Santa Fe Trail to Walnut Street;
Animas Street from Nevada Avenue and University Street to First Street.

(2) A violation of any provision of Chapter 20 of this code shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations under Chapter 20 of this code shall be considered misdemeanors punishable as described in paragraph (2) of Section 20-3. Any person against whom judgment is entered for a traffic infraction under this code shall be subject to the penalty of a fine not exceeding one thousand dollars and shall not be subject to imprisonment on account of such judgment.

- (a) Model Traffic Code Parts 1 and 2, and 5 to 15 and 19 are traffic infractions, except as otherwise provided in subsections (b), (c), and (d) below.

¹ 20-1, Article 1, Repealed and Re-enacted (Ord. 1812, eff. 5-12-06)

² 20-2, Article 1, Repealed and Re-enacted (Ord. 1822, 12-15-06)

(b) Model Traffic Code Sections 107, 228(8), 233, 235, 507, 508, 509, 1005, 1401, 1402(1), 1413, and 1903(1)(a) are class 2 traffic misdemeanors.

(c) In section 1101 of the Model Traffic Code a violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a traffic infraction; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense.

(d) Violation of subsection (2) of section 1402 is a class 1 traffic misdemeanor.

Section 20-3. Penalties.¹

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) Every person convicted of a violation of any traffic offense adopted in this ordinance shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Notwithstanding any provision to the contrary in this municipal code, all violations of any provision classified as a traffic infraction shall be civil matters and not criminal violations. The Colorado Municipal Court Rules shall apply to civil traffic infractions. Traffic infractions shall be tried only to the municipal judge. 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, CRS, 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. Such fine shall be set in accord with this municipal code or the Charter of the City of Trinidad. (Ord. 1822, 20-3(2), 12-15-06)
- (3)
 - (a) Any persons convicted of a violation of the Compulsory Insurance requirements of the State, MTC 1409 (1), (2), or (3), shall be subject to a mandatory minimum fine of not less than five hundred dollars (\$500.00). The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to CRS 10-4-619 or 10-4-624 has been obtained.
 - (b) Nothing in this paragraph (3) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.
 - (c) Upon a second or subsequent conviction under MTC 1409 (1), (2), or (3), within a period of five years following a prior conviction under said MTC 1409 (1), (2), or (3), in addition to any imprisonment imposed pursuant to paragraph 2 of this section, the defendant shall be punished by a maximum mandatory fine of one thousand dollars (\$1,000.00). The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to CRS 10-4-619 or 10-4-624 has been obtained.

¹ 20-3, Article 1, Repealed and Re-enacted (Ord. 1812, eff. 5-12-06)

(d) In addition to the penalties prescribed in paragraphs 3 (a), (b), and (c) of this section, any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service.

(e) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under this paragraph (3), that such owner or operator of a motor vehicle violated said MTC 1409 (1), (2), or (3).

(4) All penalties collected pursuant to this article shall be paid to the City Department of Finance and deposited into the General Fund of the City of Trinidad in support of the Trinidad Police Department. (Ord. 1822, eff. 12-15-06)

Section 20-4. Application.¹

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 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality. (Ord. 1822, 20-4, eff. 12-15-06)

Section 20-5. Validity, Repeal and Interpretation.²

(1) Validity. If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.(Ord. 1822, 20-5 (1),eff. 12-15-06)

(2) 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. (Ord. 1822, 20-5(2), eff. 12-15-06)

(3) Interpretation. This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 1822, 20-5(3), eff. 12-15-06)

¹ 20-4, Article 1, Repealed and Re-enacted, Ord. 1822, eff. 12-15-06

² 20-5, Article 1, Repealed and Re-enacted, Ord 1822, eff. 12-15-06

ARTICLE 2. GENERAL PROVISIONS.

Section 20-6. Certain streets as part of State Highway.

The portions of the streets in the City which State Highway 12 lies are hereby dedicated to the people of the State as connecting links in and as a part of Colorado State Highway No. 12 and the streets or highways shall have priority over local intersecting streets. (Ord. 914, 7/3/67.)

Section 20-7. Commercial activity within right of way prohibited.

No commercial activity or encroachment shall be permitted within the right-of-way boundaries of the streets described in Section 20-6 and that the width from curb to curb of said streets shall be a minimum of fifty-six feet (56'). (Ord. 914, 7/3/67.)

Section 20-8. Parking restrictions; speed limitations.

Parking on the streets described in Section 20-4 or portions thereof is prohibited at certain places as specified in Section 42-4-1204 C.R.S., as amended; parking when and where permitted shall be parallel unless otherwise specifically provided by other Sections of this Code; traffic control devices on said streets shall conform to the uniform standards as adopted by the State Department of Highways.

Section 20-9. Parking prohibited during snow removal.¹

(1) No person shall park or otherwise leave unattended a motor vehicle within any of the following street segments within the City, which shall be designated as emergency snow routes by official signs containing the snowflake symbol, between the hours of 2:00 A.M. and 6:00 A.M. until snow removal has been completed, whenever there exists an accumulation of three inches of snow or more, necessitating the use of the City's emergency snow removal equipment within such designated snow emergency routes:

- (a) Pine Street between State Street and Commercial Street.
- (b) Commercial Street between Pine Street and First Street
- (c) Animas Street between Purgatoire Drive and Main Street.
- (d) Maple Street between Elm Street and First Street.
- (e) Chestnut Street between Elm Street and First Street.
- (f) Santa Fe Trail between Main Street and First Street.
- (g) Beech Street between Main Street and First Street.
- (h) Convent Street between Cedar Street and First Street.
- (i) Main Street between Interstate 25 and Ash Street.
- (j) Elm Street between Commercial Street and Maple Street.
- (k) Plum Street between Commercial Street and Maple Street.
- (l) Church Street between Commercial Street and Animas Street.
- (m) First Street between Maple Street and Chestnut Street.

¹ 20-9 Repealed and Reenacted. (Ord. 1515, 8-26-1995, § 1)

(2) Any vehicle parked or otherwise left unattended within an emergency snow route in violation of this Section which causes an obstruction to snow removal equipment, shall be subject to immediate impoundment and removal. (Ord. 1515, 8-26-1995)

Section 20-10. Traffic regulations subject to approval by Department of Transportation.

All traffic and parking regulations hereafter adopted which pertain to the streets and roadways which form a part of the State Highway System and constitute a connecting link thereof shall be submitted to the Colorado Department of Transportation for approval in accordance with the provisions of Section 43-2-135. C.R.S., before they shall become effective.

Section 20-11. Penalty for violation.

Any violation of this Article shall be punishable in the Municipal Court of the City by penalty as provided by the Model Traffic Code for Colorado Municipalities, 1977, as adopted herein. Any police officer of the City is authorized and required to enforce the provisions of this Article and the said Court shall have jurisdiction to hear and try any person charged with its violation. (Ord. 914, 7/3/67.)

Section 20-11.1. State of Colorado, State Highway Access Code, Volume 2, Code of Colorado Regulations 601-1, March 2002, as amended.¹

The State of Colorado, State Highway Access Code, Volume 2, Code of Colorado Regulations 601-1, March 2002, as amended originally adopted June 18, 1998 by the Transportation Commission of Colorado pursuant to §43-2-147(4), C.R.S. in accordance with §24-4-103, C.R.S. effective August 31, 1998 and any amendments made to the same through March, 2002, promulgated and published by the Colorado Department of Transportation, 4201 East Arkansas Avenue, Denver, Colorado 80222, be and the same is hereby adopted by reference and incorporated as fully as if set out at length herein. At least one copy of said Access Code as above set forth has been and is now filed in the office of the City Clerk.

The subject matter of the Access Code relates primarily to comprehensive standards for the design and location of driveways and other points of access to public highways, including streets under the jurisdiction of the City that are not part of the state highway system. The purpose of the Access Code and the City's adoption thereof is to provide the procedures and standards necessary to protect the public health, safety and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage and to protect the functional level of public highways while meeting state, regional, local and private transportation needs and interests.

ARTICLE 3. AUTHORITY TO IMPOUND VEHICLES AND DISPOSE OF IMPOUNDED VEHICLES.

Section 20-12. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

- (1) *Vehicle* shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slide to transport persons or property or pull machinery and shall include, without limitation, automobile, airplane, truck, trailer, motorcycle, motor scooter, tractor, buggy and wagon.
- (2) *Street or highway* shall mean the entire width between the boundary lines of every right-of-way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel.
- (3) *Property* shall mean any real property within the City which is not a street or highway.
- (4) *Collector's item* shall mean a motor vehicle which is either at least twenty-five (25) years old, a make or model recognized by the Executive Director of the State Department of Revenue as being antique, or a make or model of motor vehicle recognized by the Executive Director of the State Department of Revenue as having unique interest or historic value.
- (5) *Wrecked or junked vehicle* shall mean any vehicle which is extensively damaged, such damage including but not limited to any of the following: one or more flat tires, a broken window, windshield or both, missing wheels, tires, motor or transmission; or cannot be operated mechanically or legally upon the public right-of-way. (Ord. No. 1477, 8-2-94.)

Section 20-13. Impounding of vehicles; emergency circumstances.

In the circumstances hereinafter enumerated, preservation of the public safety and welfare requires that vehicles be removed from the public right-of-way without delay. Therefore, police officers are hereby authorized to remove, or have removed, at their discretion, a vehicle from any street, alley, highway, roadway, sidewalk, bridge, viaduct, public parking lot, or from any other public way or place, to the lot maintained by the City or the Police Department for the storage of impounded vehicles, or to any other place of safety under any of the circumstances hereinafter enumerated:

- (1) When any vehicle is left unattended upon any street or other public way or place, where such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a street or other public way is so disabled as to constitute an obstruction to traffic, or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal;

- (3) When any vehicle is left unattended upon a street or any other public way or place, and is parked so illegally as to constitute a hazard or obstruction to the normal flow of traffic;
- (4) When the driver of such vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street or other public way or place;
- (5) When the driver of any vehicle or the vehicle which he/she is driving is reasonably suspected of having been involved in any hit and run accident;
- (6) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason;
- (7) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts; or
- (8) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods or other contraband.

Section 20-14. Impoundment of illegally parked vehicles.

Any vehicle, not subject to immediate removal under Section 20-13, which is parked in violation of any provision of the Code of Ordinance of the City of Trinidad, within a public street or highway or on any other public property within the City for a period of twenty four (24) hours or more shall be subject to removal and impoundment either by or at the direction of a police officer, without prior notice. (Ord. No. 1477, 8/2/94.)

Section 20-15. Abandonment of vehicles; procedures preceding impoundment.

- (1) Promotion and preservation of the public health and safety requires that vehicles left abandoned on public property or private property without permission of the owner, be removed. No person shall abandon any vehicle on any street, highway or other public property within the City, or on any private property other than his/her own without the consent of the owner thereof.
- (2) A vehicle meeting any of the following criteria is an abandoned vehicle:
 - (a) Any vehicle left unattended on private property for a continuous period of twenty four (24) hours or more without the consent of the owner or lessee of such property or his/her legally authorized agent;
 - (b) Any vehicle left unattended on public property, other than a street or highway, for a continuous period of seventy two (72) hours or more;
 - (c) Any vehicle left unattended within a public street or highway for a continuous period of more than seven (7) days, unless such vehicle is parked entirely within the area abutting residential property occupied by the owner of such vehicle and has current registration and at least one current license plate.

(3) Whenever an officer has reason to believe that a vehicle may be abandoned within a street or highway, he/she shall securely affix to the windshield or to the driver's side door, a conspicuous warning notice, indicating that the vehicle is believed to be abandoned in violation of this Section, and the reason for such a belief. If the vehicle does not have current registration and at least one (1) current license plate, the notice shall state that the vehicle must be removed from the public right-of-way unless current registration is obtained and current license plates are affixed to the vehicle, and the vehicle is moved to a location in the public street or highway immediately abutting the owner's residence within seven (7) days. If the vehicle does have current license plates, the notice shall state that the vehicle must be either removed from the public right-of-way or to a location in the public street or highway immediately abutting the owner's residence within seven (7) days. The Notice shall further state that if the vehicle is not removed as set forth above, within the seven (7) day time period, a Municipal Court citation may be issued, and the vehicle shall be subject to immediate impoundment by the City following the expiration of the seven (7) day period, unless a hearing has been requested in writing during that period.

(4) No vehicle alleged to be abandoned may be removed and impounded by the City until the following additional steps have been taken:

(a) Reasonable efforts shall be made to find the owner of the vehicle, including checking the records of the State Department of Motor Vehicles and County Clerk and Recorder, and inquiring of residents of abutting properties.

(b) If the owner is located, he/she shall be notified by first class mail, certified mail or personal service that his/her vehicle is believed to be abandoned in violation of this Section, and the reason for such a belief, and that unless either the vehicle is removed or a hearing is requested within seven (7) days after the mailing or service of the notice, the vehicle shall be subject to removal and impoundment without delay.

(c) If the owner, after reasonable efforts to locate have been made, cannot be located, the vehicle may be removed and impounded by the City without delay, provided that seven (7) days have elapsed since the warning notice was affixed to the vehicle.

(5) Any hearing must be requested in writing to the City Manager within seven (7) days after a warning notice has been affixed to the vehicle, if the owner cannot be located, or within seven (7) days after mailing or service of the second notice, if the owner is located. If a written request is made for a hearing, a vehicle may not be impounded until after the hearing has been held and a decision rendered.

(6) If a hearing is requested pursuant to this Section, the City Manager or his/her designee shall conduct a hearing as soon as practicable, at which time testimony and evidence may be presented relative to the propriety of impounding such vehicle, and the City Manager or his/her designee shall issue a written decision following the hearing as to whether the vehicle is abandoned pursuant to this Article and therefore, subject to impoundment. If the City Manager or his/her designee determines that such vehicle is subject to impoundment, the owner shall have twenty four (24) hours to remove the vehicle from the public right-of-way, or to a location within the public right-of-way immediately abutting the owner's residence, or to satisfy any other requirement set forth in the written decision. Should he/she fail to do so, the vehicle shall be subject to immediate impoundment by the City.

(7) Any vehicle left unattended on private property for twenty four (24) hours or more without the consent of the owner or lessee of such property or the owner's legally authorized agent, shall be subject to removal and impoundment, without prior notice or hearing, upon the request of such owner, lessee or agent.

(8) Any vehicle left unattended on public property, other than a street or highway, for a period of seventy two (72) hours or more, shall be subject to removal and impoundment, without prior notice or hearing.

(9) A Municipal Court Summons and Complaint for violation of this Section may be issued after either completion of the administrative hearing and rendering of the hearing officer's decision, if a hearing has been requested, and the hearing officer has determined the vehicle to be abandoned, or expiration of all periods during which a hearing may be requested, if no hearing has been requested. (Ord. No. 1477, 8/2/94.)

Section 20-16. Leaving of wrecked, junked or partially dismantled vehicles on the street or other public property.

(1) Preservation of the public health and safety requires that junked, wrecked and partially dismantled vehicles left on public property, including streets and highways, be removed or repaired. Therefore, wrecked, junked or partially dismantled vehicles left on public property are declared to be a nuisance. No person shall leave any wrecked, junked or partially dismantled vehicle on any public property within the City.

(2) Whenever a vehicle has been left wrecked, junked or partially dismantled within a public street or highway or any other public property continuously for more than forty-eight (48) hours, an officer shall securely affix to the windshield or driver's side door, a conspicuous warning notice indicating that the vehicle is believed to be wrecked, junked or partially dismantled in violation of this Section and the reason for such a belief. The notice shall also state that if the vehicle is not removed from the street, highway or other public property or necessary repairs are not made within seven (7) days, a Municipal Court citation may be issued, and the vehicle shall be subject to immediate impoundment by the City following the expiration of the seven (7) day period, unless a hearing has been requested in writing during that period.

(3) No vehicle alleged to be wrecked, junked or partially dismantled, may be removed and impounded by the City until the following additional steps have been taken:

(a) Reasonable efforts shall be made to find the owner of the vehicle, including checking the records of the State Department of Motor Vehicles and the County Clerk and Recorder, and inquiring of residents of abutting properties.

(b) If the owner is located, he/she shall be notified by first class mail, certified mail or personal service that his/her vehicle is believed to be wrecked, junked or partially dismantled in violation of this Section, and the reason for such a belief, and that unless the vehicle is removed from the street, highway or other public right-of-way or adequately repaired, or a hearing is requested within seven (7) days after the mailing or service of the notice, the vehicle shall be subject to removal and impoundment without delay.

(c) If the owner, after reasonable efforts to locate have been made, cannot be located, the vehicle may be removed and impounded by the City without delay, provided that seven (7) days have elapsed since the warning notice was affixed to the vehicle.

(4) Any hearing must be requested in writing to the City Manager within seven (7) days after a warning notice has been affixed to the vehicle, if the owner cannot be located, or within seven (7) days after mailing or service of the second notice, if the owner is located.

(5) If a hearing is requested pursuant to this Section, the City Manager or his/her designee shall conduct a hearing as soon as practicable, at which time testimony and evidence may be presented relative to the propriety of impounding such vehicle, and the City Manager or his/her designee shall issue a written decision following the hearing as to whether the vehicle has been left wrecked, junked or partially dismantled on public property and is therefore, subject to impoundment. The hearing officer shall have the authority to require the vehicle owner to demonstrate that the vehicle is mechanically operable. If the hearing officer determines that such vehicle is subject to impoundment, the owner shall have twenty-four (24) hours to remove the vehicle from public property or have it adequately repaired. Should he/she fail to do so, the vehicle shall be subject to immediate impoundment by the City.

(6) A Summons and Complaint for violation of this Section may be issued after either completion of the administrative hearing and rendering of the hearing officer's written decision, if a hearing has been requested, and the hearing officer has determined the vehicle to be wrecked, junked or partially dismantled, or expiration of all periods during which a hearing may be requested, if no hearing has been requested. (Ord. No. 1477, 8/2/94.)

Section 20-17. Wrecked, junked or partially dismantled vehicles on private property.¹

(1) Preservation of the public health and safety requires that vehicles left wrecked, junked or partially dismantled on private property, be removed. It is therefore unlawful for any person who is the owner of any vehicle, or the owner of any real property, or who is in charge or control of any such real property, whether as owner, tenant, occupant lessee or otherwise, to permit or allow any wrecked, junked or partially dismantled vehicle or parts thereof to remain on such real property longer than thirty (30) days, as determined by recorded observation or signed complaint, and such vehicle is declared to be a nuisance, provided that this Section shall not apply with regard to a collector's item where the provisions of C.R.S. 42-12-103 have been complied with; a vehicle or parts of a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained for impounded vehicles by the City. (Ord. 1530, 20-17(1), 4-27-96)

(2) If any wrecked, junked or partially dismantled vehicle or parts thereof has remained on any privately owned premises for more than thirty (30) days, as determined by recorded observation or signed complaint, the police department shall require the removal of such vehicle within ten (10) days, by written notice personally served on the owner of the vehicle, or on the owner or agent of the owner of the premises whereon is situated such vehicle, or sent by certified mail to either the owner

¹ 20-17(1) Repealed and Re-enacted (Ord. 1530, 4-27-96)

of the vehicle, at his/her last known address, or owner or agent of the premises whereon is situated such vehicle. The vehicle or parts thereof must be removed from public view or adequately repaired within ten (10) days of the mailing of or personal service of the notice, unless a written request for a hearing is made to the City Manager during that time period. A vehicle or parts thereof moved onto the public right-of-way or onto other public or private property after service or mailing of the notice, shall be subject to removal without further notice. Change in ownership of the vehicle or the real property where it is located, after service or mailing of the notice shall not necessitate the giving of any additional notice prior to removal and impoundment of the vehicle by the City or at its direction.

(3) The notice referred to in this Section shall state that the vehicle must be removed from public view or repaired within ten (10) days of the mailing or service of the notice, unless a hearing is requested in writing within the ten (10) day period. The notice shall indicate that failure to remove or repair the vehicle will result in it being impounded, and any expenses incurred by the City being assessed against the owner or his/her property.

(4) For the purposes of this Section, the tenant, occupant, or lessee of any premises shall be deemed the agent of the owner of such premises.

(5) Any hearing must be requested in writing to the City Manager within ten (10) days after the date of mailing or service of the warning notice. If a written request is made for a hearing, a vehicle may not be impounded by the City until a hearing has been held and a decision rendered.

(6) Upon the failure, neglect or refusal or any owner or agent of the owner so notified, to properly dispose of such vehicle or parts thereof within the time limits herein set forth, unless a hearing has been requested, the Police Department is authorized and empowered to remove the same at the expense of such owner or agent of the owner, which expenses shall include the cost of removal plus administrative costs of the City, not to exceed five percent (5%) of the cost of removal.

(7) In case the owner or agent of such property shall fail to pay such bill within thirty (30) days after the same has been rendered, the Police Department shall report the same to the City Manager or his/her designee who shall assess the costs against the property in question. Such assessment shall constitute a perpetual, first and prior lien on the property involved. The City Manager or his/her designee shall certify to the County Treasurer the assessments which are not paid within twenty (20) days of the date of assessment. Ten percent (10%) of the amount shall be added to the assessment to pay the cost of collection.

(8) If a hearing is requested pursuant to this Section, the City Manager or his/her designee shall conduct a hearing as soon as practicable, at which time testimony and evidence may be presented relative to the propriety of impounding such vehicle, and the City Manager or his/her designee shall issue a decision following the hearing as to whether the owner or other person in charge of or in control of any private property, or the owner of any vehicle has permitted or allowed such wrecked, junked or partially dismantled vehicle or parts thereof to remain on private property longer than thirty (30) days pursuant to this Section, and whether such vehicle or parts thereof, is subject to impoundment. The fact that such property has changed owner, lessee or occupant, or that such vehicle has been moved to another location within the City within public view, other than a licensed junkyard or garage, shall not be a bar to impoundment. If the City Manager and his/her designee determines that such vehicle is subject to impoundment, the agent of the owner of the property, or

the vehicle owner shall have twenty-four (24) hours after receipt of the written decision, to remove the vehicle from public view or adequately repair the vehicle. Should he/she fail to remove or repair such vehicle, the Police Department is empowered to remove such vehicle at the expense of the owner, plus administrative expenses of the City.

(9) A Municipal Court Summons and Complaint for violation of this Section may be issued after either completion of the administrative hearing and rendering of the hearing officer's decision, if a hearing has been requested, and the hearing officer has determined that the owner of other person in charge or in control of any private property, or the owner of any vehicle has permitted or allowed such wrecked, junked or partially dismantled vehicle or parts thereof to remain on such private property longer than thirty (30) days, or expiration of the period during which a hearing may be requested, if no hearing has been requested. Such summons and Complaint may be issued to either the owner or agent of the owner of the premises on which the vehicle or parts thereof, is located, or to the vehicle owner, or all of them.

Section 20-18. Disposal of vehicles removed and impounded pursuant to this Article.¹

(1) If removal and impoundment of a vehicle is not effected by the Police Department, the police officer shall cause removal and impoundment to be effected only by a private towing company which has been licensed by the State Public Utilities Commission and carries adequate liability insurance to cover the cost of any damage inflicted on the vehicle during towing or storage. No vehicle may be towed which has not first had its contents properly inventoried by a police officer or other official of the City.

(2) Whenever a vehicle is impounded and ordered held pursuant to this Article, the Police Department shall notify the owner of record, if ascertained, of the impoundment of such vehicle, and of the owner's and/or lienholder's opportunity to request a hearing to determine the validity of the impoundment.

(3) Such notice shall be sent by certified mail to the owner of record, if ascertained, and any lienholder, if ascertained, within five (5) working days of the receipt of the report from the Department of Motor Vehicles, and shall include the following information:

- (a) The address and telephone number of the motor vehicle owner, if ascertained;
- (b) The location of storage of the motor vehicle;
- (c) The location from which the motor vehicle was towed;
- (d) The reason for which the vehicle was impounded;
- (e) A description of the motor vehicle, which shall include, if available, the make, model, license plate number, mileage and vehicle identification number.

¹ 20-18(6) Repealed and re-enacted (Ord. 1530, 4-27-96)

(f) That in order to obtain a hearing concerning the validity of the impoundment, the owner and/or lienholder must request such hearing in writing to the City Manager within ten (10) days after the date appearing on the notice, when applicable.

(g) That unless the vehicle is claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the vehicle shall be subject to sale.

(4) Any such hearing shall be conducted within a reasonable time after receipt of the owner's or lienholder's request, not to exceed ten (10) days after receipt of such request, unless the hearing is postponed to a later date at the owner's or lienholder's request. The granting of such request for postponement shall be at the discretion of the hearing officer. The failure of the owner or lienholder to request a hearing or to attend a scheduled hearing shall satisfy the hearing requirements of this Section.

(5) The sole issue at the hearing shall be the legality of the impoundment of the motor vehicle. The burden of proof shall be on the Trinidad Police Department to establish probable cause that one or more of the grounds set forth in this Article exist for the impoundment.

(6) If the hearing officer determines that the impoundment was invalid, the City of Trinidad shall be responsible for the costs incurred in the towing and storage of the motor vehicle. If the hearing officer determines that the impoundment was valid, and the vehicle is not reclaimed by the owner or lienholder pursuant to State statute within thirty (30) days of the hearing officer's decision, then unless such vehicle is being held for evidence in a criminal case the owner could not legally reclaim such vehicle during the thirty (30) day period, the vehicle shall be presumed to be abandoned and the provisions for sale and disposal of same set forth in C.R.S. 42-4-1806 shall apply. (Ord. 1530, 20-18(6), 4-27-96)¹

(7) Any motor vehicle owner who has been previously afforded an opportunity to request a pre-impoundment hearing shall not be entitled to a post-impoundment hearing.

ARTICLE 4. ADDITIONAL TRAFFIC REGULATIONS

Section 20-19. Parking in freight loading zone.

(1) No person shall park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery of pickup and loading of materials in any place officially marked as a freight loading zone during hours when the provisions applicable to such zones are in effect. (Ord. 1532, 20-19(1), 5-18-96)

(2) In no case shall the parking for loading and unloading of materials exceed thirty (30) minutes. (Ord. 1532, 20-19(2), 5-18-96)

¹ 20-18(6) Repealed and re-enacted (Ord. 1530, 4-27-96)

Section 20-20. Limitations on parking.

No person shall park a vehicle at a location for a period of time greater than that permitted by official signs or during those hours in which parking is prohibited by official signs. (Ord. 1532, 20-20, 5-18-96)

Section 20-21. Repealed.²

Repealed. (Ord. 1854, 6-27-08)

Section 20-22. Registered owner liable for parking violations.

The registered owner of any motor vehicle is liable for payment of a parking violation fine. It is no defense to the prosecution of a parking violation, that at the time of the parking violation, the vehicle was in the care, custody or control of another person. (Ord. 1532, 20-22, 5-18-96)

Section 20-23. Persons prohibited from restricting parking on public streets.

(1) No person shall place, maintain, or display upon or in view of any street or highway any unauthorized sign, signal, marking or device which attempts to regulate, limit, restrict or prohibit the parking of any motor vehicle on or within any public street or highway, nor shall any person, without lawful authority, in any other way attempt to regulate, limit, restrict, or prohibit the parking of any motor vehicle on or within any public street or highway.(Ord. 1562, 5-31-97)

(2) Every such prohibited sign, signal or marking is declared to be a public nuisance, and the City is empowered to remove the same of cause it to be removed without notice. (Ord. 1562, 5-31-97)

(3) Any person who violates any provision of this Section shall be guilty of a Misdemeanor, and shall be subject to the penalties set forth in Section 1-8 of this Code. (Ord. 1562, 5-31-97)

Section 20-24 Parking not to obstruct traffic.

No person shall park any vehicle upon a public street, alley, or highway in a manner or under such conditions as to leave available less than twelve (12) feet of the width of the roadway for free movement of vehicular traffic. (Ord. 1725, eff., 6-13-03)

ARTICLE 5. PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES AND UTILITY TRAILERS

Section 20-25 Definitions.

(1) "Commercial Vehicle" shall mean any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed twenty feet (20') in length, any single commercial vehicle or combination of said vehicles eighty four inches (84") or more in width, or any single commercial vehicle or combination of said vehicles having a manufacturer's gross

² 20-21 Repealed (Ord. 1854, 6-27-08)

vehicle weight rating of ten thousand pounds (10,000#) or more. A Commercial Vehicle includes a truck tractor. (Ord. 1725, eff., 6-13-03)

(2) "Recreational Vehicle" shall mean any vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven, and designed to serve as temporary living accommodations for recreational, camping, or travel use, and including, but not limited to travel trailers, camping trailers, converted buses, and self-propelled motor homes. Excluded from this definition are passenger vehicles designed for everyday use, and stock vans customized as conversion vans. (Ord. 1725, eff., 6-13-03)

(3) "Utility Trailer" shall mean a vehicle without motorized power, designed to be towed by a passenger automobile or truck, but not designed for human occupancy, and which may included but not limited to a utility trailer, boat trailer, horse trailer, snowmobile trailer, animal trailer, produce trailer, goods or commodity trailer. (Ord. 1725, eff., 6-13-03)

Section 20-26 Restricted areas and times.

It shall be unlawful for any person to park or stand or to allow any recreational vehicle, commercial vehicle, or utility trailer to park or stand upon any public street, highway, alley, or public right-of-way between any street and alley located within or adjacent to a low density residential zone district, a medium density residential zone district, the historic preservation zone district, or a neighborhood service zone district, for a period of more than forty-eight (48) hours. (Ord. 1725, eff., 6-13-03)

Section 20-27 School zones.

It shall be unlawful to park a recreational vehicle, commercial vehicle, or utility trailer on a public street in a school zone when school is in session. This restriction shall not apply to the parking of such vehicles for such time as it actually necessary to load or unload passengers. (Ord. 1725, eff., 6-13-03)

Section 20-28 Penalty for violation.

Every person convicted of a violation of this Article shall be punished by a fine of not more than Three Hundred Dollars (\$300.00). (Ord. 1725, eff., 6-13-03)

ARTICLE 6. COMMERCIAL TRUCK TRAFFIC²

Section 20-29. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

(1) *Commercial Truck* means any motor vehicle having more than two axels, or any single commercial vehicle or combination of said vehicles which exceed 20 feet in length, any single commercial vehicle or combination of said vehicles 84 inches or more in width, or any single commercial vehicle or combination of said vehicles having a manufacturer's gross vehicle weight

²Chapter 20, Article 6, Sections 20-29 thru 20-33 enacted; Section 20-21 Repealed; Ord. 1854, eff. 6/27/08Chapter 20, Page 17

rating or gross combination rating of 10,000 pounds or more designed or used primarily for the transportation of property, including vehicles used for delivery purposes. This definition excludes privately-owned recreational vehicles, as defined in Section 20-25(2), and publicly owned mass transportation motor vehicles.

(2) *Immediate area of operation* means a segment of a restricted route between successive intersecting streets, including any restricted route which provides the only practical access to that segment of the restricted route.

(3) *Through truck travel* means operation of a truck without an origin or destination in the immediate area of operation. Origin or destination shall not include the residence of the owner, lessee or operator of the truck.

(4) *Truck route* means any street, highway, public way or portion thereof designated specifically for the operation of commercial trucks.

Section 20-30. Designation of routes, maps.

(1) In accord with a City Council approved truck route plan, City Council shall have the authority to designate all or portions of those streets, highways, public ways and roadways upon which trucks shall operate. The City Council shall have the additional authority to restrict the operation of trucks upon streets, highways, public ways or portions thereof. Such designation and restrictions shall be made upon the recommendation of the Public Works Director and shall be based on 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.

(2) Public Works shall maintain in the Public Works Office maps designating truck routes. Copies of the maps shall be made available to trucking interests and the public through the Public Works Office and/or the Police Department. Any change to truck routes shall be published by the Public Works.

(3) Public Works shall post with appropriate signs those routes that are restricted. Public Works may also post designated truck routes with appropriate signs. Truck route maps shall be made available to all persons upon request. The posting of signs shall not be required for enforcement.

Section 20-31. Operation of commercial trucks.

(1) Through truck travel shall be unlawful upon prohibited routes. It shall be unlawful for any person to operate or cause to be operated a commercial truck upon a prohibited route without an origin or destination in the immediate area of operation.

(2) Upon the designation of truck routes, it shall be unlawful for any person to operate or cause to be operated a commercial truck upon any other street, highway or other public way. Commercial

trucks may deviate from truck routes while traveling to or from a truck terminal, garage, place of repair, place of performing a service or place of loading or unloading, and may proceed from a destination not located upon a truck route to another destination without returning to a truck route if to so return would unreasonably increase the distance to be traveled between destinations.

(3) Any person operating a commercial 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.

(4) The following City streets within the limits of the City of Trinidad are hereby designated as truck routes:

- SH 12
- Commercial Street (Colorado Avenue to Elm Street)
- Linden Avenue (Goddard Avenue to Main Street)
- 160 Bypass
- Goddard Avenue (I-25 to Nevada Avenue)
- Elm Street (Commercial Street to Maple Street)
- Plum Street (Elm Street to Commercial Street)

Section 20-32. Use of engine compression brake prohibited.

Use of engine compression brakes within the corporate city limits of Trinidad shall be prohibited.

Section 20-33. Penalty for violation.

Every person convicted of a violation of this Article shall be punished by a fine of not more than Three Hundred Dollars (\$300.00).