

**TOWN OF BOW MAR, COLORADO
ORDINANCE NO. 332**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR
REPEALING AND RE-ENACTING SECTIONS 8-1, 8-2, AND 8-3 AND AMENDING
SECTIONS 8-5 AND 8-7 OF CHAPTER 8 OF THE TOWN OF BOW MAR MUNICIPAL CODE
ENTITLED MODEL TRAFFIC CODE CONCERNING VEHICLES AND TRAFFIC,
ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR
COLORADO, WITH CERTAIN AMENDMENTS, AND ADOPTING PENALTIES FOR
VIOLATIONS THEREOF**

WHEREAS, the Town of Bow Mar (“Town”) is authorized, pursuant to C.R.S. §§ 31-15-401 and 42-4-110(1)(b), to adopt and enforce police power regulations in furtherance of the health, safety, and welfare of its citizens, and specifically, to adopt a model traffic code that encompasses the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S.; and

WHEREAS, the Town is authorized to adopt Colorado statute or any standard published codes pursuant to C.R.S. §§ 31-16-201, *et seq.*; and

WHEREAS, the Town Board of Trustees previously adopted by reference the 2010 edition of the Model Traffic Code for Colorado, as amended and codified in Article I of Chapter 8 of the Bow Mar Municipal Code; and

WHEREAS, the State of Colorado Department of Transportation has promulgated a 2020 edition of the Model Traffic Code for Colorado (hereinafter “2020 Model Traffic Code”), which the Town Board of Trustees desires to adopt to remain consistent with changes in the Model Traffic Code; and

WHEREAS, the Town Board of Trustees hereby finds that adoption of the 2020 Model Traffic Code is necessary for the protection of the health, safety, and welfare of the public and desires to adopt such code by reference, as amended and set forth herein, and to adopt penalties for violations thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

Section 1. Repeal and Re-enactment of Sections 8-1, 8-2, and 8-3. Sections 8-1, 8-2, and 8-3 of Chapter 8 of the Bow Mar Municipal Code, entitled “Model Traffic Code,” are hereby repealed in their entirety and re-enacted to read as follows:

ARTICLE I – Model Traffic Code

Sec. 8-1. – Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2 (Section 31-16-101, *et seq.*, and Section 31-16-201, *et seq.*), C.R.S., there is hereby adopted by reference the 2020 edition of the *Model Traffic Code*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 West Howard Place, Denver, CO 80204. 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 *Model Traffic Code* adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State. At least 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.

Sec. 8-2. – Amendments and deletions.

The 2020 edition of the Model Traffic Code is adopted as if set out at length, save and except the sections or subsections that shall be subject to the following amendments, additions, and deletions:

- (1) All references to Class 1 and Class 2, and Class A and Class B are hereby deleted.
- (2) Sections 109.5, 239, and 1701 are hereby deleted in their entirety.
- (3) Subsections (1) and (2) of Section 1101- Speed limits of the 2020 edition of the Model Traffic are hereby repealed and replaced to read as follows:

- (1) The speed limit for all Town highways shall be twenty-five (25) miles per hour except that in accordance with the provisions of this Chapter, and when signs are erected giving notice thereof, the speed limit shall be as specified in this schedule for the following streets, segments of streets or intersections:

<u>Name of Street:</u>	<u>Portion Affected (terminal limits):</u>
Prospect	From east Town limits to a point 150 feet west of the traffic circle
Prospect	From a point 300 feet west of the intersection of Wagon Trail and Prospect along Wagon Trail to a point 300 feet south of the intersection of Prospect and Wagon Trail along Prospect
South Sheridan Blvd.	From north Town limits to a point 150 feet south of the traffic circle
Lakeshore	From a point 300 feet northwest of the entrance to the parking area at the Bowles Lake beach to a point 300 feet southeast of the entrance to the parking area at the Bowles Lake beach
Bow Mar Drive	From the southeast Town limits to a point 150 feet north of such Town limits

- (4) Section 1214 is hereby added to Part 12- Parking of the 2020 edition of the Model Traffic Code, to read in full as follows:

1214. Additional Parking Restrictions.

- (a) On-Street Parking Prohibited. Except as otherwise provided in Section 16-12 of the Bow Mar Municipal Code, no operator or owner of a vehicle shall stop or park a vehicle or permit a vehicle to be stopped or parked on a public street or on Town property between the hours of 3:00 a.m. and 6:00 a.m. on any day.

- (b) Commercial Vehicles. No person shall park or store any vehicle that has a sign or signs of any kind in the driveway or in the front yard, side yard, or backyard of any property in a residential zone district or on any roadway in any residential zone district for a period of time longer than two hours unless: (1) the vehicle is actively being loaded or unloaded or is being used to render services to the property; (2) the vehicle is owned by the Town; or (3) the vehicle is owned by a person who has obtained or has contracted with a person who obtained a building permit to perform construction on the site where the vehicle is parked.

Sec. 8-3. – [Reserved.]

Section 2. **Amendment of Section 8-5.** Section 8-5 of the Bow Mar Municipal Code is hereby amended as follows, with deletions in strike-through and additions underlined:

Sec. 8-5. – Certification of emissions control required.

It is unlawful for any person to drive, stop or park, or for the owner or person in charge of any vehicle to cause or knowingly to permit to be driven, stopped or parked on any street within the Town, any vehicle ~~which~~ that is required under the laws of the State to be inspected pursuant to the Automobile Inspection and Readjustment Program, established pursuant to Sections ~~42-4-306.5~~ 42-4-306 ~~to 42-3-316~~, C.R.S., *et seq.* unless such vehicle has been inspected at an authorized inspection station and has attached thereto, in proper position, a valid and unexpired certification of emissions control as required by the laws of the State.

Section 3. **Penalties.** Section 8-7 of the Bow Mar Municipal Code is hereby repealed and re-enacted to read as follows:

Sec. 8-7. – Penalties.

Any person who violates this Article shall be subject to the penalties set forth in Section 1-72, except that only those violations classified as traffic offenses shall be subject to imprisonment. Any person who violates this Article may also be subject to penalties set forth in Section 1717 of the Model Traffic Code, which reads as follows:

1717. Conviction - attendance at driver improvement school.

- (1) Except as otherwise provided in subsection (2) of this section, whenever a person has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Such school shall be approved by the court.
- (2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court may require the minor to attend and satisfactorily complete a course of instruction at any designated

driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with section 1716(4), of this Code, shall pay the cost of attending the designated driver improvement school. The court shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Such school shall be approved by the court.

Section 4. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town and its residents.

Section 5. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause, or phrase is declared invalid.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 7. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Bow Mar Municipal Code.

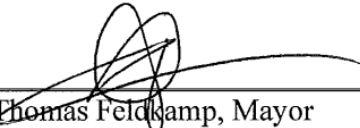
INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 15th DAY OF FEBRUARY, 2021.

ADOPTED AS ORDINANCE NO. 332, SERIES 2021, BY THE TOWN OF BOW MAR BOARD OF TRUSTEES UPON SECOND READING AFTER PUBLIC HEARING THIS 16th DAY OF MARCH, 2021.

ATTEST:

By: 
Sue Blair, Town Clerk

TOWN OF BOW MAR:

By: 
Thomas Feldkamp, Mayor

Compliance with Section 1-46 of the Bow Mar Municipal Code:

INTRODUCED BY TRUSTEE DENNIS

SECONDED BY TRUSTEE FABRICANT