

**Agenda Item No. GB-B**  
**Meeting Date: 09-28-2020**

**Subject:** Consideration and Approval of Ordinance No. 894, Adopting by Reference the 2020 Model Traffic Code, on Second Reading.

**Presented by:** Matthew B. Skaggs  
Chief of Police

**Background:** Ordinance No. 894 if passed, will adopt the 2020 revised edition of the Model Traffic Code, which sets forth a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. The 2020 edition would replace the 2010 edition of the Model Traffic Code currently enforced within Dacono, and would be adopted without amendment.

The 2020 Model Traffic Code differs primarily from earlier versions of the Model Traffic Code by the addition of definitions and regulations to address technological advances in electrical modes of transportation such as the operations of low-speed electric vehicles and electrical assisted bicycles, and parking in electronic vehicle charging stations. The Ordinance would ratify and confirm the penalties for violations of Chapter 8, Article I of the Dacono Municipal Code including the City-adopted 2020 edition of the Model Traffic Code.

**Recommended Action:** Approval of Ordinance No. 894, Adopting by Reference the 2020 Model Traffic Code, on Second Reading.

**ORDINANCE NO. 894**

**AN ORDINANCE ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO**

**WHEREAS**, the Model Traffic Code for Colorado, published by the Colorado Department of Transportation and revised in 2020, embodies the rules of the road and vehicle requirements as set forth in Article 4 of Title 42 of the Colorado Revised Statutes; and

**WHEREAS**, §42-4-110(1) of the Colorado Revised Statutes authorizes local authorities to adopt by reference all or any part of the Model Traffic Code for Colorado; and

**WHEREAS**, §42-4-110 and §42-4-111 of the Colorado Revised Statutes authorizes local authorities to enact and enforce traffic regulations on roads and streets anywhere within their jurisdiction; and

**WHEREAS**, the City of Dacono desires to adopt the 2020 revised edition of the Model Traffic Code for Colorado; and

**WHEREAS**, the City Council, after proper notice as required by law, has held a public hearing on this ordinance providing for the adoption of the 2020 revised edition of the Model Traffic Code for Colorado.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO, AS FOLLOWS:**

**Section 1.** Section 8-2 of the Dacono Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 8-2. Adoption.**

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II inclusive of the 2020 ~~2010~~ edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the city. The purpose of the ordinance codified herein and the code adopted herein is to provide for a system of traffic regulation 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, and may be inspected during regular business hours.

**Section 2.** Section 8-3 of the Dacono Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 8-3. Code conflicts.**

The provisions of the Dacono Municipal Code shall control in the event of any conflict between the 2020 revised edition of the Model Traffic Code and the Dacono Municipal Code.

**Section 3.** Section 8-4 of the Dacono Municipal Code is hereby repealed and reenacted to read as follows:

**Sec. 8-4. Additions or modifications.**

The edition of the Model Traffic Code adopted pursuant to Section 8-2 is adopted without amendments, additions, or deletions.

**Section 4.** The penalties for violations of Chapter 8, Article I of the Dacono Municipal Code (the “Code”), which are set forth in Section 8-22 of the Code, are hereby ratified and confirmed, and shall remain applicable to violations of Chapter 8, Article I of the Code, including the adopted 2020 edition of the Model Traffic Code.

**Section 5.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 6.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 7.** The repeal or modification of any provision of the Dacono Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any prior penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for

the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL THIS 14<sup>TH</sup> day of SEPTEMBER, 2020.**

**PUBLIC HEARING AND SECOND READING WILL BE HELD ELECTRONICALLY IN ACCORDANCE WITH POLICIES ADOPTED BY RESOLUTION OF THE COUNCIL ON THE 28<sup>TH</sup> day of SEPTEMBER, 2020, AT 6:00 P.M.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE ONLY this 28<sup>TH</sup> day of SEPTEMBER, 2020.**

CITY OF DACONO, COLORADO

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Joe Baker, Mayor

ATTEST:

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Valerie Taylor, City Clerk

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Summary of Ordinance No. 894, **“AN ORDINANCE ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO”**: Adopts the 2020 edition of the Model Traffic Code for Colorado without amendments.