

CHAPTER 8

Vehicles and Traffic

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ARTICLE 1

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2009 edition of the *Model Traffic Code for Colorado*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the Nation. (Ord. 14 §1, 2008; Ord. 7 §1, 2010)

Sec. 8-1-20. Copy on file.

One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Town Clerk and may be inspected during regular business hours. The most current adopted edition of the Model Traffic Code will be adopted as if set out at length. (Ord. 7 §1, 2010)

Sec. 8-1-30. Amendments.

The Model Traffic Code is subject to the following additions or modifications:

(1) Section 1101(2), Speed limits, is amended to read as follows:

"(2) Except when a special hazard exists that requires a lower speed, the speed limit shall be fifteen (15) miles per hour at all times within the Town limits."

(2) The amendments and modifications of Eagle County and the Eagle County Sheriff's Department are hereby incorporated into the code as adopted. (Ord. 14 §1, 2008; Ord. 7 §1, 2010)

Sec. 8-1-40. Application.

This Article shall apply to every street, alley, sidewalk, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the Town, the use of which the Town has jurisdiction and authority to relate. The provisions of Sections 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding officers, shall apply not only to public places and ways but also throughout the Town. (Ord. 7 §1, 2010)

Sec. 8-1-50. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform to the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 7 §1, 2010)

Sec. 8-1-60. Penalty.

Any person convicted of any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00), provided that each separate act in violation of the provisions of this Chapter, or each and every day or portion thereof during which any separate act in violation of this Chapter is committed, continued or permitted shall be deemed as a separate offense. (Ord. 1 §A, 1997; Ord. 7 §1, 2010)

ARTICLE 2

Parking

Sec. 8-2-10. Parking to obstruct traffic.

No person shall park any vehicle upon a street or any other place within the Town in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-2-20. Compliance required.

On any street or at any place within this municipality including, without limitation, within municipally owned or operated parking lots, where official signs are posted giving notice of stopping, standing or parking restrictions or prohibitions, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or a person authorized by the Board of Trustees or official traffic-control device. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-2-30. Bus stops.

Buses or other vehicles carrying the public shall be permitted to stop and engage and discharge passengers only at points designated by the Board of Trustees. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-2-40. General parking limitations.

The following are general parking limitations within the Town:

- (1) There shall be no on-street parking of trailers or utility vehicles of any type, including but not limited to snowmobile trailers, construction trailers, snowmobiles and all-terrain vehicles.
- (2) There shall be no on-street parking of any vehicles that do not have current vehicular registrations.
- (3) There shall be no parking on Town property, including the Town playground, public alleys and Town-owned property.
- (4) Double parking is not allowed.
- (5) Parking is only permitted on the travel direction of traffic.

(6) Parking on sidewalks is not allowed. (Ord. 14 §2, 2008; Ord. 7 §1, 2010)

Sec. 8-2-50. Specified parking restrictions.

The following are parking restrictions within specified Town streets and rights-of-way:

(1) Water Street: Parking is only permitted within the 500 block of Water Street on private property.

(2) Turkey Creek Road and High Street: No on-street parking is permitted. (Ord. 14 §3, 2008; Ord. 7 §1, 2010)

Sec. 8-2-60. Snow removal schedule.

The following snow removal schedule will be enforced from Labor Day through Memorial Day between the hours of 9:00 a.m. and 4:00 p.m.:

(1) Eagle Street:

a. No parking on the east side on Tuesdays.

b. No parking on the west side on Thursdays.

(2) Water Street:

a. No parking on the north side on Mondays.

b. No parking on the south side on Tuesdays.

(3) Monument Street:

a. No parking on the north side on Wednesdays.

b. No parking on the south side on Thursdays.

(4) Spruce Street and Pine Street: No parking on either side of the street on Fridays. (Ord. 14 §4, 2008; Ord. 7 §1, 2010)

Sec. 8-2-70. Violation; penalty.

Any person convicted of any of the provisions of this Article shall be punished by a fine of not more than three hundred dollars (\$300.00) and not less than one hundred dollars (\$100.00). (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-2-80. Enforcement.

The Eagle County Sheriff's Department and any authorized designee are hereby authorized to do all things necessary on behalf of the Town to effect the terms and conditions of the regulations

imposed herein and as authorized by the registered electors of the Town. (Ord. 14 §5, 2008; Ord. 7 §1, 2010)

ARTICLE 3

Impoundment

Sec. 8-3-10. Impoundment authorized.

Whenever any police officer or person authorized by the Board of Trustees finds a vehicle, attended or unattended, standing upon any portion of a street or upon any place within the Town in such a manner as to constitute a violation of any section of this Chapter, or left unattended for a period of twenty-four (24) hours or more and presumed to be abandoned under the conditions prescribed by Section 42-4-1802, C.R.S., the officer or person shall require the vehicle to be removed or cause it to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the Town, and the charges for towing and storage of such vehicle shall be charged to the owner of the vehicle in addition to an administration fee of twenty-five dollars (\$25.00). (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-20. Impoundment notice.

(a) Whenever a police officer or any person authorized by the Board of Trustees removes a vehicle and causes it to be impounded as authorized by law, and the officer or other person knows or is able to ascertain, from the registration or other records in the vehicle or otherwise, the name and address of the owner, the officer or person shall immediately give or cause to be given notice in writing to the owner of the fact of the removal, the reason for it and the place to which the vehicle has been removed.

(b) As to any vehicle impounded pursuant to this Chapter by or at the request of the Town, its agents or employees, a person who has legal entitlement to possession of the vehicle has right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle. If such person files a written demand with the Town within ten (10) days after such person has learned such vehicle has been impounded or within ten (10) days after the mailing date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or other agent within forty-eight (48) hours, excluding weekends and holidays, after the impounding and storage of the vehicle.

(c) A hearing shall be conducted before the Board of Trustees or a hearing officer designated by the Board within forty-eight (48) hours of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and holidays are to be excluded from the calculation of the forty-eight-hour period. The Board of Trustees or hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole question before the hearing Board of Trustees or hearing officer shall be whether there was probable cause to impound the vehicle in question. *Probable cause to impound* shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

(d) The Board of Trustees or hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Police Department or authorized person shall have the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the Board of Trustees or hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The decision of the Board of Trustees or hearing officer in no way affects any criminal proceeding in connection with the impounding question or any criminal charges involved in such proceeding which may only be challenged in the appropriate court. The decision of the Board of Trustees or hearing officer is final. Failure of the registered or legal owner or his or her agent to request or attend a scheduled post-storage hearing shall be deemed a waiver of the right to such hearing.

(e) The Board of Trustees or hearing officer shall only determine that, as to the vehicle in issue, either: (1) there was probable cause to impound the vehicle; or (2) there was no such probable cause. In the event that the Board of Trustees or hearing officer determines that there was no probable cause, the Board of Trustees or hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the Police Department. Upon receipt of the possessor's copy of such certificate, the official authorized garage or impound lot having custody of the vehicle shall release the vehicle to its possessor. Upon the finding of no probable cause, towing and storage fees shall be paid by the Town in accordance with the arrangements made between the Town and the authorized garage or impound lot. If the possessor fails to present such certificate to the impound lot having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the impound lot is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-30. Impoundment notice to State.

Whenever an officer or authorized person removes a vehicle from a public way and does not know or is not able to ascertain the name of the owner thereof, or for any other reason is unable to give the notice to the owner as provided in Section 8-3-20 above, and in the event the vehicle is not returned to the owner within a period of three (3) days, the Town shall immediately send or cause to be sent a written report of the removal by mail to the state department whose duty it is to register motor vehicles. The notice shall include a complete description of the vehicle, the date, time and place of removal, the reason for the removal and the name of the garage or other place where the vehicle is stored, with a request that the owner of the vehicle be notified immediately. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-40. Disposal.

(a) Whenever, pursuant to the terms of this Chapter, a vehicle has been impounded by the Town for a period of thirty (30) days and no claim of ownership or the right to possession thereof has been made, or when a claim has been made but not established to the satisfaction of the Town, and no suit or action to determine the claim has been instituted, the Town may dispose of the vehicle in the manner set out in Subsection (b) below.

(b) The Town shall cause written notice to be given to all persons known by the Town to claim an interest in the vehicle. The notice shall be given by delivery in person, or by certified mail, addressed to the last know address of the business or residence of the person to be notified. The notice shall contain the following:

(1) An itemized statement of the amount due to the Town for the removal of and storage of the vehicle, showing the amount due at the time of the notice;

(2) A description of the vehicle; and

(3) A demand that the amount due the Town, as stated in the notice and such further claims as shall accrue, shall be paid and the right to possession of the vehicle be established to the satisfaction of the Town on or before a date mentioned, being not less than ten (10) days from the delivery of the notice if it is personally delivered, or from the date of certified mailing of the letter, and statement that unless the amount due the Town is paid and the right to possession of the vehicle is established to the satisfaction of the Town within the time specified, the vehicle will be sold. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-50. Sale.

In accordance with the terms of the notice provided for in Section 8-3-40 above, a sale of the vehicle may be held to satisfy the claim of the Town for the storage and removal of the vehicle and to discharge the Town from further responsibility in connection with the vehicle and from any duty to further retain or store the vehicle. The sale shall be held at the place where the vehicle is stored or impounded, or at the closest suitable place determined by the Town. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-60. Proceeds of sale.

(a) From the proceeds of the sale provided for in Section 8-3-50 above, the Town shall satisfy the claim of the Town for the charges for removal and storage of the vehicle and for the reasonable charges or expenses for the sale. The balance, if any, of the proceeds shall be paid into the treasury of the Town and appropriated to the General Fund.

(b) No claim for refund shall be made by any person entitled to it unless the claim is made within one (1) year from the date of any sale resulting in the payment of any such proceeds into the treasury. A claim for refund shall be made to the Board of Trustees, which shall make a thorough examination of the claim. The failure on the part of any person to request the initiation of a refund to him or her within one (1) year from the date of sale shall be conclusive of the fact that he or she has no meritorious claim for the refund within the set period of one (1) year from the date of sale, and he or she shall not thereafter commence any action, suit or proceeding whatsoever to obtain the refund. The Town shall be under no liability to him or her whatsoever by reason of the sale for the payment of any part of the proceeds of the sale or the entire proceeds of the sale in the treasury of the Town. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-70. Sale to Town.

When any vehicle is offered for sale pursuant to the terms of this Chapter and there is no bid or offered bid for the vehicle, the Town shall declare the vehicle to be sold to the Town for the amount

of the charges for the removal and storage of the vehicle and shall place the vehicle in the custody of such department of the Town for use as the Board of Trustees may determine, for the sole benefit and use of the Town. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-80. No right of redemption.

There shall be no right of redemption from any sale made pursuant to the terms of this Chapter, and, after a vehicle has been sold pursuant to such terms, neither the Town nor any officer, agent or employee of the Town shall be liable for failure to deliver the vehicle to anyone other than the purchaser at the sale. (Ord. 89-3; Ord. 7 §1, 2010)

Sec. 8-3-90. Violation; penalty and costs.

(a) Any person convicted of any of the provisions of this Article shall be punished by a fine of not more than three hundred dollars (\$300.00) and not less than one hundred dollars (\$100.00).

(b) The fee for towing a vehicle and related administrative cost, plus any mileage fee charged by the Town's designated towing agent, shall be established by the Town. The daily cost of impoundment of a vehicle is established by resolution of the Board of Trustees. The cost of towing, mileage, impounding and administration shall be assessed against the owner of any vehicle that has been impounded separate from any fines imposed by a court, and this assessment shall be paid to the Town or its designated agent. (Ord. 89-3; Ord. 1 §B, 1997; Ord. 7 §1, 2010)