

TITLE XV

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CHAPTER 1

Model Traffic Code

Sec. 15-1-1. Adoption of Model Traffic Code; deletions.

There is hereby adopted by reference for the purpose of regulating vehicular and pedestrian traffic within the City, including permits, procedures and penalties, that certain code known as the Model Traffic Code for Colorado Municipalities, officially approved, adopted and published as the Revised 1995 Edition by the Colorado Department of Transportation, 4201 East Arkansas Avenue, Denver, Colorado, 80222 (hereinafter referred to in this Chapter as the "Model Traffic Code"), of which three (3) copies are now filed in the office of the City Clerk and may be inspected during regular business hours, the same being hereby referred to, adopted and incorporated herein as fully as if set out at length, pursuant to the authority conferred by the laws of the State and the Charter of the City, save and except those portions of the Model Traffic Code which are hereinafter amended by any other ordinances of the City; and provided, however, that the Foreword thereto, Sections 511 and 602 and Appendixes A through H, inclusive, are not adopted and are expressly deleted. (1957 Code, §26-1; Ord. No. 3723, 7-23-73; Ord. No. 3967, 2-24-75; Ord. No. 4636, 8-13-79; Ord. No. 4673, 10-22-79; Ord. No. 6461, 8-9-99)

Sec. 15-1-2. Applicability of Chapter in Pueblo Memorial Airport.

This Chapter and the Model Traffic Code herein adopted are expressly declared to be applicable to and in full force and effect in and upon that area in the County of Pueblo and State of Colorado in Sections 19, 20, 29 and 30, Township 20 South, Range 63 West, and Sections 13, 24, 25 and 26, Township 20 South, Range 64 West of the 6th Principal Meridian, commonly known as Pueblo Memorial Airport, and shall constitute the rules and regulations covering all means of transportation within such airport other than air transportation. (1957 Code, §26-2; Ord. No. 6461, 8-9-99)

Sec. 15-1-3. Applicability of Chapter in Pueblo Mountain Park.

This Chapter and the Model Traffic Code herein adopted are expressly declared to be applicable to and in full force and effect in and upon that area in the County of Pueblo and State of Colorado in Section 16, Township 23 South, Range 68 West of the 6th Principal Meridian, commonly known as Pueblo Mountain Park, and shall constitute the rules and regulations covering all means of transportation within such park. (1957 Code, §26-3; Ord. No. 6461, 8-9-99)

Sec. 15-1-4. Airport traffic; enforcement of laws; section added.

It shall be the duty of the Chief of Police, with such aid as may be rendered by other members of the Police Department and such other members of the Department of Aviation as he or she shall specially commission by and with the advice and written consent of the Director of the Department of Aviation, to enforce the provisions of the Model Traffic Code and the state vehicle laws applicable to traffic in and upon the Pueblo Memorial Airport, to make arrests for traffic violations thereon, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the Traffic Engineer and officials of the Pueblo Memorial Airport in the administration of the traffic regulations thereon and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed by the Model Traffic Code and the traffic

ordinances of the City insofar as the same shall relate to the Pueblo Memorial Airport. (1957 Code, §26-4; Ord. No. 6461, 8-9-99)

Sec. 15-1-5. Park traffic; enforcement of laws.

It shall be the duty of the Chief of Police, with such aid as may be rendered by other members of the Police Department and such other members of the Department of Parks as he or she shall specially commission by and with the advice and written consent of the Director of the Department of Parks, to enforce the provisions of the Model Traffic Code, the traffic ordinances of the City and the state vehicle laws applicable to traffic in and upon Pueblo Mountain Park, to make arrests for traffic violations thereon, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the Traffic Engineer and officials of Pueblo Mountain Park in the administration of the traffic regulations thereon and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by the Model Traffic Code and the traffic ordinances of the City insofar as the same shall relate to Pueblo Mountain Park. (1957 Code, §26-5; Ord. No. 6461, 8-9-99)

Sec. 15-1-6. Penalties for violations of this Chapter.

The following penalties shall apply to a violation of any of the provisions of the Model Traffic Code herein adopted and to the provisions of this Chapter:

(1) It is unlawful for any person to violate any of the provisions of the Model Traffic Code or any of the provisions of this Chapter.

(2) Every person convicted of a violation of any of the provisions of the Model Traffic Code or of this Chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except as provided by Paragraph (3) below.

(3) Every person found guilty of a violation of any of the provisions of Sections 1412, 1415 or 221 of the Model Traffic Code shall be punished by a fine of not more than twenty-five dollars (\$25.00), by removal and detention of the license plate from such person's bicycle for a period not to exceed ninety (90) days, or by impounding such person's bicycle for a period not to exceed ninety (90) days.

(4) The presiding Municipal Judge shall at least annually review the schedule of designated fines of the Traffic Violations Bureau and adopt on or before January 15 of each year a schedule of designated fines for the Municipal Court, provided that failure to so annually adopt such a schedule of designated fines shall not invalidate any such schedule previously adopted.

(5) In addition to the penalties provided herein, any person convicted of a municipal traffic violation for which points may be assessed by the Colorado Department of Revenue, other than violations of the provisions of Section 1412, 1415 or 221 of the Model Traffic Code, shall be assessed a fee, to be known as the school crossing guard surcharge, in the amount of ten dollars (\$10.00); provided, however, that any person convicted of a parking violation shall, in addition to the penalties provided herein, be assessed a fee, to be known as the school crossing guard surcharge, in the amount of four dollars (\$4.00). The school crossing guard surcharge shall be imposed at the time of conviction and may not be suspended or waived by the Court. For

purposes of this Subsection, conviction shall include guilty pleas, no contest pleas, findings of guilt and deferred sentences entered on any such traffic violation or parking violation. The school crossing guard surcharge shall be collected by the Municipal Court and paid into the City's general fund. (1957 Code, §26-7; Ord. No. 3967, 2-24-75; Ord. No. 4636, 8-13-79; Ord. No. 5774, 10-13-92; Ord. No. 6461, 8-9-99; Ord. No. 6760, 12-10-01; Ord. No. 7768 §1, 3-24-08; Ord. No. 7937 §29, 12-8-08)

Sec. 15-1-7. Parking on private property; burden of proof.

(a) It shall be unlawful for any person to park, leave or cause to be parked or left any automobile or other motor vehicle on the premises of another after having been warned not to do so by word of mouth, sign or otherwise.

(b) On those areas of private property available for public use where designated parking areas or individual spaces have been clearly identified by signs, markings or otherwise, it shall be unlawful and a municipal offense for any person to park any automobile or other motor vehicle other than completely within the area or individual space designated for parking. It shall be an affirmative defense to any such violation that the automobile or other motor vehicle was parked, contrary to the requirements of this Subsection, with the consent of the owner or person in lawful possession of the private property.

(c) The presence of an unattended automobile or other motor vehicle on the premises of one who is not the owner or in control of such vehicle shall create a prima facie presumption that the registered owner of such vehicle did then and there park, leave or cause to be parked or left the vehicle on such premises, and the burden of proof shall be upon the registered owner to show otherwise.

(d) This Section shall not apply to employees of the City in the discharge of their official duties. (1957 Code, §26-10; Ord. No. 6461, 8-9-99; Ord. No. 7074 §1, 11-10-03)

Sec. 15-1-8. Amendments and additions.

(a) The following parts, sections or subsections of Article I of said Model Traffic Code are hereby repealed, added or amended to read as follows:

(1) 111. Office of the traffic engineer.

"(1) The office of the traffic engineer shall be a civil service appointment and an employee of the department of transportation. The traffic engineer shall exercise the powers and duties provided in this Code. At such times as the traffic engineer may be absent from the municipality or incapable of performing his duties, the duties and powers of the traffic engineer shall be vested in the director of the department of transportation, or if the director of transportation is absent from the municipality or incapable of performing his duties, the duties shall be vested in a municipal official as determined and authorized by the city manager.

"(2) In the absence of such appointment or at such times as the traffic engineer and director of transportation may both be absent from the municipality or unable to perform his duties, said duties shall be vested in the chief of police or other municipal official as determined and authorized by the city manager."

(2) 113. Authority of traffic engineer.

"(1) The traffic engineer is hereby authorized to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to exercise such additional powers as are granted by this Code.

"(2) By way of example, but not by way of limitation, the traffic engineer or other official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this Code, to act as follows:

"(a) Direct the placement of all traffic control devices;

"(b) Designate and mark medians and traffic islands;

"(c) Conduct speed zoning studies and post speed limits as permitted by law;

"(d) Designate minimum speed as provided by law;

"(e) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;

"(f) Designate one-way streets and roadways;

"(g) Designate through streets or roadways and control entrances thereto;

"(h) Designate stop or yield intersections and erect stop or yield signs thereat;

"(i) Establish restrictions, prohibitions, and regulations for the parking, standing, or stopping of vehicles;

"(j) Designate special parking zones for taxicabs, buses, and the like;

"(k) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation;

"(l) Establish tow-away zones;

"(m) Designate upon what streets, if any, angle parking shall be permitted;

"(n) Designate and sign intersections at which drivers shall not make a right or left turn, a U-turn, or any turn at all times or during certain times;

"(o) Designate and sign intersections where multiple turns shall be allowed;

"(p) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic;

"(q) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;

"(r) Establish safety zones at such places where necessary for pedestrian protection;

"(s) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted;

"(t) Establish play streets;

"(u)(I) Establish truck routes and truck loading zones; establish bus stops and taxicab stands;

"(II) Establish special freight loading zones upon designated streets within the City of Pueblo downtown business district, the Union Avenue business district, the Mesa-Junction business district and the Minnequa business district for which special permits may be issued to allow permit holders to park or stand a truck upon said City streets in said districts which are not part of the state highway system, within that lane of travel nearest to the curbline, for a period of time not to exceed fifteen minutes, for the expeditious loading or unloading of merchandise or materials. Such permits shall only authorize temporary parking or standing in such lane of travel where the following requirements are also observed by the person in control of the permitted truck: (i) that the truck may be safely parked or stopped in such manner that there remains at that location one or more additional unobstructed travel lanes for safe vehicle movement; (ii) that the standing or parking is not located adjacent to any fire hydrant, fire lane, driveway, alley or within fifty feet of any intersecting street; (iii) that during the temporary parking or standing, the truck is marked by operating emergency four-way flashing lights; (iv) that the truck is stopped or parked in such manner that vehicles lawfully parked between it and the curb may safely move from their parked location to a lane of travel without unnecessary obstruction or undue delay and (v) that, in any event, upon request from the person in control of any vehicle blocked by the truck, the truck shall be immediately moved to permit egress by the blocked vehicle;"

"(v) Designate and sign those streets and roadways where pedestrians, bicyclists or other nonmotorized traffic, or persons operating a motor-driven cycle shall be excluded as provided by law;

"(w) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited;

"(x) Provide for temporary street or alley closures by the erection of official traffic control devices or barricades;

"(y) Issue special permits for curb or special freight loading operations, for the movement of vehicles having excess size or weight.

"(3) Nothing in this section is intended, nor shall it be construed, to create a legal duty or obligation upon the traffic engineer to act in any particular manner or to exercise any of the powers granted herein."

(2.1) 114. Removal of traffic hazards. - Repealed.

(2.5) 236. Child restraint systems required - definitions - exemptions.

"(1) As used in this section, unless the context otherwise requires:

"(a) *Child care center* means a facility required to be licensed under the 'Child Care Licensing Act,' Article 6, of Title 26, C.R.S.

"(b) *Child booster seat* means a child passenger restraint system that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.

"(c) *Child restraint system* means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended.

"(d) *Child safety belt positioning device* means a device that positions a safety belt around a child in a manner that safely restrains such child in a seating position that conforms to all applicable federal motor vehicle safety standards.

"(e) *Safety belt* means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is physically a part of a child restraint system. *Safety belt* includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts.

"(f) *Seating position* means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

"(2)(a) Unless exempted pursuant to subsection (3) of this section, every child who is under four years of age and weighs under forty pounds, being transported in this City in a privately owned noncommercial passenger vehicle or in a vehicle operated by a child care center, shall be provided with one of the following child restraint systems suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure the system according to the manufacturer's instructions.

"(i) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system.

"(ii) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a forward-facing child restraint system.

"(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least four years of age or weighs forty pounds or more, being transported in this City in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be properly secured by one of the following safety devices approved for a child of such age or weight by the United States Department of Transportation, or in a safety belt, whichever is appropriate for the child:

"(i) Except as otherwise provided in subparagraph (i.5) of this paragraph (b), if the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, the child shall be properly restrained in a child booster seat or with a child safety belt positioning device.

"(i.5) If the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, and if the child is being transported in a vehicle equipped with only a two-point-lap-belt-only system available for the child, the child shall be properly restrained with a lap belt.

"(ii) If the child is six years of age or older or is fifty-five inches tall or more, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body.

"(c) It is the responsibility of the driver transporting children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

"(3) The requirements of subsection (2) of this section shall not apply to a child who:

"(a) Is being transported in a motor vehicle as a result of a medical emergency;

"(b) Is being transported in a commercial motor vehicle, as defined in section 42-2-402(4)(a), C.R.S., that is operated by a child care center; or

"(c) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237.

"(4) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

"(5) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

"(6) It is unlawful and a municipal offense for any person to violate any provision of this section.

"(7) Any fine imposed for a violation of this section may be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase, or rental of an approved child restraint system by the time of the court appearance.

"(8) No driver in a motor vehicle shall be cited for a violation of subparagraph (i) of paragraph (b) of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of the Model Traffic Code, as adopted with amendments pursuant to Title XV of the Pueblo Municipal Code, other than a violation of this section or section 237.

"(9) With respect to a violation of subparagraph (i) of paragraph (b) of subsection (2) of this section which occurs prior to August 1, 2004, the police officer shall not cite the driver for such violation but shall notify and warn the driver that such violation is a municipal offense."

(3) 803. Crossing at other than crosswalks.

"(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

"(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

"(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

"(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

"(5) For the purpose of this section, the term 'intersection' shall not include the area within the prolongation of lateral curb lines or lateral boundary lines where a street or highway joins at an angle with an alley, alleyway, public or private driveway, entrance to a parking lot or exit from a parking lot."

(4) 1101. Speed limits.

"(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

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

"(a) Twenty miles per hour in all parks;

"(b) Twenty-five miles per hour in any business district, as defined in section 42-1-102 (11), C.R.S.;

"(c) Thirty miles per hour in any residence district, as defined in section 42-1-102 (80), C.R.S.;

"(d) Fifteen miles per hour in all alleys;

"(e) Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);

"(f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101 (2), C.R.S.;

"(g) Sixty-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101 (2), C.R.S., where authorized by a majority of the members of the transportation commission and such speed has been so designated by official traffic control devices;

"(h) Twenty miles per hour in all school zones and at school crossings when posted;

"(i) Any speed not in excess of a speed limit designated by an official traffic control device.

"(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

"(4) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), 'prima facie evidence' means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

"(5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

"(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

"(7) Notwithstanding paragraphs (a), (b) and (c) of subsection (2) of this section, this municipality may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction, and such speed limits shall not be subject to the provisions of subsection (4) of this section.

"(8)(a) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is on the interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of sixty-five miles per hour.

"(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is not on the interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of fifty-five miles per hour.

"(c) The speed limits set forth in paragraphs (a) and (b) of this subsection (8) are maximum lawful speed limits and are not subject to the provisions of subsection (4) of this section.

"(d) In every charge of a violation of paragraph (a) or (b) of this subsection (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of fifty-five miles per hour or sixty-five miles per hour, whichever is applicable.

"(9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

"(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

"(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in section 105, exist.

"(10) The minimum requirement for commission of a traffic offense under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

"(11) It shall not be a defense to prosecution for a violation of this section that:

"(a) The defendant's conduct was not performed intentionally, knowingly, recklessly or with criminal negligence; or

"(b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

"(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit."

(5) 1203. Parking of heavy and unlicensed vehicles.

"(1) No person shall park any vehicle carrying or designed to carry a load of one ton or more or any trailer or semitrailer whatsoever on any street in a residential district for a period of time longer than thirty minutes between the hours of 8:00 p.m. and 7:00 a.m.

"(2) It shall be unlawful for any person to park or cause to be parked an unlicensed vehicle on any public property, including any portion of a street or highway right-of-way.

"(3) An unlicensed vehicle left on public property, including any portion of a street or highway right-of-way, for a period longer than seventy-two hours, shall be removed and sold in accordance with the procedures set forth in Sections 1801 and 1802 of this Code.

"(4) 'Unlicensed vehicle' means a vehicle which does not have displayed thereon license plates of the registration period to which they pertain and includes a vehicle without license plates as well as a vehicle with expired license plates."

(6) 1204. Stopping, standing or parking prohibited in specified places.

"(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

"(a) On a sidewalk, except that parking of noncommercial motor vehicles and motorcycles shall be permitted on that portion of a street paved or surfaced for parking between the curb lines or the lateral lines of a roadway, and the adjacent property lines, not intended for the use of pedestrians unless official signs prohibit parking or parking thereon would interfere with the free movement of vehicular or pedestrian traffic or constitute a hazard;

"(b) Within an intersection;

"(c) On a crosswalk;

"(d) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

"(e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

"(f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street; provided, however, that this subparagraph (f) shall not prohibit the lawful parking or

standing of any truck which has been issued a special freight loading permit authorizing such parking or standing pursuant to section 1214 and 113(2)(y) of the Model Traffic Code;

"(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

"(h) On any railroad tracks;

"(i) On any controlled-access highway;

"(j) In the area between roadways of a divided highway, including crossovers;

"(k) At any other place where official signs prohibit stopping;

"(l) In any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time for which the restrictions are effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such standing or stopping does not interfere with the type of vehicle or use for which the zone is reserved;

"(m) Within an alley in such position as to block the driveway entrance to any abutting property.

"(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

"(a) Within five feet of a public or private driveway;

"(b) Within fifteen feet of a fire hydrant;

"(c) Within twenty feet of a crosswalk at an intersection;

"(d) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

"(e) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;

"(f) At any other place where official signs prohibit standing.

"(3) In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

"(a) Within fifty feet of the nearest rail of a railroad crossing;

"(b) At any other place where official signs prohibit parking.

"(c) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.

"(4)(a) Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles on sidewalks in accordance with the provisions of section 1412 (11)(a) and (11)(b).

"(b) Paragraph (f) of subsection (1) of this section shall not prohibit persons from parking two or more bicycles abreast in accordance with the provisions of section 1412 (11)(d).

"(c) Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles parked on sidewalks in accordance with section 1412 (11)(a) and (11)(b).

"(5) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful."

(7) 1205. Parking at curb or edge of roadway.

"(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

"(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

"(3) On those streets which have been signed or marked by the traffic engineer, or other person so authorized, for angle parking, no person shall stop or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. Such parking shall be with the front end of the vehicle nearest to and facing the curb or, in the event there is no curb, the enclosed end of the parking space, unless otherwise expressly permitted by posted signs.

"(4) On those streets which have been marked by the traffic engineer, or other person so authorized, designating separate and distinct parking spaces indicated by appropriate markings upon the curb and/or the pavement of the street, no person shall park a vehicle in any such designated parking space so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating said space.

"(5) No person shall park a vehicle upon a roadway with the right-hand wheels parallel to the right-hand curb or right edge of the right-hand shoulder in such a manner as to leave available less than two feet of clearance between any other vehicle in front of or behind such vehicle when parked."

(7.5) 1207. Opening and closing vehicle doors.

"(1) No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

"(2) No person shall open the door of a motor vehicle that is located on private property used by the general public for parking purposes unless and until such action can be done safely and without interfering with movement or passage of another vehicle."

(8) 1208. Parking privilege for persons with disabilities.

"(1) As used in this section, 'person with a disability' has the meaning provided for such term in section 42-3-121 (1), C.R.S., and 'distinguishing license plate or placard' means a license plate or placard issued pursuant to section 42-3-121 (2), C.R.S.

"(2) Reserved.

"(3)(a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A distinguishing license plate or placard obtained pursuant to section 42-3-121, C.R.S., or as otherwise authorized by subsection (4) of this section 1208 shall be displayed at all times on the vehicle while parked in such space.

"(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

"(c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

"(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 C.F.R. Part 1235.

"(5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by persons with disabilities unless: (a) such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities, and (b) a distinguishing license plate or placard is displayed upon such vehicle.

"(6) Any person who is not a person with a disability who violates the provisions of subsection (5) of this section commits a traffic offense.

"(7) Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to section 42-3-121, C.R.S. in order to receive the benefits or privileges available to a person with a disability under this section commits a traffic offense.

"(8) Any law enforcement officer or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

"(9) Any vehicle properly parked in a space so designated as reserved for vehicles of persons with disabilities shall be subject to and shall at all times comply with all other parking regulations, including maximum time limitations, properly posted and applicable to said parking space.

"(10) It is unlawful and a municipal offense for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified in 28 C.F.R. Part 36 (Appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability."

(9) 1212. Standing, parking or storing of major recreational equipment prohibited.

"(1) It shall be unlawful for any person to stand or park any major recreational equipment on any street or street right-of-way in a residential district anywhere within the City other than for the loading or unloading thereof.

"(2) It shall be unlawful for any person to stand, park or store any major recreational equipment anywhere within the City in such a manner as to obstruct or interfere with the view of any intersection or official traffic control device.

"(3) Major recreational equipment shall be defined as recreational equipment including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not."

(10) 1213. Standing in freight curb loading zone; permits.

"(1) No person shall stop, stand or park a vehicle for any purpose or length of time in any place marked as a freight curb loading zone, during the hours designated other than a vehicle regularly licensed as a truck by the State of Colorado, except on procurement of a freight curb

loading zone permit as provided below. Such zone shall be occupied only for the expeditious loading and unloading of materials and in no case shall the stop exceed fifteen minutes except upon written permission from the chief of police or his authorized representative.

"(2) The chief of police is authorized to issue special permits to permit the backing of a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or material subject to the terms and conditions of such permit. The chief of police is also authorized to issue special freight loading permits in accordance with the provisions and limitations of section 113(b)(21) of this Code.

"(3) The chief of police is hereby authorized to issue a freight curb loading permit or special freight loading permit specific to identified vehicles, employed by any person operating a business, the nature of which requires the use of such zones for loading and unloading, delivering and picking up of materials or merchandise. A twenty-five-dollar fee shall be charged for each such permit, which permit shall expire at the end of each calendar year but which may be reissued for the ensuing year.

"(4) Application for such permit shall be in writing and contain such information as the chief of police may require.

"(5) Permits issued pursuant to this section shall be carried in the vehicle at all times and displayed in the left portion of the windshield when such vehicle is occupying a freight curb loading zone or parking or standing pursuant to a special freight loading permit."

(11) 1214. Permits for loading zones.

"Whenever special permits are issued, as authorized in section 1215, to establish or control the use of loading zones or to allow the backing, parking or standing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of any such permit."

(12) 1215. Parking permits for metered and limited time parking zones.

"(1) It shall be unlawful for any person to park any vehicle in a metered zone without first having deposited the proper coin therein or without displaying a permit to park without the deposit of such coin.

"(2) It shall be unlawful for any person to park any vehicle for a period in excess of the permitted parking time allowed in any limited time parking zone without displaying a permit to park without regard to the permitted parking time in said zone.

"(3) The chief of police or his authorized representative is hereby authorized to issue a permit to park in a metered parking area without placing a coin in said meter, and to issue a permit to park in a limited time parking zone without regard to the permitted parking time in said zone, upon the payment of such fee and upon such terms and conditions as shall hereinafter be set forth.

"(4) Such permit shall be in such form as shall be determined by the chief of police or his authorized representative, and he shall maintain a record of the persons to whom such permit is issued, the amount of the fee paid, the amount of deposit received and the date the permit shall be surrendered and the deposit refunded.

"(5) The following persons or classes of persons shall be authorized by the chief of police or his authorized representative to obtain and use parking permits for the purposes herein stated:

"(a) Any building contractor licensed as such by the City of Pueblo while in the performance of construction, demolition or remodeling.

"(b) Emergency service vehicles while in the performance of emergency service.

"(c) Curbside displays or public promotions for special occasions including religious, charitable, civic and festive occurrences or celebration of or promoting some event of religious, national, state or civic significance; provided, however, that no advertising of a commercial nature shall be permitted in any curbside display or public promotion.

"(d) Members of the press employed by a radio or television news department, or newspaper of general circulation while in the performance of their duties.

"(6) Before such permit shall be issued, the applicant therefor shall pay a deposit of the amount sufficient to replace the permit in the event the same shall be lost or stolen, but in no event shall such deposit be less than ten dollars. Such deposit shall be refunded upon return of the permit to the chief of police within the time stated in the same condition as issued, reasonable wear and tear excepted. Such deposit shall not be required in the event a paper permit, stamped with the effective date or dates, shall be issued.

"(7) No permit shall be issued for less than one calendar day. The fees for such permit shall be payable in advance as follows:

"(a) For one calendar day or fraction thereof: Three dollars per day.

"(b) For one calendar week or fraction thereof: Five dollars per week.

"(c) For one calendar month or fraction thereof: Ten dollars per month.

"(d) For one (1) calendar year or fraction thereof: Forty dollars per year.

"Such fee shall be in lieu of all other parking fee revenues payable by the holder of such permit for one vehicle owned or operated by the holder of such permit and parked in a metered or zoned parking area for the purpose for which such permit is issued; provided, however, that this Code shall at all times be construed as a regulatory measure and not as a rental or revenue-producing measure for use of the public street. It shall be unlawful for any person to use such permit upon any date not expressly authorized at the time of issuance thereof, or in any parking area specifically prohibited in writing at the time of issuance thereof or prohibited by

appropriate signs properly posted, in such parking area or without having first paid the required fee therefor.

"(8) Elected officials of the City and of the County of Pueblo, the city manager of the City of Pueblo and the county manager of Pueblo County shall be issued parking permits for use only while in the performance of their official duties. There shall be no fee for permits issued as provided by this subsection; however, all other requirements of this section shall apply.

"(9) It shall be unlawful for any person to use such permit other than as provided herein or for an automobile, equipment or vehicle other than that used in his business. Upon conviction of any violation of this section, the permit issued hereunder shall be declared void and shall be surrendered to the chief of police or his authorized representative, and all unused fees and deposits paid for the use of such permit shall be forfeited without further notice or action. The applicant shall not thereafter be eligible for a new permit for a period of thirty days after the first conviction, ninety days after the second conviction, and twelve months after the third and all subsequent convictions."

(13) 1216. Parking for certain purposes prohibited.

"No person shall park a vehicle upon a roadway, street or highway for the principal purpose of:

"(1) Displaying such vehicle for sale;

"(2) Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency; or

"(3) Displaying advertising."

(14) Part 13, Parades and Funerals.

"PART 13

"PARADES AND FUNERALS

"1301. Permits required for parades and races; conduct.

"(1) No person shall engage in, participate in, aid, form or start any parade, marathon, foot race, bicycle race, walkathon or any other event which may create similar safety hazards or hinder or impede the general use of streets, sidewalks and intersections unless a parade permit shall have been first obtained from the chief of police.

"(2) Any person seeking issuance of a parade permit shall file an application for said permit with the chief of police not less than five days prior to the date of the proposed parade and shall pay an application fee of twenty-five dollars at the time of filing.

"(3) The chief of police shall issue a parade permit when, from a consideration of the application, he finds that:

"(a) The conduct of the parade, marathon, foot race, bicycle race, walkathon or other event will not substantially interrupt the safe and orderly movement of other traffic contiguous of its route;

"(b) The conduct of the event will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;

"(c) The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of or ambulance service to, areas contiguous to such assembly areas;

"(d) The conduct of such event will not interfere with the movement of firefighting equipment en route to a fire;

"(e) The conduct of the event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

"(f) The event is not to be held for the sole purpose of advertising any product or goods.

"(4) If the chief of police disapproves the application, he shall notify the applicant in writing within two days from the date when the application was filed. Said notice shall state the reasons for the denial of the permit. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council within ten days after the notice of denial is received.

"(5) The applicant hereunder shall comply with all permit conditions and with the applicable laws and ordinances and shall carry the parade permit upon his person during the conduct of the event.

"(6) No person who is not a participant in the event shall intentionally by physical conduct obstruct or hinder the line of movement of the event or create or maintain an unreasonable risk to the safety of persons or property. The following conduct is expressly prohibited and shall be presumed to create an unreasonable risk to the safety of persons or property:

"(a) Throwing objects or projectiles at parade participants or into the line of movement of the parade or event;

"(b) Use or possession of fireworks, sparklers, cap guns, explosives, toy cannons, bullhorns or other loud noisemaking devices, whether otherwise lawful or not, within, along, adjacent to or in the vicinity of the parade route during any event in which horses or other animals are used in the event or are otherwise present.

"(c) Driving any vehicle into or across the line of movement of the event unless authorized or directed to do so by the holder of the parade permit or his agent or by a peace officer.

"(d) Breaking or crossing any police line or barricade unless authorized to do so by a peace officer."

"1302. Funeral processions.

"(1) Identification. All vehicles in a funeral procession shall keep their headlights burning from the church, funeral parlor, mortuary, private residence or other place where the services are held, to the place of interment.

"(2) Drivers in procession. Each driver in a funeral procession shall follow the vehicle ahead as close as is practicable for prudent and safe driving and vehicle operation.

"(3) Escorts. Each funeral procession may be accompanied by a police escort, and such police escort shall be considered an emergency vehicle within the meaning of section 102(3) of article II of this Code. Each escort shall constitute a part of such procession.

"(4) Every procession shall proceed at speeds within the applicable speed limits then presently in force, consistent with traffic conditions, and the escort officer may, if in his best judgment, reduce this speed or bring the procession to a complete stop.

"(5) Processions in all instances shall yield the right-of-way to other authorized emergency vehicles pursuant to the provisions of section 705 of this Code.

"(6) Right-of-way. Each vehicle comprising any funeral procession when identified by lighted headlights and if immediately behind another properly identified procession vehicle or if immediately behind the police escort and only in those circumstances, may proceed regardless of official traffic control devices, and shall have the right-of-way over any other vehicle, and the operator of any such other vehicle shall yield the right-of-way regardless of directions indicated on official control devices. This provision shall not apply at intersections where traffic and the movement of such procession is controlled by a police officer.

"(7) Such procession shall not proceed against traffic on one-way streets or on one-way highways except at the direction of a police officer and such procession shall drive as close to the right-hand edge of the roadway as is practicable, except that where there is more than one lane of traffic in the direction traveled by the procession, such procession may then occupy any one lane of such traffic and other traffic may then pass such procession consistent with section 1004 of this Code.

"(8) No driver of a nonfuneral procession vehicle shall drive between the vehicles comprising a funeral procession while said vehicles are in motion and when said procession vehicles are conspicuously identified as required in this Code.

"(9) Each funeral parlor or mortuary shall have copies of the above funeral procession road rules of this Code available to all drivers of vehicles comprising their funeral processions."

(15) 1407. Spilling loads on streets or highways.

"(1) No vehicle shall be driven or moved on any street or highway in the City unless such vehicle is so constructed or loaded or the load thereon securely covered to prevent any of the vehicle's load from dropping, spilling, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

"(2) No person shall operate on any street or highway in the City any vehicle with any load unless such load and covering is thereon securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway and to prevent said load from spilling, dropping, leaking or otherwise escaping therefrom.

"(3) It shall be unlawful to spill, leak, drop, deposit, throw or dump any litter from any vehicle being driven or moved on any street or highway in the City. The term 'litter' as used herein means all rubbish, waste material, refuse, garbage, trash or other foreign substances, solids or liquid, of every form, size, kind and description.

"(4) Whenever any load or litter is spilled, leaked, dropped, deposited, thrown or dumped from any vehicle in violation of subsection (1), (2) or (3) above, the operator of said vehicle is presumed to have caused or permitted the load or litter to be so spilled, leaked, dropped, deposited, thrown or dumped therefrom.

"(5) Every person convicted of a violation of subsections (1), (2) or (3) of this section 1407 shall be punished by a minimum fine of not less than twenty-five dollars."

(15.5) Section 1409, Compulsory Insurance.

"(a) No owner of a motor vehicle required to be registered in the State of Colorado shall operate the vehicle or permit it to be operated on the highways within the City when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

"(b) No person shall operate a motor vehicle on the highways within the City without a complying policy or certificate of self-insurance in full force and effect as required by law.

"(c) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

"(d) Penalties:

"(1) Any person who violates the provisions of Subsection (a), (b) or (c) of this Section commits a Class 1 Municipal Court offence. The Municipal Court shall impose a fine of not less than one hundred dollars (\$100.00) and the Municipal Court shall not suspend such minimum fine. Nothing herein shall be construed to prevent the court from imposing a jail sentence or fine greater than the minimum mandatory fine.

"(2) Upon a second or subsequent conviction under this Section within a period of two (2) years following a prior conviction under this section or under Section 42-4-1409, C.R.S., the defendant shall be punished by a minimum mandatory fine of not less than two hundred dollars (\$200.00), and the Municipal Court shall not suspend such minimum fine. Nothing herein shall be construed to prevent the court from imposing a jail sentence or a fine greater than the minimum mandatory fine.

"(e) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (a) or (b) of this section, that such owner or operator of a motor vehicle violated subsection (a) or (b) of this section.

"(f) No person charged with violating subsection (a), (b) or (c) of this section shall be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation.

"(g) The owner of a motor vehicle, upon receipt of an affirmation of insurance as described in Section 42-3-112(2) and (3), C.R.S., shall sign and date such affirmation in the space provided."

(16) Section 1412. Operation of bicycles and other human-powered vehicles; license.

"(1) Every person riding a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within this municipality, shall be subject to local ordinances regulating the operation of bicycles as provided in section 42-4-111, C.R.S.

"(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the "Colorado Governmental Immunity Act," article 10 of title 24, C.R.S.

"(3) No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

"(4) No person riding upon any bicycle shall attach the same or himself or herself to any motor vehicle upon a roadway.

"(5) Any person riding a bicycle shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where

a paved shoulder suitable for bicycle riding is present, persons operating bicycles shall ride on the paved shoulder. These provisions shall apply, except under any of the following situations:

"(a) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

"(b) When preparing for a left turn at an intersection or into a private road or driveway;

"(c) When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, or surface hazards.

"(6)(a) Persons operating bicycles on roadways shall ride single file; except that riding no more than two abreast is permitted in the following circumstances:

"(I) When there is no motor vehicle traffic approaching from the rear within a distance of three hundred feet and the sight distance on the roadway at the time and place and under the conditions then existing is a minimum of three hundred feet to the front and to the rear of the bicyclists; or

"(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles.

"(b) Persons riding two abreast shall ride within a single lane.

"(7) A person operating a bicycle shall keep at least one hand on the handlebars at all times.

"(8)(a) A person riding a bicycle intending to turn left shall follow a course described in sections 901 (1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

"(b) A person riding a bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

"(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), local authorities may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

"(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle shall signal his intention to turn or stop in accordance with the provisions of section 903.

"(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle before turning and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

"(10)(a) A person riding a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

"(b) A person shall not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where such use of bicycles is prohibited by official traffic control devices or local ordinances.

"(c) A person riding or walking a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

"(d) A person riding a bicycle upon and along a sidewalk shall dismount before entering any roadway and, when crossing any such roadway, shall observe all the rules and regulations applicable to pedestrians.

"(11)(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

"(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

"(c) A bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

"(d) A bicycle may be parked on the road abreast of another bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

"(e) In all other respects, bicycles parked anywhere on a highway shall conform to the provisions of part 11 of this Code regulating the parking of vehicles.

"(12)(a) It shall be unlawful for any person to operate or use any bicycle upon any of the streets, alleys, parkways or public places, including sidewalks, in the City without having first procured a license therefor from the chief of police or other authorized official, and without having a valid license tag firmly attached to the frame of such bicycle. Any police officer is hereby authorized to impound any bicycle upon the public streets and ways which does not have such license tag firmly attached to the frame of such bicycle. Any bicycle so impounded may be redeemed by the owner thereof from the custodian of stolen goods upon proof of ownership and upon application for and issuance of a license if one has not been previously issued, plus a recovery fee of five dollars. The recovery fee shall not be payable if a license shall have been previously issued to and attached to such bicycle and such tag shall have been removed by one other than the owner.

"(b) Such license shall be issued by the chief of police or other authorized official upon application being made to him in such form as he shall prescribe. The chief of police or other authorized official shall, upon issuing the license, furnish a license tag with such numbers and inscriptions that the same may be readily identified and, upon satisfactory proof that a license tag has been lost or stolen, furnish a replacement tag. No fee shall be charged for issuance of a bicycle license or replacement of a lost or stolen bicycle license."

(17) 1415. Skateboard use, on sidewalks.

"(1) No person shall ride or use a skateboard, or similar device, on a sidewalk, or in a sidewalk area, within a business district anywhere in this municipality.

"(2) When signs are erected giving notice thereof, no person shall ride or use a skateboard or similar device upon a sidewalk;

"(3) Whenever any person is riding or using a skateboard or similar device upon a sidewalk, such person shall yield the right-of-way to any pedestrian."

(18) 1416. Obstruction of the public way.

"(1) A person commits the offense of obstruction of a public way if without legal privilege he intentionally, knowingly or recklessly obstructs a street, highway, sidewalk or sidewalk area.

"(2) For the purpose of this subsection, 'obstruct' means to render impassable or to render passage or use unreasonably inconvenient or hazardous. Any object of sufficient size to pose any degree of danger whatsoever to the travelling public which occupies a street, highway, sidewalk or sidewalk area between the hours of sunset and sunrise is deemed to be hazardous if the object or any barricade surrounding the object does not have adequate illumination or adequate retroreflective material so as to make the object or barricade visible from all directions at night."

(18.1) 1707. Summons and complaint or penalty assessment notice for traffic offenses – release – registration.

"(1) Whenever a person commits a violation of this Code other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 1701 and C.M.C.R., and such person is not required by the provisions of section 1705 to be arrested and taken without unnecessary delay before a municipal judge, the peace officer may issue and serve upon the defendant a summons and complaint which shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in a specified court at a specified time and place; shall be signed by the peace officer, either handwritten or by way of printed, stamped or typed last name and badge number of the peace officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint."

(18.5) 1715. Convictions, judgments, and charges recorded – public intersection.

"(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

"(2)(a) Subject to paragraph (b) of this Subsection (2), within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating this code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made, the conviction was had or bail was forfeited shall prepare and forward to the motor vehicle division of the department of revenue an abstract of the record of the court covering every case in which the person had a judgment entered against him or her, was so convicted, or forfeited bail, which abstract must be certified by the preparer to be true and correct. For purposes herein 'conviction' does not include a deferred sentence.

"(b) For the holder of a commercial driver's license as defined in Section 42-2-402, C.R.S., or an offense committed by a person operating a commercial motor vehicle as defined in Section 42-2-402, C.R.S., within five days after conviction, as such term is defined in Section 42-1-102(19), C.R.S., of a person upon a charge of violating this code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the person was convicted shall prepare and forward to the department an abstract of the record of the court covering every case in which the person was convicted, which abstract shall be certified by the preparer to be true and correct."

(19) 1718. Notice on illegally parked vehicle.

"Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice, on the form authorized in section 1719 of this Code, directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice."

(20) 1719. Forms and notices to appear involving unattended vehicles.

"The municipality shall provide multiple copies of serially numbered forms, approved by the municipal court, for notifying the owners of motor vehicles which are unattended and found to be parked or stopped in violation of any of the restrictions imposed by this Code or any ordinance of the City, to respond or appear in answer to the charge of violating said Code or ordinance."

(21) 1720. Failure to comply with notice on parked vehicle.

"(1) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinance of this municipality does not respond within the time specified to a penalty assessment notice affixed

to such vehicle, as provided in section 1718, by appearance and payment at the traffic violations bureau or court having jurisdiction, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of said court or traffic violations bureau shall send another notice by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that in the event such notice is disregarded for a period of five days from date of mailing a warrant of arrest will be issued and the vehicle to which the original notice was affixed may be immobilized.

"(2) No person shall tear, cut, damage, mutilate, destroy or otherwise tamper with a penalty assessment notice issued pursuant to section 1718 if the intent thereby is to avoid the payment of the fine assessed on the face of said notice. Nor shall any person send a penalty assessment notice through the United States mail in such a torn, damaged, deteriorated or mutilated condition if the intent thereby is to avoid payment of or otherwise defraud the City of the fine assessed on the face of said notice."

(22) 1721. Presumption in reference to illegal parking.

"In any prosecution charging a violation of any provision of this Code governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred."

(23) 1722. Authority of police and fire department officials.

"Persons specially trained by the chief of police or his authorized representative may be designated and empowered by the chief of police to issue and affix to an illegally parked vehicle a penalty assessment notice under section 1718 of the Model Traffic Code."

(23.5) 1723. Violations – commercial driver's licenses – compliance with federal regulation.

"With respect to a holder of a commercial driver's license as defined in section 42-2-402, C.R.S., or the operator of a commercial motor vehicle as defined in section 42-2-402, C.R.S., a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction, as such term is defined in section 42-1-102(19), C.R.S., for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record."

(24) 1801. Abandoned and impounded vehicles.

"(1) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the City in such a manner as to interfere with the free movement of vehicular traffic or street or highway maintenance, or the vehicle is an abandoned vehicle as defined within section 15-1-8(a)(25) of the Pueblo Municipal Code, such officer shall require such vehicle to be removed or cause the same to be removed and

placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.

"(2) In the event of abandonment of a vehicle on the property within the City other than a public right-of-way, the owner of such property shall notify the police department, and the police department shall after a period of seventy-two hours cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the municipality.

"(3) Immobilization. When a driver, owner or person in charge of a motor vehicle has received a notice or citation to answer to a charge against him for violation of this Model Traffic Code, and such driver, owner or person in charge of such vehicle has failed to appear and answer such charge, members of the police department or employees of the City acting in their official capacity may, and they are hereby authorized to, temporarily immobilize such vehicle by installing on or attaching to such vehicle a device designed to restrict the normal movement of such vehicle, and if such vehicle is so immobilized, the member of the police department or employee of the City so installing or attaching such device shall conspicuously affix to such vehicle a notice in writing, on a form to be provided by the chief of police, advising the driver, owner or other person in charge of such vehicle that said vehicle has been immobilized by the City for violation of the Model Traffic Code, that release of such immobilization may be obtained at a designated office of the police department which shall be open twenty-four hours every day or from the clerk of the municipal court, that unless arrangements are made for the release of the vehicle within seventy-two hours the vehicle will be removed by the police department, and that removing the device before a release is obtained is unlawful, and containing such other information as the chief of police shall deem proper. It shall be unlawful for any person to remove such device or to move such vehicle before the same is released by the police department or the clerk of the municipal court; and where such vehicle has been properly immobilized in said manner, a fee of ten dollars shall be charged by the police department or clerk of the municipal court before releasing such vehicle; and the parking restriction, if any, otherwise applicable shall not apply while such vehicle is so immobilized. Any person may secure the release of an immobilized vehicle by either: (a) paying the amount of unpaid fines and court costs owing for which the vehicle was immobilized together with the immobilization fee above indicated, or (b) posting a bond in the amount of twenty-five dollars and agreeing in writing to appear in court on a date certain to answer or respond to all pending notices, citations and traffic charges against such person or involving the vehicle."

(25) 1802. Sale of abandoned and impounded vehicles.

"(1) Definitions. As used in this section:

"(a) 'Abandoned motor vehicle' means:

"(I) Any motor vehicle which is left unattended on private property for a period of seventy-two hours or longer without the consent of the owner or lessee of such property or the owner's or lessee's legally authorized agent and which is towed pursuant to the provisions of Section 15-1-8(a)(24);

"(II) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of the City for a period of seventy-two hours or longer;

"(III) Any motor vehicle stored in an impound lot at the request of the police department and not removed from the impound lot within seventy-two hours of the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

"(IV) Any motor vehicle which is towed pursuant to the provisions of Section 15-1-8(a)(24).

"(b) 'Appraisal' means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by a police officer designated by the chief of police who shall have ability to make such estimates and whose name shall have been reported by the chief of police to the executive director of the Colorado department of revenue.

"(c) 'Impound lot' means a parcel of real property which is owned or leased by an operator at which motor vehicles are stored under appropriate protection.

"(d) 'Operator' means a person licensed by the Colorado public utilities commission as a towing carrier.

"(e) 'Private property' means any real property which is not public property.

"(f) 'Private tow' means any tow of an abandoned motor vehicle other than a public tow.

"(g) 'Public tow' means any tow of an abandoned motor vehicle requested by a police officer employed by the City. The term does not include tows requested by an owner or driver of a motor vehicle even though the tow was arranged with the assistance of a City police officer. Private tows arranged with the assistance of a City police officer include but are not limited to tows requested by an owner or driver of a motor vehicle which has been involved in an automobile accident.

"(2) Any police officer employed by the City who finds a motor vehicle which he has reasonable grounds to believe has been abandoned may cause such motor vehicle to be removed and stored at any public or private impound lot. Any police officer employed by the City who finds a motor vehicle, attended or unattended, standing on any portion of a highway right-of-way in such manner as to constitute an obstruction to traffic, safety hazard or obstruction to highway maintenance, is authorized to cause the motor vehicle to be moved to eliminate any such obstruction or hazard, and neither the officer nor the City shall be liable for any damages to such motor vehicle occasioned by such removal.

"(3)(a) Upon public tow of an abandoned motor vehicle, the chief of police or his designee shall ascertain, if possible, whether or not the motor vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle and notify its rightful owner and terminate

abandonment proceedings under this section. The City shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

"(b) As soon as possible, but in no event later than five working days after having an abandoned motor vehicle towed, the chief of police or his designee shall report the same to the Colorado department of revenue by first class mail, or by internet communication, which report shall be on a form prescribed and supplied by the Colorado department of revenue.

"(c) The report shall contain the following information:

"(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, and the address, telephone number, name and signature of the chief of police or his designee.

"(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with his business address and telephone number and the carrier number assigned by the public utilities commission; and

"(III) A description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate, and the vehicle identification number.

"(4) Upon receipt of a return report from the Colorado department of revenue as provided by section 42-4-1804(2), C.R.S., the chief of police or his designee shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen and, if so reported, the chief of police shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings. The City shall have the right to recover from the owner its costs to recover and secure the motor vehicle, and such costs shall constitute a lien upon the vehicle prior and superior to all other liens of any nature.

"(5) Within five working days of receipt of the return report from the Colorado department of revenue as provided by section 42-4-1804(2), C.R.S., the chief of police or his designee shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and of any liens, claims or charges against the vehicle imposed pursuant to this section and section 42-4-1806, C.R.S., and shall send a copy of such notice to the operator. The notice shall state that the identified motor vehicle has been reported abandoned to the Colorado department of revenue, the present location of the vehicle and location from which it was towed, and that, unless claimed within thirty calendar days from the date the notice was mailed, the motor vehicle is subject to sale. Such notice shall also inform the owner and lienholders of record of their opportunity to request a hearing concerning the legality of the towing by making a request for such a hearing in writing filed with the municipal court and the chief of police within such thirty days. If a request for hearing has been timely made as provided herein, the municipal court shall conduct the hearing as provided for quasi-judicial hearings in Chapter 7 of Title I of the Pueblo Municipal Code. In the event the municipal court determines on the basis of the evidence that the motor vehicle was not legally towed, all towing charges and storage fees shall be forgiven.

"(6) Public tow abandoned motor vehicles including motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the City. The sale shall be held not less than thirty nor more than ninety days after the mailing of notice provided in paragraph (5) of this section, except that if such motor vehicle is a registered collector's item as defined in section 42-12-101(2), C.R.S., the sale shall not be held for at least ninety (90) days after the mailing of the notice.

"(a) If the appraised value of the vehicle is two hundred dollars or less, the sale shall be made by private sale upon at least two sealed bids and only for the purpose of junking, scrapping or dismantling such vehicle, and the purchaser thereof shall not be entitled to a Colorado certificate of title. A bill of sale and report shall be provided to the purchaser in accordance with the requirements of section 42-4-1805(2), C.R.S.

"(b) If the appraised value of the vehicle is more than two hundred dollars, the vehicle shall be sold by public sale or by private sale upon at least two sealed bids. For every public sale, a notice of the sale shall be published once in a newspaper of general circulation within the City and shall describe the vehicle to be sold and state where and when the sale will take place. A public sale shall be held not less than ten days from the date of publication of the notice. The sale may be made for any intended use by the purchaser thereof. A bill of sale, report and application for title shall be provided to the purchaser in accordance with the requirements of section 42-4-1805(2), C.R.S.

"(c) If the sale of the motor vehicle is a private sale, the amount of the highest sealed bid must be greater than the amount of charges incurred by the operator as authorized in paragraph (7)(b)(I) of this section. If the amount of the highest sealed bid is less than the amount of such charges, the operator may retain the vehicle as the purchaser in full satisfaction of such charges.

"(7) Proceeds of sale.

"(a) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this section produces an amount less than or equal to the sum of all charges of any operator who has perfected a lien as provided by law, then the operator shall have a valid claim against the owner for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Said charges shall be assessed in the manner and amount provided for in paragraph 7(b)(I) of this section. No such claim shall exist where the operator elects to retain the vehicle in satisfaction of such charges pursuant to paragraph 6(c) of this section.

"(b) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this section produces an amount greater than the sum of all charges of any operator who has perfected his lien:

"(I) The proceeds shall first satisfy the operator's commercially reasonable charges which shall not exceed the rates established by the Colorado Public Utilities Commission for public tow and storage of abandoned vehicles.

"(II) Any balance then remaining shall be paid to the City to satisfy the cost of mailing notices, making an appraisal, advertising and selling the motor vehicle, and any other costs of the City, including administrative costs, taxes, fines and penalties due.

"(III) Any balance then remaining shall be forwarded to the Colorado department of revenue for distribution pursuant to section 42-4-1809(2), C.R.S.

"(8) This section does not apply to private tows, and does not alter or amend an operator's obligations under sections 42-4-1801, et seq., and specifically section 42-4-1804(6).

"(9) There shall be no right of redemption from any sale made pursuant to the terms of this section, and after a vehicle has been sold pursuant to such terms, neither the City nor any officer, agent or employee thereof shall be liable for a failure to deliver such vehicle to anyone other than the purchaser or purchasers at such sale.

"(10) The operator shall release the motor vehicle to the purchaser upon payment of the purchase price by the purchaser."

(26) Part 20, Parking Meter Regulations.

"PART 20

"PARKING METER REGULATIONS

"2001. Parking meter zones. Whenever parking meter zones have been established on streets or in parking areas regulated by this municipality, as authorized in section 113, the parking of vehicles at places, streets or parts of streets so designated shall be controlled by parking meters between the hours and on the days declared in schedules adopted by the traffic engineer and specified on authorized parking meter signs or legends.

"2002. Parking meters. Parking meters installed in parking meter zones established as provided in this Code shall be so designed, constructed, installed and set as to meet the following conditions:

"(1) Said meters shall be capable of being operated either automatically or mechanically, upon the deposit therein of one or more coins of the United States currency or authorized tokens, for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for an appropriate fractional period of time.

"(2) Upon the expiration of the time period registered by the deposit of one or more coins or authorized tokens as provided herein, said meters will indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.

"(3) Each parking meter shall bear thereon an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins or tokens therein shall

apply, the value of the coins or tokens to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

"2003. Parking meter spaces.

"(1) Parking meter spaces shall be of appropriate length and width as determined by an engineering and traffic investigation and may be designated by appropriate markings upon the curb and/or pavement of the street.

"(2) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

"(3) Except where prohibited by other provisions of this Code, a vehicle which is of a size too large to be parked within a single parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins or tokens shall have been deposited in the parking meter for each space so occupied as is required in this Code for the parking of other vehicles in such space.

"2004. Deposit of coins or tokens and time limits.

"(1) No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency or authorized tokens of the appropriate denomination as provided in this Code shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

"(2) No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency or authorized tokens, and no person shall deposit any lawful coin or authorized token that is bent, cut, torn, battered or otherwise misshapen.

"(3) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space is expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin(s) or token(s) in such meter.

"(4) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amount of the coins or tokens deposited in such meter.

"(5) A vehicle may be parked in a parking meter space without operation of the meter on Sundays, on holidays as defined in this Code, and during those hours of the day when the requirement to deposit coins or tokens does not apply as determined from the parking meter sign or legend.

"(6) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

"2005. Tampering with meter.

"(1) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

"(2) No person, firm or corporation shall place any sack or covering over, upon or around any parking meter head, remove any parking meter head, or otherwise indicate or show that the said meter is inoperative or inapplicable without proper authority to do so."

(b) Proper designation on any citation, summons or complaint of the Section number of the Model Traffic Code herein adopted shall incorporate by reference any of the above amendments or additions contained in this Section.

(c) Application of Model Traffic Code. The provisions of the Model Traffic Code and this Chapter shall apply to every street, alley, sidewalk area, driveway, park and every other public way or public parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction to regulate. The provisions of Sections 1401, 1402, 1206 and 1211 of the adopted Model Traffic Code concerning careless driving, reckless driving, unattended motor vehicle and improper backing shall apply not only to public places and ways but also throughout the City. (1957 Code, §§26-11, 26-13; Ord. No. 3723, 7-23-73; Ord. No. 3882, 6-10-74; Ord. No. 4125, 1-12-76; Ord. No. 4462, 3-27-78; Ord. No. 4517, 8-28-78; Ord. No. 4637, 8-13-79; Ord. No. 4690, 12-21-79; Ord. No. 4711, 2-25-80; Ord. No. 4742, 4-28-80; Ord. No. 4978, 6-26-82; Ord. No. 5113, 12-12-83; Ord. No. 5238, 7-8-85; Ord. No. 5241, 8-12-85; Ord. No. 5329, 6-23-86; Ord. No. 5532, 4-10-89; Ord. No. 5553, 8-14-89; Ord. No. 5771, 9-14-92; Ord. No. 5954, 4-10-95; Ord. No. 6020, 10-23-95; Ord. No. 6084, 4-22-96; Ord. No. 6461, 8-9-99; Ord. No. 6487, 11-8-99; Ord. No. 6989 §1, 5-12-03; Ord. No. 7104 §1, 2-9-04; Ord. No. 7120 §1, 4-12-04; Ord. No. 7206 §2, 9-27-04; Ord. No. 7264 §1, 1-24-2005; Ord. No. 7336 §1, 7-11-05; Ord. No. 7902 §1, 10-27-08; Ord. No. 7968 §1, 2-9-09)

Editor's Note: Ord. No. 3723 passed and approved 7-23-73 became effective September 1, 1973.

Sec. 15-1-9. Drag racing; speed or acceleration exhibit.

(a) It shall be unlawful for any person to use any street for a drag or acceleration contest under circumstances where said contest presents a hazard to persons or property, or under circumstances where no hazard to the drivers or other condition requires such speed or acceleration. For purposes of this Section, such contest shall mean any circumstances where two (2) or more drivers shall, while approximately side by side, rapidly accelerate from a stopped or moving position with intent to race.

(b) It shall be unlawful for any person to use any street for a speed or acceleration exhibit to himself, herself or another under circumstances where such exhibit presents a hazard to persons or property, or under circumstances where no hazard to the driver or other condition requires such speed or acceleration. For purposes of this Section, such exhibit shall mean where any driver rapidly accelerates from a stopped or moving position with intent to exhibit to himself, herself or another the speed or acceleration of a vehicle.

(c) In any prosecution for a violation of Subsections (a) or (b) above, the intent to engage in a speed or acceleration contest or to exhibit the speed or acceleration of a vehicle may be shown from the surrounding circumstances, which circumstances may include but shall not be limited to spinning of tires, excessive acceleration of the motor of a vehicle, squealing of tires, pavement markings left by sudden changes in the speed of tires, or rapid and abrupt changes in the speed of a vehicle, or from the admissions of the driver or drivers, or from both such circumstances and admissions.

(d) The subsections set forth above shall not apply to authorized and licensed race courses, or other areas specifically set aside and supervised by the Police Department for racing or exhibits. (1957 Code, §26-12; Ord. No. 6461, 8-9-99)

Sec. 15-1-10. Motorized vehicles in certain areas.

(a) As used in this Section, the term *motorized vehicle* shall mean any self-propelled device capable of transporting persons or property, except that such term shall not include motorized wheelchairs used by persons with mobility handicaps.

(b) Except as otherwise provided in Subsection (c) of this Section, it shall be unlawful for any motorized vehicle to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of river trail or bike path system within the City unless the operator has first obtained a permit for operation from the Director.

(c) This Section shall not apply to the operation of a motor vehicle upon any designated street or highway which passes through a City-owned park or recreation area and upon which the operation of motorized vehicles is not expressly prohibited by posted signs or by the provisions of this or any other ordinance of the City. (Ord. No. 4766, 7-14-80; Ord. No. 6461, 8-9-99)

Sec. 15-1-11. Parking meter tokens; sale; distribution.

The City Manager shall acquire tokens appropriate for use in parking meters within the City. Said tokens shall be the property of the City and may be resold for use only in the City parking meters at such prices and upon such terms and conditions as the City Council by resolution shall determine. (1957 Code, §26-14; Ord. No. 6461, 8-9-99)

Sec. 15-1-12. Reserved.

Sec. 15-1-13. School crossing guard program.

The City Manager shall annually recommend to the City Council, as part of the City budget process, any fees that may be assessed under Section 15-1-6(5), and the appropriation of such fees to fund any pedestrian safety program for school crossing guards. (Ord. No. 5774, 10-13-92; Ord. No. 6461, 8-9-99)

Sec. 15-1-14. Reserved.

Sec. 15-1-15. Owner liability for traffic signal camera violations.

(a) As used in this Section:

(1) *Traffic signal camera* shall mean a type of automatic vehicle identification device operated under the general supervision of a police officer, that is placed in a fixed location at a signalized intersection within the City and which is wired and programmed to automatically photograph or digitally record the intersection and vehicles entering said intersection after a steady circular red signal or a steady red arrow signal has been displayed to such vehicles, and to record and accurately depict the vehicle's location within the intersection, the vehicle's license plate, the driver of the vehicle, the date and time of the event depicted and the elapsed time from the display of said signal.

(2) *Owner* shall have the meaning provided in Section 102(49) of Article II of the Model Traffic Code.

(3) *Person* shall mean natural persons, corporations, partnerships, limited partnerships and limited liability companies.

(b) The Chief of Police and the Traffic Engineer are authorized and directed to deploy traffic signal cameras at one (1) or more intersections within the City for the purpose of detecting noncompliance with traffic control devices at such intersections. Traffic signal cameras shall not be used until and unless there is posted an appropriate sign in a conspicuous place not less than a reasonable distance before the area where the traffic signal camera is to be used, notifying the public that an automated vehicle identification device is in use ahead. The intersections at which traffic signal cameras are deployed may be changed from time to time among signalized intersections within the City which have high traffic volume, have above-average accident experience and have experienced injury-producing accidents.

(c) The owner of a vehicle shall be liable for a civil penalty imposed as provided in this Section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Section 604(1)(c) of the Model Traffic Code, and such violation is evidenced by information obtained from a traffic signal camera; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this Section where the operator of such vehicle has been convicted of the underlying violation of Section 604(1)(c) of the Model Traffic Code.

(d) Proof that a particular vehicle, identified by its license plate tag or tags in a photograph or digitally recorded image produced by a traffic signal camera, is registered to a person, as shown in records of the Colorado Department of Revenue, Motor Vehicle Division, or of the County Clerk and Recorder, or of the vehicle registration authority for any other state in which a vehicle is found to be registered, shall constitute prima facie evidence that said person is the owner of said vehicle.

(e) Neither payment of the civil penalty assessed pursuant to a civil penalty assessment notice issued under this Section, imposition of liability under this Section by appearance and payment before the Traffic Violations Bureau, nor imposition of liability under this Section determined upon hearing before a Judge or Magistrate of the Municipal Court shall be deemed a conviction as an operator or driver. A record relating to the same shall not be transmitted to the Colorado Department of Revenue as any matter bearing upon the driving record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage or determination of the premium therefor.

(f) The following procedures shall be followed with respect to imposition of civil penalties under this Section:

(1) A civil penalty assessment notice shall be sent by first class mail to each person alleged to be liable as an owner for a violation recorded by a traffic signal camera of Section 604(1)(c) of the Model Traffic Code. The notice shall be addressed to the registered owner of the vehicle, shall state the name and address of the person alleged to be liable as an owner pursuant to this Section, the registration number of the vehicle involved in the violation, the location where the violation occurred, the date and time of such violation and the identification of the traffic signal camera which recorded the violation, and shall be signed by a police officer or reserve police officer who has reviewed the photographic and other information recorded by the traffic signal camera and examined appropriate vehicle registration records and, based thereon, has reasonable grounds for believing that said owner is liable for the civil penalty assessment as provided by this Section. The notice shall state the amount of the penalty assessment and shall advise the alleged owner that the alleged owner must respond to the notice by either appearance before the Traffic Violations Bureau on or before a date stated in the notice to pay the assessment or request an adjudicatory hearing to contest the liability alleged in the notice, or by mailing payment of the penalty assessment amount to the Traffic Violations Bureau on or before said date. The notice shall advise the alleged owner of the provisions of Subsections (c) and (e) of this Section. The notice shall also contain a warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of civil liability and that a default judgment may be entered thereon.

(2) If the person to whom the civil penalty assessment notice has been mailed fails to pay the civil penalty assessment or respond to the notice by timely seeking a hearing, the Clerk of the Municipal Court or Traffic Violations Bureau shall send another notice by certified mail, return receipt requested, to such person, warning him or her that in the event such notice is disregarded for a period of twenty (20) days from date of mailing, default judgment will be entered.

(3) If a hearing is timely requested to contest liability under this Section, adjudication of the liability imposed upon owners by this Section shall be by the Municipal Judge, or one (1) of the Assistant Municipal Judges, sitting as an administrative hearing officer for the Traffic Violations Bureau. In hearings to determine liability under this Section, it shall be the City's burden to prove liability by a preponderance of evidence. The proceedings shall be conducted informally without strict adherence to the rules of evidence, provided that testimony and exhibits received and considered shall have sufficient indicia of authenticity and reliability so as to constitute competent evidence.

(4) If an owner receives a civil penalty assessment notice pursuant to this Section for any time period during which the vehicle was reported to the Police Department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Section 604(1)(c) of the Model Traffic Code pursuant to this Section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this Subparagraph (4), it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the Traffic Violations Bureau or Municipal Court.

(5) An owner who is a lessor of a vehicle to which a civil penalty assessment notice was issued pursuant to this Section shall not be found liable, provided that he or she sends to the Traffic Violations Bureau or Municipal Court a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty (30) days after receiving the first civil penalty assessment notice of the date and time of such violation, together with the other information contained in the civil penalty assessment notice. Failure to send such information within such thirty-day time period shall render the owner liable for the penalty prescribed by this Section. Where the lessor complies with the provisions of this Subparagraph (5), the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for the purposes of this Section, shall be subject to liability for the violation of Section 604(1)(c) of the Model Traffic Code pursuant to this Section and shall be sent a civil penalty assessment notice pursuant to Subparagraph (f)(1) of this Section.

(6) In the event a person to whom a civil penalty assessment notice has been sent pursuant to Subparagraph (2) above fails to pay the assessment or otherwise respond, the Clerk of the Municipal Court shall enter default judgment which identifies the vehicle involved in the violation and transmit the same to the Police Department.

(g) Nothing in this Section shall be construed to limit the liability of an operator or driver of a vehicle for any violation of Section 604(1)(c) of the Model Traffic Code.

(h) The civil penalty assessed to owners under this Section shall be an amount of not less than fifty dollars (\$50.00) nor more than seventy-five dollars (\$75.00) for each violation. The presiding Municipal Judge shall adopt and include with the schedule of designated fines adopted under Section 15-1-6 of this Chapter a designated schedule for civil penalty assessments imposed under this Section; provided that, until the first such adoption of a designated schedule for civil penalty assessments imposed under this Section, the scheduled assessment shall be seventy-five (\$75.00) for each violation, and provided further that any failure of the presiding judge thereafter to annually adopt such a schedule of designated civil penalty assessments shall not in any way invalidate the civil penalty established herein or in any such schedule previously adopted.

(i) In order to implement this Section, the Purchasing Agent is authorized to solicit and award an annual contract to a vendor of traffic signal camera systems for equipment, installation, maintenance, film development and preliminary processing of penalty assessments; provided, however, that the following requirements shall apply:

(1) No portion of any fine or civil penalty collected through the use of the system may be paid to any manufacturer or vendor of the automated vehicle identification system equipment;

(2) The selection of a vendor shall be by competitive proposal process;

(3) No penalty assessment notice prepared by any vendor shall be mailed or served upon an owner until the notice and information upon which it has been based has been individually reviewed and approved by a City peace officer who signs his or her name upon the notice. (Ord. No. 6119, 9-23-96; Ord. No. 6461, 8-9-99; Ord. No. 7807 §1, 5-27-08; Ord. No. 7949 §1, 12-22-08)

CHAPTER 2

Municipal Parking Lot

Sec. 15-2-1. Off-street parking; declaration of purpose.

It is hereby found and declared that excessive street parking of motor vehicles in the City and the lack of adequate off-street parking facilities creates congestion, obstructs the free circulation of traffic, diminishes property values and endangers the health, safety and welfare of the citizens of the City. The provision of proper off-street parking facilities is, therefore, necessary to alleviate such conditions and to promote the public health, safety and welfare, and the same are found and declared to be a public purpose and in the public interest. (1957 Code, §26-21; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-2. Power to acquire and regulate; public street.

The City is hereby empowered to construct, condemn and purchase, acquire, lease, add to, maintain, conduct and operate off-street parking facilities for the parking of automobiles and other vehicles, in whole or in part consisting of lots, garages or other structures that may be upon, above or under the surface, and everything required therefor and accessory thereto, for such terms, and upon such conditions, as the City Council shall deem necessary and proper for the use and benefit of the public, and the same, when constructed and placed in operation, shall be deemed a public street or highway for all purposes and subject to all laws and ordinances relating to the use of the same, except as herein otherwise provided. (1957 Code, §26-22; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-3. Surfacing of off-street parking facilities.

Off-street parking facilities acquired and used by the City shall be paved or otherwise surfaced with an all-weather, dust-proof material. That portion of the driveway connecting from the curb line to the property line shall be paved with concrete materials. Such parking areas shall be graded so as to drain off all surface water to storm sewer catch basins. (1957 Code, §26-23; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-4. Signs.

Signs may be erected at the entrance to each City-owned or City-operated parking lot identifying the same, and setting forth the rates for parking therein. (1957 Code, §26-24; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-5. Marking.

Each municipal parking lot may be marked with stalls or lines indicating proper areas for parking, as directed by the City Manager, in such a manner as to provide the greatest number of parking spaces commensurate with safety and ease of access. (1957 Code, §26-25; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-6. Parking meters.

(a) Municipal parking lots are declared to be metered parking zones, and parking meters may be installed and maintained thereon as provided by the Model Traffic Code adopted by Section 15-1-1 of

this Code, as amended; provided that there shall be no limit upon the number of hours any vehicle may remain parked in such municipal parking lot upon deposit of the proper coin or coins except as hereinafter stated.

(b) It shall be unlawful to permit a vehicle to remain parked in any metered parking space in a municipal parking lot when the meter for such space shows the time paid for has expired. (1957 Code, §26-26; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-7. Hours of operation.

Metered municipal parking lots shall be open for use twenty-four (24) hours each day, including Sundays and holidays, upon deposit of the proper coin in metered spaces. (1957 Code, §26-27; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-8. Fees.

It shall be unlawful to park any vehicle upon any metered municipal parking lot without paying the fee provided therefor. The fee shall be fifty cents (\$0.50) each hour. (1957 Code, §26-28; Ord. No. 3093 §1, 11-28-66; Ord. No. 7809 §1, 5-27-08)

Sec. 15-2-9. Vehicle size limits.

It shall be unlawful to park any vehicle or truck having a load capacity in excess of three-quarter ($\frac{3}{4}$) ton upon any metered municipal parking lot. (1957 Code, §26-29; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-10. Handbills forbidden.

It shall be unlawful for any person to distribute literature or place handbills in or upon any vehicle while parking in any municipal parking lot. (1957 Code, §26-30; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-11. Loading or unloading of vehicles.

It shall be unlawful to block any public sidewalk by stopping on or across the same for the purpose of picking up or discharging passengers and it shall be unlawful for any person to receive or deliver vehicles other than within the property line of the municipal parking lot or to aid or assist in blocking any sidewalk or street. (1957 Code, §26-31; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-12. Vendors prohibited.

It shall be unlawful for any vendor of goods, wares, merchandise or services to use any municipal parking lot or portion thereof for the conduct of such vendor's business. (1957 Code, §26-32; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-13. Notification of claims for damage or loss.

The City shall not be liable to any person for the negligent operation of any automobile upon a municipally owned parking lot, but shall be liable only for its own negligence or the negligence of its employees in the operation and maintenance of such lot and appurtenances thereto. Before the City

shall be liable for damages or injury sustained on a municipally owned parking lot, the injured person or the owner of the property so damaged shall notify the Police Department immediately by the quickest means of communication, stating the time, place, circumstances and extent of damage. (1957 Code, §26-33; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-14. Impoundment or immobilization of improperly parked vehicles.

(a) In addition to all of the penalties provided in this Code, any automobile parked in violation of any provision of this Chapter may be immobilized or impounded as provided by the Model Traffic Code adopted by Section 15-1-1 of this Code, as amended.

(b) Any vehicle in excess of three-quarter-ton load capacity found parked in any metered municipal parking lot shall be impounded forthwith and removed from such parking lot, and all costs of towing and impoundment shall be paid by the owner or driver thereof before the same shall be released. (1957 Code, §26-34; Ord. No. 3093 §1, 11-28-66)

Sec. 15-2-15. Exemption by resolution of the City Council.

The City Council by resolution, contract or lease may, upon such terms, conditions and limitations as the City Council determines, (a) exempt all or any portion of a municipal parking lot from the provisions of this Chapter, or (b) permit the use of a municipal parking lot without payment of fees or depositing coins required by this Chapter. (Ord. No. 5320, 5-27-86)

CHAPTER 3

Sight Obstructions at Intersections

Sec. 15-3-1. Definitions.

As used in this Chapter, the following terms are hereby defined as follows:

(1) *Clear sight triangle* means that area along the intersection approach legs and across their included corners as calculated based upon the applicable formula and factors set forth in *A Policy on Geometric Design of Highways and Streets*, Intersection Sight Distance (American Association of State Highway and Transportation Officials, Washington, D.C.) 2001, as same may be amended.

(2) *Highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or entire width of every way declared to be a public highway by any law of this state.

(3) *Intersection area*, means the area embraced within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of two (2) or more highways which join on another at an angle.

(4) *Obstruct* means to render impassible or to render passage or use unreasonably inconvenient or hazardous.

(5) *Owner* means the record owner of the real property.

(6) *Public right-of-way* means any area devoted to public use for pedestrian or vehicle travel including without limitation highways, streets, roadways, sidewalks, alleys, paths and trails.

(7) *Vehicle* means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. *Vehicle* includes any bicycle, but such term does not include any wheelchair, any off-highway vehicle or snowmobile, any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air. (1957 Code, §26-35; Ord. No. 7206 §1, 9-27-04)

Sec. 15-3-2. Obstruction of view; declaration of nuisance.

(a) The following conditions are hereby expressly declared to be nuisances and constitute a threat to the safety of drivers and pedestrians.

(1) Obscuring view of traffic control devices. Any fence or other structure or any shrub, hedge, bush, tree or other plant which obscures the view of a traffic control device to pedestrians or drivers using the public right-of-way.

(2) Encroachment upon and obstruction of the public right-of-way. Any fence or other structure or any shrub, hedge, bush, tree or other plant which encroaches upon and obstructs the use of the public right-of-way, including without limitation, overhanging tree limbs.

(3) Sight impairment at intersection. Any fence or other structure or any shrub, hedge, bush, tree or other plant which impairs the view of and constitutes a hazard to drivers of vehicles approaching, departing, entering or crossing an intersection area. It is presumed that any fence or other structure or any shrub, hedge, bush, tree or other plant which occupies an area in the clear sight triangle between two (2) and eight (8) feet above the immediately adjacent street grade does impair the view of and constitute a hazard to vehicles approaching, departing, entering or crossing the intersection area. This subsection 15-43-2(a)(3) shall not, however, be construed to change the front and side yard requirements as set forth in title XVII of this Code for main buildings.

(b) Unlawful acts.

(1) It shall be unlawful and a Class 1 municipal offense for any owner or occupant of real property to permit, allow or suffer any nuisance under this Section to exist on or extend or project from such property or to exist or extend or project from any abutting public place which such owner or occupant is obligated to maintain pursuant to Section 10-2-4 of this Code

(2) Each continuance of a nuisance for a twenty-four (24) hour period shall constitute a separate and distinct violation. (1957 Code, §26-36; Ord. No. 7206 §1, 9-27-04)

Sec. 15-3-3. Abatement, method, hearing, appeal.

(a) The Traffic Engineer, upon receipt of notice of the existence of any nuisance as defined in this Chapter, shall proceed to abate such nuisance in accordance with the procedures set forth in this Chapter.

(b) Written notice shall be given by the Traffic Engineer both to the owner and to the occupant, if any, of the premises on which such nuisance exists or from which the nuisance extends or projects, specifying the same and ordering such nuisance to be removed within twenty (20) days by such owner or occupant, or in the alternative that the nuisance will be cut down, removed or destroyed by the City.

(c) Notice to the owner may be given by mail at the last known post office address of such owner, or if such address cannot be found, then by posting upon the premises; a notice to the occupant as aforesaid may be made by mail.

(d) Within the twenty-day period required by the notice aforesaid, the owner or occupant of the premises may appeal from the order of the Traffic Engineer. Such appeal shall be filed with the Director of Transportation, shall be in writing and shall designate whether the appellant is the owner or the occupant of the premises. Unless a contrary requirement is set forth in this Chapter, all appeals hereunder shall be conducted pursuant to Sections 1-7-7, 1-7-8, 1-7-9, 1-7-10, 1-7-11, 1-7-12 and 1-7-14 of this Code. The Director of Transportation shall be the presiding officer with all authority granted under Section 1-7-9.

(e) At any time during the twenty-day period, after notice as aforesaid, any owner of property affected may claim ownership of the material contained in such trees, plants, shrubs or bushes or other plantings, in the condition the same may be after removal; but nothing herein shall be construed as obligating the City to remove such obstructions by any particular means or in any particular manner. If no such claim is made during the twenty-day period, such failure so to do shall be conclusively presumed a waiver of all right or claim of right to the material so removed. (1957 Code, §26-37; Ord. No. 1455; Ord. No. 7206 §1, 9-27-04; Ord. No. 7808 §1, 5-27-08)

Sec. 15-3-4. Menace; abatement without notice.

Nothing in this Section shall be construed as impairing the right of the City, without notice to owners or occupants, to trim shrubs, hedges, bushes, trees, or other plants when the same shall constitute a menace. (1957 Code, §26-38; Ord. No. 1455; Ord. No. 7206 §1, 9-27-04)

Sec. 15-3-5. Charging cost of abatement to property; lien.

The costs incurred by City to abate, after notice, any nuisance pursuant to Section 15-3-3, together with twenty-five percent (25%) thereof, or one hundred dollars (\$100.00), whichever is greater, for administrative and incidental costs, plus interest at the rate of ten percent (10%) per annum, shall be charged against the owner of such land, and upon recording in the County Clerk and Recorder's office of a statement under oath of the City Manager showing the cost thereof and describing the land, such charge shall be and constitute a perpetual lien on the land having priority over all other liens except general tax liens, and such lien shall remain in full force and effect until such charges and interest have been paid in full. (Ord. No. 7206 §1, 9-27-04)

Sec. 15-3-6. Remedies cumulative.

The enforcement remedies set forth in this Chapter are cumulative and the prosecution of any person under Section 15-3-2 shall not preclude the City from instituting any abatement action under this Chapter, nor shall the undertaking of an abatement action under this Chapter preclude the City from commencing or continuing any prosecution under Section 15-3-2. (Ord. No. 7206 §1, 9-27-04)

CHAPTER 4

Railroads

Sec. 15-4-1. Trainmen at crossings; required; duties.

It shall be unlawful for any railroad company or corporation owning or operating yards or terminals in this City where switching, pushing or transferring of cars is made across and upon public street crossings to perform such switching, pushing or transferring of cars upon or across public street crossings within the City without at least one (1) trainman upon the car or end of the engine nearest or approaching the public street crossing. Such trainman shall inform the person in control of the engine by appropriate signal of any traffic hazard or unsafe condition present at said crossing and to proceed only upon exercising due care. The person in control of the engine shall respond only to such trainman's signal. (1957 Code, §26-39)

Sec. 15-4-2. Flagman.

Every railroad operating within the limits of the City shall keep and provide, during the daytime, at each and every crossing of every street intersected by its track, a flagman; except as provided in the following Section hereof. (1957 Code, §26-40)

Sec. 15-4-3. When flagman not required; warning devices.

No flagman shall be required at any railroad crossing where an automatic flashing crossing signal, giving warning of the approach of trains to such crossing, shall be installed and in operation. (1957 Code, §26-41; Ord. No. 1535)

Sec. 15-4-4. Warning bell; obstructing crossing, time.

In all cases where a railroad crosses a public street within the limits of the City, immediately upon the approach of every train to such crossings, the engineer, conductor or other person having charge of or running such train or railroad shall cause the bell of the engine drawing such train to be rung until the engine has passed over such crossing. Every train shall cross such streets at a speed not exceeding five (5) miles an hour. No engine or cars shall be permitted to stop at any time upon such street crossing or crossings so as to prevent the free passage or cause an obstruction thereon longer than three (3) minutes. (1957 Code, §26-43)

Sec. 15-4-5. Stopping under viaduct.

No person owning or operating or in charge of any locomotive or railroad engine shall stop any such locomotive or railroad engine or permit the same to stand under or beneath any bridge or viaduct in the City. (1957 Code, §26-44)

Sec. 15-4-6. Penalty.

Any engineer, conductor or other person having charge of or running any locomotive, engine or train on any such railroad who shall violate any provision of this Chapter shall be punished as provided in Section 1-2-1 of this Code. (1957 Code, §26-45)