

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 21
(Series of 2024)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO
ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL TRAFFIC CODE;
PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND MAKING
CONFORMING AMENDMENTS TO THE CITY OF SALIDA MUNICIPAL CODE;
REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING
PENALTIES FOR VIOLATION THEREOF**

WHEREAS, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (the “Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. §42-4-110(1)(b), local governments may, consistent with the procedural requirements of C.R.S. §§ 31-16-201, *et seq.*, adopt by reference all or any part of a model municipal traffic code that embodies the rules of the road and vehicle requirements as set out in the State of Colorado’s traffic laws; and

WHEREAS, the Colorado Department of Transportation has prepared and adopted a 2024 revised edition of the Model Traffic Code for Colorado (the “2024 Model Traffic Code”); and

WHEREAS, the City previously adopted the 2010 Model Traffic Code for Colorado; and

WHEREAS, a public hearing on this Ordinance at second reading, and proper notice thereof, was provided in accordance with the C.R.S. § 31-16-203, and

WHEREAS, penalties for violating the Model Traffic Code adopted hereby are set forth in full in this Ordinance and shall be published in full after final adoption in accordance with C.R.S. § 31-16-204; and

WHEREAS, certified copies of the Code adopted hereby were filed with the City Clerk at least fifteen (15) days prior to the public hearing on this Ordinance and such codes remain open to public inspection and purchase; and

WHEREAS, this Ordinance is intended to adopt by reference the 2024 Edition of the Model Traffic Code for Colorado, subject to the identified additions, modifications, and deletions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF SALIDA, COLORADO, THAT:

Section 1. Chapter 8, Article I “Model Traffic Code” is hereby repealed in its entirety.

Section 2. The new Chapter 8, Article I, “Model Traffic Code” is hereby added to the Code of the City of Salida, as follows:

**CHAPTER 8
ARTICLE I
MODEL TRAFFIC CODE**

Sec. 8-1-10. – Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2024 edition of the Model Traffic Code for Colorado, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W Howard Place, Denver, CO, 80204. The subject matter of the Model Traffic Code related primarily to comprehensive traffic control regulations for the City. 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. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Salida Police Department 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 at length, save and except the following articles and/or section which are declared to be inapplicable to this municipality and are expressly deleted: Section 1101(4), Section 1101(7), Section 1101(8), Section 1102, Section 1104(2), Section 1104(3), and Appendices Part A through G.

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

The Model Traffic Code as adopted herein is subject to the following amendments, additions or modifications:

(a) Section 1101(2) and (5), Altering of speed limits – department to study rural state highways and increase speed limits – definitions – repeal, is amended to read as follows:

“(2)(a) It shall be unlawful for any person to drive or ride any vehicle or animal on a street or alley within the City in excess of the speed limit for such street or alley. The speed limits for all streets within the City, unless otherwise posted, shall be 25 miles per hour. The speed limit for all alleys, unless otherwise posted, shall be 10 miles per hour. If a given street or alley is posted for a speed

limit of greater or lesser than the speed set forth above, the posted speed limit shall be the speed limit thereon.

(b) The speed limits contained in this subsection and set forth above shall be absolute speed limits. Any person driving or riding any vehicle or animal in excess of the speed limits shall be deemed guilty of a misdemeanor without regard for the reasonableness of his speed, or whether or not he knew his speed or the speed limit in effect.

(c) Speed limits posted on streets and alleys within the City at the time of the adoption of this ordinance shall remain the speed limits in effect until the City Council or the Chief of Police take action to alter them as provided for herein.

(d) By resolution, the City Council may adopt or amend maximum speed limits for the various streets and alleys within the City which speed limits may be above or below those set forth in subsection (a) above. Upon promulgation of such resolution, the Public Works Department shall post speed limit signs to designate such speed limits on such streets or alleys. From those streets or alleys for which the City Council designating maximum speed limits shall take precedence over postings by the Chief of Police. In prosecutions for violations hereof, all posted speed limits shall be presumed to have been posted by the proper authorities under the proper procedures.

(e) Speed limit signs shall be deemed sufficient if they recite upon them the phrase "Speed Limit" and have the maximum speed in Arabic numerals placed thereon. Unless otherwise indicated, all speed limit signs shall be presumed to be in miles per hour.

....

(5) In every charge of violating the speed limit, the Complaint, Summons and Complaint, or Penalty Assessment Notice shall specify the speed at which the defendant is alleged to have been moving and also the speed limit applicable at the specified time and location of the alleged violation."

(b) Section 1203, Ski-areas to install signs, is amended to read as follows:

"1203. Three- hour parking limit.

The City Council may, by resolution, designate certain portions of the streets and alleys within the City as being areas where parking is limited to three (3) hours. In the event the City Council enacts no such resolution, the Chief of Police may make such designations. However, subsequent resolutions of the City Council making such parking designations shall take precedence over those designations made by the Chief of Police. When the designation of a three-hour parking limit is made, the areas shall be posted and the posting of signs reflecting the three-hour parking limit shall constitute prima facie evidence that the area was designated in a proper manner. It is a civil parking infraction for any person to park any vehicle in a three-hour parking area and to leave it in the same place within the three-hour parking area for over three (3) hours. During snow accumulation events, there shall be no parking within the three-hour parking zones between the hours of 4 am and 11 am. These restrictions shall remain in place for 48 hours from the time that snow accumulation ends

to allow for the removal of snow. When a vehicle is illegally parked for a period of time in excess of the three-hour parking limit or during the snow removal times, the fine shall be in accordance with the adopted fine schedule. Parking infractions shall constitute civil matters. The Colorado Municipal Court Rules of Procedures shall apply to parking infraction proceedings, except that no warrant for arrest shall be issued for the defendant's failure to appear. Instead, if the fine is not paid within fourteen (14) days after the original notice was issued, the court may enter a judgment of liability by default against the defendant and assess any penalty and costs established by law. The Municipal Court Clerk shall give notice to the Defendant of the entry of said default judgment by first class mail addressed to the registered address of the motor vehicle that is the subject of the parking infraction. The defendant may petition the Municipal Court to vacate the default judgment by filing a written petition with the Municipal Court Clerk within ten (10) days of the date of the notice of entry of the default judgment. If no such petition is filed, the default judgment shall become final, except to the extent the City seeks to immobilize or impound the subject vehicle."

(c) Section 1210(1), Designated areas on private property for authorized vehicles, is amended to read as follows:

"(1) 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, or summons and complaint, was parked in violation of any such regulation, together with proof that the defendant named in the complaint, or summons and 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."

(d) Section 1409, Compulsory insurance – penalty, is amended to read as follows:

"(1) No owner of a motor vehicle or low-powered scooter required in this state shall operate the vehicle or permit it to be operated on the public highways of this local government when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-619 and 10-4-716, C.R.S.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this local government without a complying policy or certificate of self-insurance in full force and effect as required by Section 10-4-619 and 10-4-624, C.R.S., as amended.

(3) 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 or low-power scooter 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 Section 104-619 and 10-4-624, C.R.S., as amended.

(4) Any person who violates the provisions of subsection (1), (2) or (3) of this Section commits a criminal traffic offense.

(5) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Section 10-4-619 and 10-4-624, C.R.S., as amended, when requested to do so by a peace officer, shall constitute prime facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle or low-power scooter violated subsection (1) or (2) of this section.

(6) No person charged with violating subsection (1), (2) or (3) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by Sections 10-4-619 and 10-4-624, C.R.S., as amended at the time of the alleged violation.

(7) The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained. The minimum fine imposed shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). Nothing in this subsection shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.”

(e) Section 1417, Mobile communication devices, is added to read as follows:
“1417. Mobile communication devices.

(1) Definitions. For purposes of this Section 1417, the following terms shall have the following meanings:

(a) “Emergency” means a situation in which a person:

(I) Has reason to fear for such person’s life or safety or believes that a criminal act may be perpetuated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) “Operating a motor vehicle” means driving a motor vehicle on a public highway, but “operating a motor vehicle” shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) “Use” means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) “Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider’s equipment. The term includes, without limitation, cellular and mobile telephones.

- (2) Prohibited Use.
 - (a) A person under eighteen (18) years of age shall not use a wireless telephone while operating a motor vehicle.
 - (b) A person eighteen (18) years of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.
- (3) Exceptions. Subsection (2) hereof shall not apply to a person who is using the wireless telephone:
 - (a) To contact a public safety entity; or
 - (b) During an emergency.
- (4) An operator of a motor vehicle shall not be cited for a violation of subsection (2)(a) hereof unless the operator was under eighteen (18) years of age and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.
- (5) An operator of a motor vehicle shall not be cited for a violation of subsection (2)(b) hereof unless the operator was eighteen (18) years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.
- (6) Penalties.
 - (a) A person who operates a motor vehicle in violation of this Section shall be assessed a penalty assessment in the amount of \$50.00.
 - (b) A person who receives a second or subsequent citation for operating a motor vehicle in violation of this Section shall be assessed an additional penalty assessment or penalty assessments in the amount of \$100.00.
 - (c) This Section shall not authorize the seizure and forfeiture of a wireless telephone.”

(f) Section 1601, Investigations, is added to read as follows:

“1601. Investigations.

It shall be the duty of the Salida Police Department to investigate traffic accidents occurring within Salida either by investigation at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses and to issue summonses and complaints and/or penalty assessment notices for ordinance violations occurring in connection with traffic accidents and to assist in the prosecution of those persons charged with violations of law or ordinance causing or contributing to accidents. However, nothing herein shall be deemed to impose upon the Salida Police Department, or the officers or members thereof, the duty to investigate accidents when circumstances are such that insufficient personnel exists to investigate a particular accident or a particular series of accidents and the Chief of Police, or his designee, shall have the authority to determine which accidents shall be investigated, if any, under those

circumstances.

(g) Section 1720, Report of outstanding judgments and warrants, is added to read as follows:

“1720. Report of outstanding judgments and warrants.

The clerk of the Municipal Court shall, from time to time, report to the Colorado Department of Revenue all outstanding and unpaid Municipal Court penalty assessments and judgments and all outstanding Municipal Court arrest warrants relating to violations of any provision of Chapter 8 of the Salida Municipal Code.

(h) Definitions Subsection (112), Vehicles, is amended to read as follows:

“‘Vehicle’ means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. ‘Vehicle’ does not include any wheelchair as defined by subsection (113) of this section or any device moved exclusively over stationary rails or tracks.”

Sec. 8-1-40. – Penalties.

Section 1701 of the Model Traffic Code is repealed and reenacted to provide for the following penalties, herewith set forth in full, which shall apply to all violations of the Model Traffic Code adopted herein:

“Section 1701. Traffic offenses and infractions classified – Penalties – Penalty and surcharge schedule.

- (1) Except as specifically set forth in this Section 1701, it is a civil traffic infraction for any person to violate any of the provisions of this Code. Any designation or classification of a violation in any other Section of this Code is inapplicable and expressly superseded by this Section 1701. Traffic infractions shall constitute civil matters. The Colorado Municipal Court Rules of Procedure shall apply to traffic infraction proceedings, 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 and the defendant's driver's license is issued by the State of Colorado or any other state which participates in the Interstate Nonresident Violator Compact, as codified at Section 24-60-2101, C.R.S. Instead, the court may enter a judgment of liability by default against the defendant, assess any penalty and costs established by law, and report the judgment to the appropriate State motor vehicle department which may assess points against the defendant's driver's license and may take appropriate action to ensure that the judgment is satisfied. The municipal court clerk shall give notice to the defendant of the entry of said default judgment by first class mail addressed to the registered address of the motor vehicle that is the subject of the traffic infraction. The defendant may petition the municipal court to vacate the default judgment by filing a written petition with the municipal court clerk within ten (10) days of the date of the notice of

entry of the default judgment. If no such petition is filed, the default judgment shall become final, except to the extent the city seeks to immobilize or impound the subject vehicle.

- (2) For any violation of any provision of this Chapter or the Model Traffic Code adopted herein which is a traffic infraction, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear to pay, and the conduct of all proceedings applicable to such violations shall otherwise be in conformity with those generally applicable to civil matters.
- (3) The following violations constitute criminal traffic offenses:
 - (a) A violation of Section 1101 involving driving twenty-five (25) miles or more in excess of the lawful speed limit.
 - (b) A violation of Section 1101(8)(a) involving driving twenty-five (25) miles or more in excess of the speed limit on any interstate highway.
 - (c) Violations of Section 1105 (speed contests), 1401 (reckless driving), 1402 (careless driving), 1409 (failure to show compulsory insurance), 1413 (eluding a police officer) 1703 (parties to a crime) and 1903 (failing to stop for a school bus) of the Model Traffic Code, as amended.
- (4) Notwithstanding any other provision of this Code to the contrary, civil traffic infractions as provided in this Code shall be subject to the maximum penalties pursuant to Chapter 1, Article IV of this Code. Court costs as authorized by State and local law shall be added to the fine.
- (5) Notwithstanding any provision of this Code to the contrary, criminal traffic offenses as provided in this Code shall be subject to the maximum penalties: One hundred eighty (180) days imprisonment or fine of two thousand six hundred fifty dollars (\$2,650.00) or both. Court costs as authorized by State and local law shall be added to any penalty imposed.
- (6) Penalty assessment notices and contents. Penalty assessment notices as defined in Section 1709 of the Model Traffic Code may be issued for the violation of any portion of this Article subject to the restrictions and limitations set forth in this Section.
- (7) Authorization for penalty assessment notices.
 - (a) Penalty assessment notices may not be issued for any of the following offenses: an offense resulting in an accident, causing personal injury or substantial property damage; reckless driving; exceeding the speed limit by more than twenty (20) miles per hour; drag racing or speed contests; or eluding a police officer.
 - (b) Penalty assessment notices may be issued only for those offenses for which the Municipal Court has established a penalty assessment pursuant to the Colorado Municipal Court Rules of Procedure.
- (8) Effect of payment and nonpayment.
 - (a) By paying the penalty assessment notice, the person named therein as the violator or defendant admits his or her guilt of the charge against him or her and, upon receipt of such payment, the Court shall

enter judgment against the defendant that he or she has been found guilty. If driving a motor vehicle was involved, payment of the penalty assessment constitutes a conviction for the purposes of any penalty enhancement provisions on future offenses.

- (b) If a person to whom a penalty assessment notice is issued fails to pay the penalty assessment specified in said notice before the time in which said person is required to appear before the Municipal Court, said person shall appear before the Municipal Court in person, or by attorney, in order to enter a plea to the charges. If said person fails to appear at the time and place specified in the notice, judgment shall be entered against said person under the terms of Section 1710 of the Model Traffic Code. If said person appears, the Municipal Court will accept said person's plea to the charges contained in the penalty assessment notice and will proceed as though the penalty assessment notice were a summons and complaint.
 - (c) Nothing contained in this Section shall be deemed to prohibit the Municipal Court from collecting penalty assessments and costs by means other than those described in Part 17 of Article I of the Model Traffic Code.
- (9) When a peace officer is authorized to serve a summons and complaint on any person, the officer may issue a penalty assessment notice if:
- (a) The offense has been designated by the Municipal Judge;
 - (b) Only one (1) offense has arisen out of the same episode of violation;
 - (c) No significant hazard to life or property was involved;
 - (d) The offense does not appear to be an intentional or reckless violation; and
 - (e) The circumstances reasonably persuade the officer that the person is likely to comply with the terms of the penalty assessment notice.
- (10) Service of a penalty assessment notice upon the recipient is complete upon signature by the person on the penalty assessment's "acknowledgement of guilt or promise to appear." At that point, the person shall either pay the specified fine at the place and within the time specified on the notice or appear at the place and time specified on the notice to the arraigned by the Municipal Judge. If the person withdraws a plea of not guilty and enters a guilty plea to the Judge, or, upon trial, if the person is found guilty, the fine imposed shall be that specified on the penalty assessment notice and court costs shall also be imposed.
- (11) Point reduction for payment of penalty assessment. If a person receives a penalty assessment notice pursuant to Part 17 of the Model Traffic Code and the offense for which said penalty assessment is one for which points are assessed against a driver's license pursuant to Section 4-2-127, C.R.S., as amended, and if said person pays the penalty assessment and the surcharge, if any, for the violation on or before the date payment is due, the points assessed for the violation are reduced as follows:

- (a) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points;
- (b) For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

The Clerk of the Municipal Court, upon reporting traffic convictions and payments of penalty assessments, shall advise the Colorado Department of Revenue of the point reduction to which a person is entitled under the terms of this subsection. Penalty assessment notices issued for traffic violations for which points are assessed shall contain a statement concerning the reduction of points available under this Section.

Section 3. The City Clerk shall cause at least one certified copy of the Code adopted by reference by this Ordinance to be on file in his or her office at least fifteen (15) days prior to the public hearing on this Ordinance. and, after adoptions, shall maintain a reasonable supply of copies of such Codes available for purchase by the public at a moderate price.

Section 4. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity, or enforceability of the remaining portion of this Ordinance.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED ON FIRST READING, on the ____ day of _____, 202__, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the ____ day of _____, 202__, and set for second reading and public hearing on the ____ day of _____, 202__.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the ____ day of _____, 202__.

CITY OF SALIDA, COLORADO

Mayor

[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the ____ day of

_____, 202_, and BY TITLE ONLY, after final adoption on the ____ day of
_____, 202_.

City Clerk/Deputy City Clerk