

**TOWN OF SUPERIOR
ORDINANCE NO. O-5
SERIES 2024**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR FOR THE REGULATION OF TRAFFIC BY THE TOWN OF SUPERIOR ADOPTING BY REFERENCE THE 2020 MODEL TRAFFIC CODE AND PROVIDING PENALTIES AND VIOLATIONS THEREOF

WHEREAS, the Town previously adopted the 2010 edition of the Model Traffic Code, with amendments;

WHEREAS, the Board of Trustees now desires to adopt the 2020 edition of the Model Traffic Code, with amendments; and

WHEREAS, this Ordinance was properly noticed in a newspaper of general circulation prior to adoption on April 28, 2024, and May 5, 2024.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 8-1-10 of the Superior Municipal Code is hereby repealed and replaced in its entirety and reenacted as follows:

Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference the 2020 edition of the Model Traffic Code promulgated and published by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W. Howard Place, Denver, CO 80204, as modified in Section 8-1-20. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article 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 shall be filed in the office of the Town Clerk and may be inspected during regular business hours.

Section 2. Section 8-1-20 of the Superior Municipal Code is hereby repealed and replaced in its entirety and reenacted as follows:

Sec. 8-1-20. Modifications.

The Town makes the following deletions, additions and modifications to the 2020 edition of the Model Traffic Code:

(1) Section 110(2) is modified to read as follows: "The Town municipal court shall have jurisdiction over violations of traffic regulations enacted or adopted by the Town Board of Trustees."

(2) The Model Traffic Code is amended by the addition of a new Section 202.5 to read as follows:

Section 202.5 - Visual Display of License Plates

(1) The owner shall attach the number plates assigned to a self-propelled vehicle, other than a motorcycle or street rod vehicle, to the vehicle with one in the front and the other in the rear. The owner shall attach the number plate assigned to a motorcycle, street rod vehicle, trailer, semitrailer, other vehicle drawn by a motor vehicle, or special mobile machinery to the rear of the vehicle. The owner shall display number plates during the current registration year, except as otherwise provided in Article 3 of Title 42, C.R.S.

(a) If the department issues a validating tab or sticker to a motor vehicle pursuant to section 42-3-201, the current month validating tab or sticker shall be displayed in the bottom left corner of the rear license plate. The current year validating tab or sticker shall be displayed in the bottom right corner of the rear license plate. The tabs or stickers shall be visible at all times.

(2) The owner or driver of a motor vehicle shall securely fasten the license plate to the vehicle to which it is assigned so as to prevent the plate from swinging.

(a) Except when authorized by Article 3 of Title 42, C.R.S., or rule of the department, the rear license plate must be:

(I) Horizontal at a height not less than twelve (12) inches from the ground, measuring from the bottom of the plate;

(II) In a place and position to be clearly visible;

(III) Maintained free from foreign materials and clearly legible;

(IV) At the approximate center of the vehicle measured horizontally; and

(V) Mounted on or within eighteen (18) inches of the rear bumper.

(b) Except when authorized by Article 3 of Title 42, C.R.S, the front license plate must be:

(I) Displayed horizontally on the front of a motor vehicle in the location designated by the motor vehicle manufacturer;

(II) Maintained free from foreign materials; and

(III) Clearly legible.

(3) A person shall not operate a motor vehicle with an affixed device or a substance that causes all or a portion of a license plate to be unreadable by a system used to automatically identify a motor vehicle. Such a device includes, without limitation, a cover that distorts angular visibility; alters the color of the plate; or is smoked, tinted, scratched, or dirty so as to impair the legibility of the license plate.

(3) In Section 223(1), all references to "section 235(1)(a)" are modified to read "section 42-4-235(1)(a), C.R.S."

(4) In Section 225(1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(5) In Section 225(3), the reference to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."

(6) In Section 228(5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(7) In Section 237(3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(8) In Section 239(5) all references to "section 42-4-1701(3)" are modified to read "section 42-4-1701(3), C.R.S."

(9) In Section 509(2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."

(10) In Section 613, the reference to "Code 4" is modified to read "Article 4."

(11) Section 614(1)(a) is modified to read as follows: "If maintenance, repair or construction activities are occurring or will occur within four (4) hours on a portion of a State highway, the Department of Transportation may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits the equivalent to certain State violations listed in section 42-4-1701(4), C.R.S., in a maintenance, repair or construction zone that is designated

pursuant to this section is subject to the increased penalties and surcharges imposed by section 42-4-1701(4)(c), C.R.S."

(12) Section 614(1)(b) is modified to read as follows: "If maintenance, repair or construction activities are occurring or will occur within four (4) hours on a portion of a roadway that is not a State highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair or construction zone. A person who commits the equivalent to certain State violations listed in section 42-4-1701(4), C.R.S., in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 42-4-1701(4)(c), C.R.S."

(13) In Section 615(1), the reference to "section 1701(4)(d)" is modified to read "section 42-4-1701(4)(d), C.R.S."

(14) In Section 805(5), the reference to "section 111" is modified to read "section 42-4-111, C.R.S." and the reference to "section 111(2)" is modified to read "section 42-4-111(2), C.R.S."

(15) Section 1010(3) is modified to read as follows: "Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), C.R.S., with respect to any controlled-access highway under their respective jurisdictions, 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 regulations, local authorities or their designees shall install official traffic control devices in conformity with the standards established by sections 601 and 602 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."

(16) Section 1012(2.5)(c) is modified to read as follows: "Local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEVs and, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed."

(17) In Section 1012(3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."

(18) Pursuant to Section 1101(7) of the Model Traffic Code, the Town adopts the following maximum lawful speed limits:

- a. Residential districts not posted: twenty-five (25) miles per hour.
- b. Nonresidential districts not posted: thirty-five (35) miles per hour.
- c. The speed posted on standard signs erected by the Town.
- d. Except when a special hazard exists that requires lower speed than set forth in this Section, the foregoing speed limits are reasonable and *prima facie* speed limits.

(19) Section 1105(7)(c) is modified to read as follows: "The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen (14) days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an 'abandoned vehicle,' as defined in section 1802(1)(d) and section 42-4-2102(1)(d), C.R.S., and subject to the provisions of part 18 of this Code and part 21 of article 4 of Title 42, C.R.S., whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or section 42-4-2108(2)(a.5), C.R.S."

(20) Section 1105(8)(b) is modified to read as follows: "No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with part 18 of this Code or part 21 of Article 4 of Title 42, C.R.S."

(21) In Section 1208, all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; and all references to "section 204" are modified to read "section 42-3-204, C.R.S."

(22) In Section 1406(5)(b)(II), the reference to "section 1701(4)(a)(I)(N)" is modified to read "section 42-4-1701(a)(I)(N), C.R.S."

(23) In Section 1408(1), the reference to "Code 1" is modified to read "Article 1" and the reference to "Code 20" is modified to read "Article 20."

(24) In Section 1412, all references to "section 111" are modified to read "section 42-4-111, C.R.S."; and the reference to "Code 10" is modified to read "Article 10."

(25) Section 1701 is deleted in its entirety. Any references to section 1701 in the Model Traffic Code shall be modified to refer to section 8-1-80 of this Code unless otherwise specified herein.

(26) Section 1702(2) is modified to read as follows: "Violations of sections 238, 607(2)(a), 1402(2) and 1409 of this Code are class 1 traffic misdemeanors."

(27) Section 1702(3) is modified to read as follows: "Violations of sections 107, 233, 507, 508, 509, 510, 1105, 1401, 1402(1), 1407, 1412, 1413, 1704, 1716(2) and 1903(1)(a) of this Code are class 2 traffic misdemeanors."

(28) Section 1702(6) is modified to read as follows: "The Board of Trustees may adopt a fine and surcharge schedule for penalty assessment violations."

(29) In Section 1805, the reference to "part 1 of Code 6 of this title" is modified to read "part 1 of Article 6 of Title 42, C.R.S."

Section 3. Severability. If any Article, 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 13th day of May, 2024.



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk

