



See Ord. #03-1997 Adopted June 23, 1997  
See Ord. #08-2007 Adopted Sept. 10, 2007  
See Ord. #09-2010 Adopted July 12, 2010  
See Ord. #17-2016 Adopted Oct. 24, 2016

See Ord. #05-1997 Adopted Oct. 13, 1997  
See Ord. #39-2009 Adopted Oct. 26, 2009  
See Ord. #01-2013 Adopted Jan. 28, 2013

## **CHAPTER 7: POLICE REGULATIONS**

### **ARTICLE 8: TRAFFIC CODE**

#### 7-8-1 Adoption

Pursuant to (C.R.S. 31-16-1, 1973), (C.R.S. 31-16-2, 1973) and (C.R.S. 30-15-4, 1973), there is hereby adopted by reference Article I and II inclusive, of the (Model Traffic Code for Colorado, 2010) promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the (Model Traffic Code for Colorado, 2010) relates primarily to comprehensive traffic control regulations for the Town of Grand Lake, Colorado and other municipalities. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the (Model Traffic Code for Colorado, 2010) adopted herein are now filed in the office of the Clerk of the Town of Grand Lake, Colorado, and may be inspected during regular business hours.

#### 7-8-2 Deletions

The (Model Traffic Code for Colorado, 2010) is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to the Town of Grand Lake and are therefore expressly deleted:

- (A) MTC Section 225(3), third sentence. (First and second sentence to remain)
- (B) MTC Section 1409(9)

#### 7-8-3 Additions or Modifications

The (Model Traffic Code for Colorado, 2010) as adopted by the Town of Grand Lake, is subject to the following additions or modifications:

- (A) If a person receives a penalty assessment notice for a violation under 1701 (5) of the Model Traffic Code as adopted by the Town of Grand Lake, and such person pays the fine for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:
  1. For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points.
  2. For a violation having an assessment of two (2) points, the points are reduced by one (1) point.
- (B) The provisions of Section 1701 through Section 1717 of the (Model Traffic Code for Colorado, 2010) are hereby adopted by reference and incorporated herein, but



modified to make them applicable to the Grand Lake Municipal Court and the Town of Grand Lake, rather than to a County Court and a County.

(C) OHV usage only on Town of Grand Lake streets and ROW.

1. Safety equipment.

Every off-highway vehicle operated pursuant to this Chapter shall be equipped, as provided by Section 33-14.5-109(1)(a) and (b), C.R.S., and the Colorado Division of Parks and Outdoor Recreation, Chapter 5 - OHV Regulations (which are incorporated herein by reference), as follows:

- (a) At least one (1) headlamp;
- (b) At least one (1) red tail lamp;
- (c) Braking system;
- (d) Spark arrester; and
- (e) Muffler.
- (f) Every off-highway vehicle operated pursuant to this Chapter shall also be equipped with a safety flag. Such flags will be made available (along with the safety rules, a free sticker and trail maps) for sale at Town Hall, and at the Town Visitor Center.

2. Notice of accident.

- (a) The operator of an off-highway vehicle involved in an accident resulting in property damage, injuries or death, or some person acting for the operator, or the owner of the off-highway vehicle having knowledge of the accident, shall immediately, by the quickest available means of communication, notify the Grand County Sheriff, serving as the police department for the Town of Grand Lake.
- (b) The Sheriff's Department, upon receiving a report of an accident under this Section, shall forward a copy thereof to the Colorado Division of Parks and Outdoor Recreation.
- (c) Within forty-eight (48) hours after an accident involving an off-highway vehicle, the accident shall be reported to the Denver office of the Colorado Division of Parks and Outdoor Recreation. The report shall be made on forms furnished by such Division and shall be made by the owner or operator of the vehicle or someone acting for the owner or operator. (Ord. 7 §I, 2011)

3. Enforcement, Violations and Fines.

- (a) Every peace officer of the Sheriff's office is authorized to enforce the provisions of this ordinance as provided by the applicable provisions of the MTC for Colorado Municipalities as adopted and amended by the Town of Grand Lake. Notwithstanding the provisions of the MTC, as adopted by the Town of Grand Lake, any "off-highway" vehicle as defined herein shall be considered a "vehicle" for the purposes of the application or enforcement of the MTC, as adopted by the Town of Grand Lake.
- (b) Any person who violates the provisions of this ordinance shall be guilty of a municipal ordinance offense and, upon conviction thereof shall be punished by a



minimum fine of fifty (\$50.00) dollars, and a maximum fine of not more than three hundred (\$300.00) dollars. Pursuant to the Colorado Municipal Court Rules of Procedure 210(b)( 4), the Municipal court may, by order, which from time to time may be amended, supplemented or repealed, designate the ordinance offenses contained herein and the penalties for which may be paid at the office of the court clerk.

4. Limitation of liability.

To the maximum extent permitted by law, nothing in this Chapter shall be construed as an assumption of any duty of care by the Town with respect to, or the assumption of any liability by the Town for, any injuries to persons or property which may result from the operation of an off-highway vehicle on the roads, roadways or alleys within the Town limits.

7-8-4 Traffic Infraction and Offenses, and Right to Jury Trial

(A) It is a criminal traffic offense for any person to violate any of the following provisions of the (Model Traffic Code for Colorado, 2010) as adopted and, from time to time modified, by the Town of Grand Lake:

1. When the person is arrested and charged with an offense under this Code causing or contributing to an accident resulting in injury or death to any person;
2. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
3. Reckless driving;
4. Exceeding the speed limit by more than nineteen (19) miles per hour;
5. Exhibition of speed or speed contest;
6. In any other event when the provisions of Part 17 of the (Model Traffic Code for Colorado, 2010) apply and the person arrested refuses to give his or her written promise to appear in court as provided in Section 1707.

(B) Except for those violations classified as criminal offenses pursuant to subsection 7-8-4(A), above, all violations of this Chapter or of the (Model Traffic Code for Colorado, 2010), as adopted by the Town of Grand Lake are hereby classified as noncriminal traffic infractions which shall be deemed to be civil matters. The Colorado Municipal Court Rules of Procedure shall apply to proceedings in which the defendant is charged with such a noncriminal traffic infractions, except that no warrant for arrest shall be issued for the defendant's failure to appear when the only violation charged would constitute a noncriminal traffic infraction. Instead, the Court may enter a judgment of liability by default against the defendant for any such failure to appear; assess any penalty and costs established by law; and report the judgment to the Colorado Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privileges and may deny an application for or renewal of the defendant's driver's license until the judgment and all other lawful costs are satisfied. Further, no writ of mittimus shall issue where the only basis for the fine and costs imposed was the finding of guilty or liability for a noncriminal traffic infraction.

(C) Any defendant charged with a criminal traffic offense, as defined in subsection 7-8-



4(A) shall have the right to demand a trial by jury upon compliance with the provisions of Colorado law and the Colorado Municipal Court Rules of Procedure, except no such right to a jury trial shall exist if the prosecutor indicates in writing that the Town will not seek imposition of a jail sentence in connection with the matter. No defendant shall have a right to a trial by jury for any noncriminal traffic infraction, as defined in subsection 7-8-4(B). In the event that a defendant is charged with more than one traffic violation arising out of the same incident and at least one of the charged violations is listed in subsection 7-8-4(A) above, the defendant shall have the right to demand a trial by jury as to all such offenses, which shall be consolidated for purposes of trial, except no such right to a jury trial shall exist if the prosecutor indicates in writing that the Town will not seek imposition of a jail sentence in connection with any of the violations involved in the matter.

#### 7-8-5 Penalties

- (A) Any person convicted of a criminal traffic offense, as defined in Section 7-8-4(A) of this Code, shall be punished by a fine not exceeding Three Hundred Dollars (\$300), or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment;
- (B) Any person admitting liability for, found to be guilty of, or against whom a default judgment has been entered for any non-criminal traffic infraction, as defined in Section 7-8-4(B) of this Code shall be fined in an amount not exceeding Three Hundred Dollars (\$300). No defendant found to be guilty of any non-criminal traffic infraction shall be punished by imprisonment for such infraction.

#### 7-8-6 Application

This Article shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413, and Part 16 of the adopted (Model Traffic Code for Colorado, 2010), respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout the Town of Grand Lake.

#### 7-8-7 Validity

If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

#### 7-8-8 Repeal

Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in



violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

7-8-9 Interpretation

This chapter shall be so interpreted and construed as to effectuate its general purpose to conform to the Colorado State uniform system for the regulation of vehicles and traffic. Article and section headings 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.

7-8-10 Certification

The Grand Lake Town Clerk shall certify to the passage of the ordinance adopting the (Model Traffic Code for Colorado, 2010) and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.