

Agenda Item No. GB-A
Meeting Date: 04-12-2021

Subject: Approval of Emergency Ordinance 902 Amending Chapter 8 of the Dacono Municipal Code Regarding Vehicles and Traffic

Presented by: Brian Skaggs,
Chief of Police

Background: The City previously adopted the 2020 revised edition of the Model Traffic Code for Colorado (“MTC”) by Ordinance No. 864. While it was intended that the ordinance adopt the same amendments to the 2020 MTC as were adopted with the City’s adoption of the 2010 MTC, the amendments in 8-4 were inadvertently omitted. The revision addressed by this ordinance re-establishes, in Dacono Municipal Code, those previously omitted provisions. In addition, the numbering of the sub-sections in 8-4 has been updated to reflect changes in the 2020 Model Traffic Code.

Recommended Action: Approval of Emergency Ordinance 902 Amending Chapter 8 of the Dacono Municipal Code Regarding Vehicles and Traffic

ORDINANCE NO. 902

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 8 OF THE
DACONO MUNICIPAL CODE REGARDING VEHICLES AND TRAFFIC**

WHEREAS, the City of Dacono previously adopted by reference the 2020 revised edition of the Model Traffic Code for Colorado by Ordinance No. 864; and

WHEREAS, the City Council now desires to adopt amendments to such Code as set forth herein; and

WHEREAS, an emergency exists because the City Council finds and determines that immediate implementation of the additions and modifications to the Model Traffic Code set forth herein is necessary in order to protect the public health, safety, and welfare of the City and its residents.

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

Section 1. Section 8-4 of the Dacono Municipal Code is hereby deleted in its entirety and replaced to read as follows:

Sec. 8-4. Additions or modifications.

The following additions, amendments or deletions are made to Article I of the Model Traffic Code:

(1) Subsection (1)(b) of Section 614, Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations, is amended to read as follows:

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the City may designate such portion of the roadway as a maintenance, repair, or construction zone. Penalties and surcharges will be doubled for any person convicted of a traffic infraction or a traffic offense in a maintenance, repair, or construction zone that is designated pursuant to this section.

(2) Subsection (1) of Section 615, School zones - increase in penalties for moving traffic violations, is amended to read as follows:

(1) Penalties and surcharges will be doubled for any person convicted of a traffic infraction or a traffic offense in a school zone.

(3) Section 1214, Parking of Certain Vehicles in Right-of-Way Prohibited, is added to read as follows:

Section 1214. Parking of Certain Vehicles Prohibited in Right-of-Way. (a) Except as provided in subsection (b), as defined herein, no trailer, camper trailer, trailer coach, camper coach, semitrailer, recreational vehicle, or mobile home, whether attached or detached from a motor vehicle, shall be parked on any public right-of-way in the City.

(b) Exceptions:

(1) Municipal vehicles and trailers.

(2) For visitation purposes not exceeding seventy-two (72) hours.

(3) For loading of the vehicle not exceeding twenty-four (24) hours.

(4) Section 1215, Restrictions on Overnight Sleeping in Motor Vehicles, is added to read as follows:

Section 1215. Restrictions on Overnight Sleeping in Motor Vehicles. (a) Except as provided in subsection (b), no motor vehicle, bus, trailer coach, camper coach, mobile home, self-propelled motor home, or recreational vehicle shall be used for sleeping overnight on any public or private street, public right-of-way, or public or private property within the City.

(b) Persons visiting a residence within the City may sleep overnight in a bus, trailer coach, camper coach, mobile home, self-propelled motor home, or recreational vehicle on a public or private street, public right-of-way, or public or private property within the City for no longer than seventy-two (72) hours.

(5) Section 1417, Restrictions on Motorized Traffic, is added to read as follows:

Section 1417. Restrictions on Motorized Traffic. No person shall operate any automobile, bus, motor vehicle, motor-driven cycle, motorized bicycle, motor scooter, motor bicycle, road machinery, road tractor, tractor, dirt bike, snowmobile, or any other motor-driven apparatus on any public or private property in the City, including but not limited to trails and walkways, unless such property has been dedicated or maintained as a public or private road, street, alley, highway, roadway or other area for the use of motorized vehicles, and unless operation on such property is not otherwise prohibited under the Model Traffic Code or other provisions of the Dacono Municipal Code. Motorized apparatus used for maintenance by City employees or by contractors with the City are excepted.

(6) Section 1701, Traffic Offenses and Infractions Classified - penalties – penalty and surcharge schedule - repeal, is amended to read as follows:

Section 1701. Municipalities - Traffic Offenses and Infractions Classified - penalties – penalty and surcharge schedule - repeal.

(1) It is a traffic offense for any person to violate any provision of this Code.

(2) Pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented or repealed, designate the traffic offenses, the penalties, fines and costs for which shall be payable at, receipted by and accounted for at the office of the City Clerk.

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

(4) Penalties, fines and costs shall be payable at, received by, and accounted for at the office of the City Clerk.

(7) Section 1709, Penalty Assessment Notice for Traffic Offenses - Violations of Provisions by Officer - Driver's License, is repealed and reenacted to read as follows:

Section 1709. Penalty Assessment Notice for Traffic Offenses - Refusal. Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

(8) The following sections of the Model Traffic Code are not adopted and are hereby deleted therefrom: Section 227(3)(b); Section 1402(2); Section 1903(6)(b); and Section 1904.

Section 2. 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 3. 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 4. 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.

Section 5. Any person charged with a violation of this ordinance, upon conviction thereof, shall be subject to the General Penalty in Section 1-70 of the Dacono Municipal Code, which provides for incarceration for a period not to exceed three hundred sixty-four (364) days, a fine not to exceed one thousand dollars (\$1,000.00), or both such fine and imprisonment.

Section 6. Effective Date. In accordance with the City Council’s findings set forth above in the recitals to this Ordinance, in order to protect the public health, safety, and welfare, this Ordinance shall take effect on an emergency basis upon adoption by at least five affirmative votes.

INTRODUCED, READ, ADOPTED BY AT LEAST FIVE AFFIRMATIVE VOTES, AND ORDERED PUBLISHED AND POSTED IN FULL THIS 12th day of April, 2021.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 902, **“AN EMERGENCY ORDINANCE AMENDING CHAPTER 8 OF THE DACONO MUNICIPAL CODE REGARDING VEHICLES AND TRAFFIC”**: Adopts amendments to the 2020 edition of the Model Traffic Code for Colorado, as has been previously adopted by the City.