

SPONSORED BY: MAYOR DOWNING

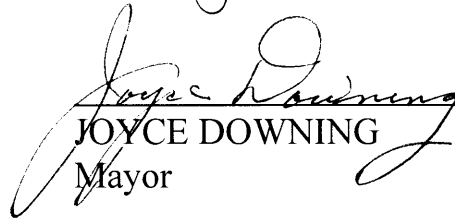
COUNCILMAN'S RESOLUTION

NO. CB-1846
Series of 2015


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

A PUBLIC HEARING WILL BE HELD ON CB-1846, SERIES OF 2015, ENTITLED "A BILL FOR AN ORDINANCE ADOPTING BY REFERENCE AS A PRIMARY CODE THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION BY REPEALING AND REENACTING SECTIONS 7-1-1 THROUGH 7-1-7 AND SECTION 7-1-13 OF THE NORTHGLENN MUNICIPAL CODE" ON FEBRUARY 23, 2015 AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN.

DATED this 26th day of January, 2015.


JOYCE DOWNING
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

AFFIDAVIT OF POSTING:


I, _____, certify that CB-1846 was posted at the authorized posting places in the City of Northglenn this _____ day of _____, 2015.

Deputy City Clerk

**NORTHGLENN POLICE DEPARTMENT
COUNCIL MEMORANDUM 2015-04**

DATE: January 26, 2015

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: John R. Pick, City Manager
James S. May, Jr., Chief of Police 

SUBJECT: CB-1846 – Adoption of 2010 Model Traffic Code

RECOMMENDATION:

Attached to this memorandum seeking Council's approval, is Council Bill (CB-1846) requesting an Ordinance adopting the Model Traffic Code for Colorado Municipalities, 2010 edition.

BACKGROUND:

During the past several years, Northglenn has utilized the Model Traffic Code for Colorado Municipalities for the enforcement of traffic laws which follows the 2003 Model Traffic Code. In 2010, the State of Colorado revised the Model Traffic Code which Northglenn was remiss in adopting, modifying and amending. The amendments attached in this Ordinance refer to the Model Traffic Code for Colorado Municipalities, 1977, 1995, or 2003 editions, which will now refer to the Model Traffic Code for Colorado Municipalities, 2010 edition.

Basic changes being proposed in the attached amendments largely conform with the changes the State of Colorado made during the past ten years, and modify terminology in the Model Traffic Code making it more Northglenn specific. These particular amendments repeal and reenact sections 7-1-1 through 7-1-7 and section 7-1-13 of the current Northglenn Municipal Code. For example, references to offenses that occur on mountain roads have been deleted, the State fine schedule was deleted thus allowing the Northglenn Municipal Court Fine Schedule to be used, and there is now an authorization allowing the use of penalty assessments.

The purpose of this Ordinance and the Code being adopted is to provide a system of traffic regulations consistent with State law and general conforming to similar regulations throughout the State and the nation.

BUDGET IMPLICATIONS:

There is no financial cost to the City with the adoption of the 2010 Model Traffic Code.

STAFF REFERENCE:

If Council members have any comments or questions, they may contact Chief James S. May, Jr. at (303) 450-8967 or jmay@northglenn.org.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1846
Series of 2015

Series of 2015

A BILL FOR AN ORDINANCE ADOPTING BY REFERENCE AS A PRIMARY CODE THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION BY REPEALING AND REENACTING SECTIONS 7-1-1 THROUGH 7-1-7 AND SECTION 7-1-13 OF THE NORTHGLENN MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Sections 7-1-1 through 7-1-7, inclusive, of the Northglenn Municipal Code are repealed and reenacted to read as follows:

Section 7-1-1. Definitions. As used in this Ordinance:

(a) **“Model Traffic Code”** means the Model Traffic Code for Colorado Municipalities, 2010 edition, as adopted, modified and amended by this Ordinance. Any reference in this Code to the Model Traffic Code for Colorado Municipalities, 1977, 1995 or 2003 editions, shall mean the Model Traffic Code for Colorado Municipalities, 2010 edition.

(b) **“Uniform Manual”** means the Manual on Uniform Traffic Control Devices for Streets and Highways with Revision Numbers 1 and 2 incorporated, dated May 2012, of the United States Department of Transportation, Federal Highway Administration, as adopted, modified and amended by the Supplement and by this ordinance.

(c) **“Supplement”** means the Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices, 2009 edition, as adopted, modified and amended by this ordinance.

(d) **“Traffic Engineer”** means the City Engineer of the City of Northglenn.

(e) **“Police Department”** means the City of Northglenn Police Department.

(f) **“Ordinance”** means and includes this ordinance and the Model Traffic Code, Uniform Manual, and Supplement herein adopted by reference.

Section 7-1-2. Adoption. Pursuant to Parts 1 and 2 of Title 31, Article 16, C.R.S. 2014, as amended, there is hereby adopted by reference the 2010 edition of the “Model Traffic Code” promulgated and published as such by the Colorado Department of Transportation, 4201 East Arkansas Avenue, Denver, CO 80222. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with State law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the City of

Northglenn Colorado, and may be inspected during regular business hours. The 2010 edition of the Model Traffic Code is adopted as if set out at length, except as amended hereby.

Section 7-1-3. Adoption of the Manual of Uniform Traffic Control Devices. Pursuant to Parts 1 and 2 of Title 31, Article 16, C.R.S. 2010, as amended, there is hereby adopted by reference the “Manual on Uniform Traffic Control Devices for Streets and Highways, with Revision Numbers 1 and 2 incorporated, dated May 2012” edition published by the United States Department of Transportation, Federal Highway Administration, through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 10402, the various parts of which shall take effect on the effective date of this ordinance and shall be implemented as provided in the implementation schedule contained in Section 7-1-5 of this ordinance. The purpose and subject matter of the Uniform Manual is the provision of consistent nation-wide guidelines for traffic control devices to inform and regulate motorists and pedestrians. Copies of the Uniform Manual adopted herein are now filed in the Office of the City Clerk, City of Northglenn, Colorado, and may be inspected during regular business hours. The Manual on Uniform Traffic Control Devices for Streets and Highways, with Revision Numbers 1 and 2 incorporated, dated May 2012, is adopted as if set out at length.

Section 7-1-4. Adoption of the Colorado Supplement to Manual on Uniform Traffic Control Devices. Pursuant to Parts 1 and 2 of Title 31, Article 16, C.R.S. 2014, as amended, there is hereby adopted by reference the “Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices,” 2009 edition, published by the Department of Transportation of the State of Colorado, 4201 E. Arkansas Ave., Denver, Colorado. The purpose and subject matter of the Supplement is the provision of consistent, State-wide guidelines for traffic control devices in addition to the guidelines contained in the Uniform Manual. Copies of the Supplement adopted herein are now filed in the Office of the City Clerk, City of Northglenn, Colorado, and may be inspected during regular business hours. The Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices, 2009 edition, is adopted as if set out at length.

Section 7-1-5. Implementation of Manuals

(a) After the effective date of this ordinance, all traffic control devices installed, erected, or constructed in the City of Northglenn shall be installed, erected or constructed pursuant to and in compliance with the provisions of the Uniform Manual, subject to such exceptions, additions, adaptations, modifications and amendments as are declared in the Supplement, except that the express provisions of this ordinance shall be controlling over any provision inconsistent therewith contained in either the Uniform Manual or the Supplement. All traffic control devices existing at the effective date of this ordinance shall continue in existence, operation and effect until removed or replaced by the Traffic Engineer.

(b) Implementation of the Uniform Manual shall be subject to such exceptions, additions and adaptations as are declared in the Supplement or in this ordinance.

Section 7-1-6. Deletions, Modifications and Additions to the Model Traffic Code.

(a) Every reference to, suggestion or requirement for, the passage of an ordinance or resolution to effectuate any provision of the Model Traffic Code is hereby stricken, it being the

intent of the City Council that no such ordinance or resolution shall be required to enforce or effectuate any provision of the Model Traffic Code.

(b) Section 227(3)(b) is hereby amended as follows:

Any person who installs, covers, or treats a windshield or window so that the windshield or window does not meet the requirements of paragraph (a) of subsection (1) of this section shall be punished by a fine not to exceed the maximum fine set forth in 1-1-10(a)(2) of the Northglenn Municipal Code.

(c) Section 511 is hereby deleted in its entirety.

(d) Section 602(2) is hereby deleted in its entirety.

(e) Section 603(1) is hereby amended as follows:

No driver of a vehicle shall disobey the instructions of any official traffic control device, whether located on public or private property, including any official hand signal device placed or displayed in accordance with the provisions of this Code unless otherwise directed by a police officer, subject to the exceptions in this Code granted the driver of an authorized emergency vehicle.

(f) Section 613 is hereby deleted in its entirety.

(g) Section 711 is hereby deleted in its entirety.

(h) Reference under Section 712(3) to “district attorney” is hereby substituted with “prosecuting attorney.”

(i) Section 802(3) is hereby amended as follows:

No pedestrian or person riding a bicycle or otherwise using a crosswalk not afoot shall suddenly leave a curb or other place of safety and walk, run, or otherwise enter into the path of a moving vehicle which is so close as to constitute an immediate hazard. When traffic signals are in place at a marked crosswalk, a pedestrian or person riding a bicycle or otherwise using a crosswalk not afoot shall exercise reasonable care, which shall include, but not be limited to, activation of any traffic control signals prior to using the crosswalk.

(j) Section 805(5) is hereby amended to read:

This local government may regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 42-4-110 and 42-4-111, C.R.S., but no regulation concerning such use of streets and highways in a manner differing from this section shall be effective until official signs or devices giving notice thereof have been placed as required by section 42-4-111(2), C.R.S.

(k) Section 1007 is hereby amended by the addition of the following subsection (e):

Whenever a lane of traffic on any street or highway is indicated by pavement marking or by signs as being assigned solely as a bicycle lane, it shall be unlawful for the driver of any

vehicle, not defined as a bicycle, to occupy such lane except that drivers of vehicles other than bicycles may reach lanes on the other side of the designated bicycle lane. Bicycle lanes, meaning a lane on a roadway reserved for the exclusive use of bicycles, shall be designated by pavement marking, traffic signs or both.

(l) Section 1010(3) is hereby amended to read:

This local government may with respect to any controlled access highway under its jurisdiction, if consistent with the provisions of section 43-2-135(1)(g), C.R.S., prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory practices, local authorities shall install official traffic control devices in conformity with the standards established by sections 105 and 601 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.

(m) Section 1101(2)(b) is hereby amended to read:

Thirty-five miles per hour in any business district.

(n) Section 1101(2)(c) is hereby amended to read:

Twenty-five miles per hour in any residential district.

(o) Section 1102(1) is hereby amended to read:

Whenever municipal authorities determine upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in its jurisdiction, said local limit there at which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto.

(p) Section 1102(2) is hereby amended to read:

Whenever municipal authorities within their respective jurisdictions determine upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto. No such local authority shall have the power to alter the basic rules set forth in section 1101 (1) or in any event to authorize by resolution or ordinance a speed in excess of seventy-five miles per hour.

(q) Section 1102(6) is hereby amended to read:

In its discretion, this local government may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of Sections 1101 to 1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. Unless there is an agreement to the contrary, the jurisdiction ordering the regulations shall be responsible for the erection and maintenance of the signs.

(r) Section 1201 is hereby amended to read:

No person shall start or move a vehicle that is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(s) Section 1204(2)(a) is hereby amended to read:

Within five feet of a public or private driveway, provided, however, that this prohibition shall not apply to vehicles owned by the owner or legal occupant of any private residential driveway or to the vehicles parked within five feet of such driveway with such owner's or occupant's consent.

(t) Section 1210 is hereby deleted in its entirety.

(u) Section 1211(a) is hereby amended to read:

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

(v) Section 1701 is hereby deleted in its entirety, and all corresponding references to Section 1701, and to Class 1 and Class 2 misdemeanor traffic offenses and Class A and Class B traffic infractions are hereby deleted.

(w) Section 1901 is hereby deleted in its entirety.

(x) Section 1902 is hereby deleted in its entirety.

(y) Section 1903(6) is hereby deleted in its entirety.

(z) Section 1904(3) is hereby deleted in its entirety.

Section 7-1-7. Applications.

(a) This ordinance and the code and manuals which this ordinance adopts by reference shall apply to every street, alley, sidewalk, driveway, park and every other public way, public place and public parking area under the jurisdiction of the City.

(b) Sections 603(1), 606, 1105, 1211, 1401, 1402 and 1413 of the 2010 Model Traffic Code shall also apply to private property throughout the City, but shall not apply to racetracks.

Section 2. Section 7-1-13 of the Northglenn Municipal Code is repealed and reenacted to read as follows:

Section 7-1-13. Violations--penalty.

(a) It shall be unlawful for any person to violate any of the provisions of this article or any of the provisions of the Model Traffic Code for Colorado Municipalities, 2010 Edition. Any violations of the provisions of said Model Traffic Code shall be a violation of this article.

(b) Except as provided in subsection (c)(1) of this section, any violation of this article shall be a Traffic Infraction punishable by civil penalties of not more than four hundred ninety-nine dollars (\$499.00), to be determined and assessed at the discretion of the Municipal Judge, except where such fines are mandatory. Traffic infractions shall constitute civil matters.

(c) Exceptions to the penalty provision set forth under subsection (b) of this section 7-1-13 are as follows:

(1) Any violations of Section 1105, Speed Contests; 1401, Reckless Driving; 1413, Eluding or Attempting to Elude Police Officer, of the Model Traffic Code shall be misdemeanor traffic violations punishable by a fine not exceeding the amount set forth in section 1-1-10(a)(2) of this Code or by imprisonment for a period not exceeding one (1) year, or both such fine and imprisonment; provided that where the person convicted is under the age of eighteen (18) at the time of the offense, such person shall not be subject to imprisonment for or on account of said violation; and provided further that the maximum fine which may be imposed upon any person under the age of eighteen (18) years shall be four hundred ninety-nine dollars (\$499.00).

(2) Whenever any person violates the provisions of either subsection (1), (2) or (3) of section 1409, Compulsory Insurance, either by findings of the court, a plea of guilty or no contest, or an entry of default judgment, such person shall be punished by a minimum mandatory 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 by law has been obtained. Nothing in this paragraph (2) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(3) Upon a second or subsequent finding of a violation, plea of Guilty, or plea of No Contest, or entry of a default judgment to a violation under either subsection (1),(2) or (3) of Section 1409, Compulsory Insurance, within a period of five (5) years following a prior conviction under Section 1409, the defendant shall be punished by a mandatory fine of one thousand dollars (\$1,000.00), and the court shall not suspend such minimum fine, in whole or in part, unless it is established that appropriate insurance as required by law has been obtained, and if proof of appropriate insurance is provided, the court may suspend up to one-half of the fine. Nothing in this section shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(d) Notwithstanding any other provision of law, a child, as defined in C.R.S. § 19-1-103(18), convicted of the offenses set forth in subsection (c)(1) of this Section 7-1-13, or found in contempt of court in connection with a violation of this Code shall be subject to the penalties set forth in Section 1-1-10 applicable to persons under the age of eighteen (18) years.

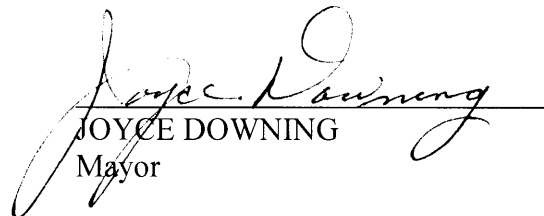
(e) Any person who pleads Guilty or No Contest to, or is convicted of, any offense specified in this article shall be assessed the applicable civil penalty or criminal punishment in amount to be determined at the discretion of the Municipal Court Judge. At any trial for offenses specified by this article, the burden of proof shall be upon the people or the City to prove both civil traffic infractions and misdemeanor traffic violations beyond a reasonable doubt.

(f) Except for persons who are charged with one of the offenses specified in subsection (c)(1) of this section, if a person fails to appear at a hearing before the court at the date and time specified in the Summons and Complaint, or at such other time as the court may order, the Municipal Court shall enter a default judgment, assess an appropriate civil penalty and assess applicable court costs against such person. A Default Judgment shall have the same legal effect as a plea of Guilty or a conviction at trial. Upon motion made not later than one hundred eighty (180) days following the entry of a Default Judgment, the Municipal Court may vacate a Default Judgment upon adequate showing of excusable neglect, or that the Default Judgment violates The Constitution or laws of The United States, the Constitution or laws of Colorado, or the Charter or ordinances of the City, or for any other reason justifying relief from the operation of the Default Judgment.

(g) If a person who is charged with one of the offenses specified in subsection (c)(1) of this section fails to appear at a hearing before the court at the date and time specified in the Summons and Complaint, or at such other time as the court may order, the court may issue a Bench Warrant for the arrest of such person and set the amount of bail for such person pursuant to Section 8-2-2(b) of this Municipal Code and Colorado Rule of Municipal Court Procedure 246.

(h) The Municipal Court shall report its entry of a Default Judgment, a Plea of Guilty or No Contest, a conviction or a forfeiture of bail, against every person concerning any charge specified in this section, to the Department of Revenue, Motor Vehicles Division, pursuant to Section 42-4-1510, C.R.S., as amended, and The Motor Vehicles Division may thereafter assess penalty points against such persons' driving privileges. Following such a report by the Municipal Court, the provisions of Section 42-4-1505.5(7), C.R.S., shall control any outstanding obligations to the Municipal Court.

INTRODUCED, READ AND ORDERED POSTED this 26th day of January, 2015.


JOYCE DOWNING
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this ____ day of _____,
2015.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney