

**TOWN OF EMPIRE,
COLORADO**

ORDINANCE 272

**AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO ADOPTING THE 2024
EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO FOR THE
REGULATION OF TRAFFIC WITHIN THE TOWN**

WHEREAS, Town of Empire, Colorado (the “Town”) is a statutory town duly organized pursuant to C.R.S. §§ 31-4-301, *et seq.*;

WHEREAS, pursuant to C.R.S. § 42-4-110(1)(b), local governments may, consistent with the procedural requirements of C.R.S. §§ 31-16-201, *et seq.*, adopt by reference all or any part of a model municipal traffic code that embodies the rules of the road and vehicle requirements as set out in the State of Colorado’s traffic laws;

WHEREAS, the Colorado Department of Transportation has prepared and adopted a 2024 revised edition of the Model Traffic Code for Colorado (the “2024 Model Traffic Code”);

WHEREAS, pursuant to Town of Empire Ordinance 251, the Town has adopted and amended the 2010 edition of the Model Traffic Code for Colorado;

WHEREAS, The Municipal Court Judge sets the fines for violations of the “Model Traffic Code for Colorado” by schedule, as provided for in Part 17, Section 1701 of the Code, and C.M.C.R. 210(b)(5), and the Town sets the surcharge fees by Resolution.

WHEREAS, at a properly-noticed public hearing held on October 15, 2024 the Board of Trustees for the Town (the “Board”) considered the adoption of the 2024 Model Traffic Code., with Town-specific deletions, amendments, and additions as more fully set forth below; and

WHEREAS, the Board now seeks to adopt this Ordinance to adopt the 2024 Model Traffic Code with Town-specific amendments and additions as more fully set forth herein.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF EMPIRE,
COLORADO, AS FOLLOWS:**

Section 1. *Adoption.* Town of Empire Ordinance 251 is hereby repealed and this Ordinance 272 is adopted as follows:

Pursuant to Title 31, Article 16 of the Colorado Revised Statutes, there is hereby adopted by reference the 2024 edition of the Model Traffic Code (the “Code”) promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town of Empire, Colorado (the “Town”). 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 Code adopted herein are now filed in the office of the Clerk of the Town, and may be inspected during regular business hours. In addition, an electronic copy of the Code will be available on the Town’s website.

Section 2. *Deletions.* The 2024 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: None.

Section 3. *Additions and Modifications.* The said adopted Code is subject to the following additions and modifications:

(a) **Part 11, Section 1101(2)** of the Code is amended to read as follows:

1101. Speed limits

* * *

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(a) Thirty-five (35) miles per hour on U.S. Highway 40, also known as Park Avenue, from the easterly boundary of the Town of Empire to the westerly boundary of the Town of Empire and for the full event thereof; and

(b) Fifteen (15) miles per hour unless otherwise posted.

* * *

- (b) **Part 12, Section 1209** of the Code is amended to read as follows

1209. Owner liability for parking violations.

In addition to any other liability provided for in this Code, the owner of an unattended motor vehicle, to which a penalty assessment has been attached, is liable for making payment of a parking violation fine unless the owner of the motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the case, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required, within a reasonable period of time after notification of the parking violation to furnish to the prosecutorial division of the appropriate jurisdictions the name and address of the person or company who had the case, custody or control of such vehicles. As a condition to avoid liability for payment of a parking violations, any person or company who leases or rents motor vehicles to another person shall attach to the leasing agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for the payment of a parking violation fine incurred when the operator has care, custody or control of the motor vehicle. The notice shall inform the operator that the operator's name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred.

- (c) **Part 12 Section 1214** is added, to read as follows:

1214. Semi-tractor parking – idling prohibited.

It is unlawful for any person to park or leave standing an idling semi-tractor, whether attended or unattended, within the corporate boundaries of the Town of Empire, except as necessary to render services in the immediate area. This prohibition applies to all areas within the Town of Empire including both public and private property.

- (d) **Part 12 Section 1214.5** is added, to read as follows:

1214.5. Semitrailer parking -restrictions, exceptions, and penalties.

- (1) It is unlawful for any person to park, stop, leave standing or allow to be parked any semitrailer for a period of time longer than three

(3) hours in any twenty-four (24) hour period within the municipal limits of Town of Empire.

(2) Exceptions.

(a) The owner of the semitrailer has obtained a parking permit from the Town.

(b) The time period in which a semitrailer is parked and is in the process of rendering services in the immediate area, shall not be included in a determination of whether or not the vehicle was parked for a period of time in excess of the three-hour limit.

(c) The restrictions contained in this Section shall not apply to personal vehicles, not used for commercial purposes, which are parked either on private property or on a public street adjacent to the owner's property, in the residential district, with a parking permit from the Town.

(d) The restrictions contained in this Section shall not apply in the event that there are road or highway closures, or other emergency conditions impacting travel through or around the Town. The determination that emergency conditions exist may be made by the Chief of Police or their designee.

(3) Penalties.

(a) Upon finding probable cause that a violation of this section has occurred or a signed complaint by any individual of an alleged violation of the provisions of this section to a police officer of the Town, the police officer shall make a reasonable attempt to locate the owner, operator or other responsible part for the semi-trailer and inform the owner, operator or reasonable person of the time limits specified in this section. The police officer may then direct the owner, operator or responsible person to move the trailer within one (1) hour.

- (b) Any person who fails to comply with the directions of a police officer of the Town commits a violation of this Ordinance and shall be issued a penalty assessment.
- (c) If an owner, operator or other responsible person cannot be located; a Penalty Assessment may be attached to the vehicle pursuant to the provision of Part 17 Sec 1709.5
- (d) Penalties for violations shall be as follows:
 - (I) For the first offense – a \$75.00 fine.
 - (II) For the second offense – a \$150.00 fine.
 - (III) For the third and each subsequent offense – a \$300.00 fine.

(4) Permits

- (a) Any person who owns or operates a semitrailer for their own personal or business purposes may apply to the Town for a permit authorizing said semitrailer to be parked or stored within the Town , in the residential district, while not being used for commercial purposes.
- (b) The Empire Chief of Police is hereby vested with the authority to issue or deny applications for permits as allowed by this Section, including by determining the information required and additional conditions to be imposed on the permit, if applicable.

- (e) **Part 17 Section 1701(1)** is amended to read as follows:

1701. Traffic offenses and infractions classified – penalties – penalty and surcharge schedule – repeal.

- (1) All violations of any provision of this Code, as adopted or amended by the Town, are hereinafter referred to as traffic infractions and are hereby deemed civil matters.

* * *

- (f) **Part 17 Section 1701.5** is added, to read as follows:

1701.5. Trial of traffic matters – penalties for violations.

Traffic infractions are not criminal violations of a code or ordinance provision. Trial of all civil traffic infractions shall be to the Court. No defendant found civilly liable for a traffic infraction shall be punished by imprisonment for said infraction.

- (g) **Part 17 Section 1709.5** is added, to read as follows:

1709.5. Penalty assessment – unattended vehicles

- (1) When any police officer of the Town of Empire finds an unattended vehicle parked in violation of any of the parking restrictions of the Code, said police officer may attach a Penalty Assessment Notice on the vehicle in lieu of contacting the owner or operator. Posting of a Penalty Assessment Notice on a vehicle shall constitute appropriate personal service.
- (2) Any Penalty Assessment Notice posted on a vehicle pursuant to this section shall otherwise conform to the standards of Part 17 of the Code.

Section 4. *Penalties.* The following penalties, herewith set forth in full, shall apply to the Code:

- (a) Unless otherwise specified, every person convicted of a violation of any provision of the Code shall be punished by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00). Any violation of the Code, as adopted and amended by the Town, and declared by this Ordinance to be a non-criminal traffic infraction, shall not be punishable by imprisonment.
- (b) Every person convicted of a violation of any provision of the Code shall pay a surcharge in accordance with the Town of Empire Schedule of Surcharges, as amended by the Board of Trustees from

time to time by resolution. Additional surcharges may be applicable as ordered by the Town of Empire Municipal Court.

- (c) *Double penalties.* Penalties and surcharges imposed for speeding violations shall be doubled if the violation occurs within a maintenance, repair or construction area designated in accordance with the provisions of the Model Traffic Code. Additionally, penalties and surcharges shall be doubled for any moving violation occurring within a school zone.
- (d) If a defendant appears in person, they shall be advised of the maximum possible fine that may be assessed, and the points that may be assessed against the defendant's driver's license, if applicable.
- (e) A defendant shall be advised of the consequences of failure to appear at any subsequent hearing including entry of default judgment against the defendant and reporting the judgment to the Colorado Department of Motor Vehicles which may assess points against the defendant's license and may deny an application for a driver's license or for renewal of a driver's license until such judgment is satisfied.
- (f) *Point assessment reduction.*
- (1) If a person receives a penalty assessment notice for a violation of the Model Traffic Code for Colorado, and such person pays the fine and surcharges for the violation on or before the date the payment is due, the points assessed for such violation under the point system schedule adopted at C.R.S. § 42-2-127 as amended shall be reduced as follows:
 - (i) For a violation having an assessment of six (6) point speeding of 20-24 over the posted speed limit, the points shall be reduced by two (2) points;
 - (ii) For a violation having an assessment of four (4) point speeding of 10-19 over the posted speed limit, the points shall be reduced by two (2) points;

- (iii) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points;
 - (iv) For a violation having an assessment of two (2) points, the points shall be reduced by one (1) point;
- (2) The point reductions as provided for in this Section shall only be valid in accordance with the authority provided to municipalities under C.R.S. § 42-2-127(5.6), and in the event such statute is amended or repealed, this Section shall correspondingly be amended or repealed

Section 5. *Default.* The following provisions provide the process for default judgements regarding violations of the Code:

- (a) If any defendant fails to appear before the Court as required by summons and complaint or penalty assessment for any violation of this Ordinance that constitutes a civil infraction, the Court may enter judgment against such defendant.
- (b) A default for failure to satisfy a judgment upon an admission or finding of guilt or liability for a violation of this Ordinance shall be certified to the Colorado Department of Motor Vehicles for enforcement action.
- (c) The amount of the judgment shall be the appropriate penalty assessed after a finding of guilt or liability. Fees and additional costs shall be assessable to a defendant upon conviction of a traffic violation.
- (d) The Court may set aside a judgment entered pursuant to this Section on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the Court not more than seven (7) calendar days after the entry of judgment.
- (e) The defendant may satisfy a judgment entered under this Ordinance by paying the Clerk the amount of the judgment.

- (f) No warrant shall issue for the arrest of a defendant who fails to appear in court for a violation of this Ordinance that constitutes a civil infraction.

Section 6. *Application.* 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 the Town, the use of which the Town has jurisdiction and authority to regulate.

Section 7. *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 Board 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.

Section 8. *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.

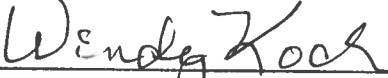
Section 9. *Interpretation.* This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 10. *Certification.* The Town Clerk shall certify to the passage of this ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED AND PASSED ON FIRST READING THIS 17th DAY OF SEPTEMBER 2024.

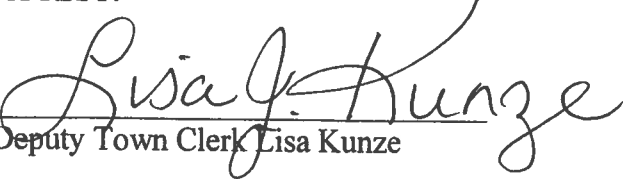
**INTRODUCED, AND FOLLOWING A PROPERLY-NOTICED PUBLIC HEARING
PASSED, ADOPTED, AND ORDERED PUBLISHED ON SECOND READING THIS 15th
DAY OF OCTOBER 2024.**

TOWN OF EMPIRE, COLORADO



Mayor Wendy Koch

ATTEST:



Deputy Town Clerk Lisa Kunze