



## TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees  
FROM: Patrick Davidson, Town Administrator  
DATED: April 22, 2025  
SUBJECT: Model Traffic Code Adoption

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### BACKGROUND

In 1952 the Colorado Legislature approved the State's "Model Traffic Code" with the intention of creating uniformity and clarity for all jurisdictions within the State of Colorado. In total, the Code is regularly updated to reflect changes in vehicle safety, traffic safety, and societal changes. The most recent update occurred in 2024. For certain laws to be appropriately enforced within the Town of Elizabeth, the Model Traffic Code should be approved and adopted through the 2024 standards.

### ANALYSIS

The updated Model Traffic Code may be approved by reference, in whole or in part, if specific procedures are followed by the Town. The adoption by reference is a two-step process. First, the Town *must introduce the Ordinance at a public meeting, for the matter to then be held later for a public hearing*. [The process is akin to having two readings of the Ordinance.] As such, the agenda item is for purposes of providing notice of the proposed adoption of the 2024 edition of the Model Traffic Code, with the formal adoption of the Ordinance to occur on May 27, 2025. The approval by reference process also requires that the proposed action be noticed twice by posting and publication prior to the possible adoption of the Ordinance.

### STAFF RECOMMENDATION

Staff recommends that the Board approve the notice and publication of the proposed action; with the matter being set for public hearing and action on Tuesday, May 27, 2025 at 7:00PM; and publication and notice occurring on two separate occasions prior to the date of the public hearing.

### BUDGET CONSIDERATIONS

N/A

### ATTACHMENTS

Notice of Public Hearing

## **ORDINANCE 25-07**

### **AN ORDINANCE REPEALING AND REENACTING ARTICLE 1 OF CHAPTER 8 OF THE ELIZABETH MUNICIPAL CODE ADOPTING BY REFERENCE THE 2024 MODEL TRAFFIC CODE**

WHEREAS, the Town desires to adopt the 2024 edition of the Model Traffic Code for Colorado as promulgated by the Colorado Department of Transportation by reference;

WHEREAS, a public hearing for this ordinance was properly noticed in a newspaper of general circulation within the Town once at least fifteen (15) days before the hearing, and again at least eight (8) days before the hearing; and

WHEREAS, a public hearing for the adoption of this ordinance was properly held on May 27, 2025.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Article 1 of Chapter 8 of the Elizabeth Municipal Code is hereby repealed and reenacted as follow:

#### **Sec. 8-1-10. Adoption.**

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S. there is hereby adopted by reference the 2024 edition of the Model Traffic Code promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W. Howard Place, Denver, Colorado 80204, as amended. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulation consistent with state law and generally conforming to similar regulations throughout the state and the nation. One (1) copy of the Model Traffic Code adopted herein is hereby filed with the office of the Town Clerk and may be inspected during regular business hours.

#### **Sec. 8-1-20. Deletions.**

The 2024 edition of the Model Traffic Code is adopted as if set out in length, save and except for the following articles or sections that are declared to be inapplicable to this Town and are expressly deleted: none.

#### **Sec. 8-1-30. Additions or modifications.**

The 2024 edition of the Model Traffic Code is adopted as if set out in length with the following additions or modifications: none.

#### **Sec. 8-1-40. Application.**

This Article shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public parking area within the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1401 and 1402, and Part 16 of the adopted *Model Traffic Code*, respectively concerning reckless driving, careless driving, and accidents and accident reports, shall apply not only to public places and ways but also throughout the Town.

#### **Sec. 8-1-50. Interpretation.**

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted Model Traffic 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.

#### **Sec. 8-1-60. Certification; copy on file.**

The Town Clerk shall certify to the passage of the ordinance codified herein and make not less than one (1) copy of the adopted code available for inspection by the public during regular business hours.

#### **Sec. 8-1-70. Jake brakes prohibited.**

(a) It is unlawful for the operator of a vehicle driven upon any public or private street within the Town to use, or employ the use of, a Jake brake.

(b) For purposes of this Section, a Jake brake means any device mounted on or adjacent to the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without use of the vehicle's braking system.

#### **Sec. 8-1-80. Penalties.**

The following penalties, herewith set forth in full, shall apply to this Article:

(1) It is unlawful for any person to violate any of the provisions of this Article.

(2) Every person convicted of a violation of any provision of this Article shall be punished as set forth in Section 1-4-20 of this Code.

Section 2. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Passed by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against and ordered published.

\_\_\_\_\_  
Angela Ternus, Mayor

ATTEST:

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk

## NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing before the Board of Trustees of the Town of Elizabeth, at 7:00 P.M. on May 27, 2025, at Town Hall in the Town of Elizabeth, Colorado, 151 S. Banner Street, Elizabeth, Colorado 80107 for the purpose of considering the adoption by reference of the "Model Traffic Code" 2024 Edition, as the comprehensive traffic control regulations and traffic ordinance of the Town of Elizabeth.

Copies of the above referenced code are on file at the office of the Town Clerk and may be inspected during regular business hours. If enacted as an ordinance of the Town, this code will not be published in full, but in accordance with state law, copies will be kept on file.

The above referenced code is published by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 West Howard Place, Denver, Colorado 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and nation.

This notice is given and published by the order of the Board of Trustees.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

TOWN OF ELIZABETH, COLORADO

/s/ \_\_\_\_\_

First Notice of hearing published on \_\_\_\_\_, 2025

Second notice of hearing published on \_\_\_\_\_, 2025