

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 4**  
**Series of 2021**

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER  
10.04 OF TITLE 10 OF THE LEADVILLE 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 City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

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

**WHEREAS**, the City Council previously adopted by reference the 2010 edition of the Model Traffic Code for Colorado, as amended and codified in Chapter 10.04 of Title 10 of the Leadville 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 City Council desires to adopt to remain consistent with changes in the Model Traffic Code; and

**WHEREAS**, the City Council 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 CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:**

**Section 1.** **Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2.** **Chapter 10.04 Repealed and Replaced.** Chapter 10.04 of Title 10 of the Leadville Municipal Code is hereby repealed and replaced to read as follows:

## **Title 10 - VEHICLES AND TRAFFIC**

### **Chapter 10.04 - MODEL TRAFFIC CODE**

#### **10.04.010 – Adoption.**

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, 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, Traffic Engineering and Safety Branch, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations. 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 adopted herein are now filed in the office of the Clerk of the City of Leadville, Colorado, and may be inspected during regular business hours.

#### **10.04.020 - Application.**

This chapter 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 without the corporate limits of the city, the use of which the city has jurisdiction and authority to regulate. This chapter shall in no way limit application and enforcement of any statutes of the state of Colorado but shall be in addition thereto.

#### **10.04.030 – Definitions.**

The following definitions are in addition to those in the Model Traffic Code or elsewhere in the Leadville Municipal Code or, if a term is also defined in the Model Traffic Code, the definition here replaces that used in the Model Traffic Code. As used in this chapter, unless the context clearly indicates otherwise, the words defined below shall have the respective meanings set forth for them:

"City" means the City of Leadville, Colorado.

"Driveway" means any private or public vehicular pathway or alley, whether paved or not paved, which provides access to private or public property from a street or alley.

"Law Enforcement Officer" means law enforcement personnel of the City including Leadville Police Department personnel and personnel of any entity with whom the city may contract with to provide law enforcement services from time to time.

"Street" means the entire width of every dedicated or platted public way, street, or alley, and includes the traveled portion thereof known as the roadway, the portion between roadway and pedestrian pathways available for parking whether paved or not paved, any shoulders, gutters, curbs, sidewalks or pedestrian pathways, and all other portions of the dedicated or platted public way street or alley between bordering property lines.

**10.04.040 - Deletions, Additions or Modifications.**

The Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections are subject to the deletions, additions and/or modifications as set forth below. For amended sections or subsections, except where a new section or subsection is set forth or replaced in full, additions are underlined and deletions are set out in strike-through. Articles and/or sections identified as "deleted" are hereby determined to be inapplicable to the City of Leadville, Colorado.

A. All references to Class 1 and 2 and Class A and B are hereby deleted.

B. Section 103, "Scope and effect of Code — exceptions to provisions," is deleted in its entirety and replaced to read in full as follows:

103. Scope and effect of Code – exceptions to provisions.

- (1) This Code constitutes the model traffic code throughout this jurisdiction.
- (2) The provisions of this Code relating to the operation of the vehicles and the movement of pedestrians shall apply to every street, alley, sidewalk, driveway, park and to every other public way or public place or public parking area within or outside of the corporate limits of the municipality, the use of which the municipality has jurisdiction and authority to regulate except:
  - (a) Where a different place is specifically referred to in a given section;
  - (b) For sections 1401, 1402, and 1413 of the Code pertaining to reckless driving, careless driving and eluding a police officer shall apply to all land, areas, property (including private property) within or outside the corporate limits of the municipality, the use of which the municipality has jurisdiction and the authority to regulate.
- (3) Enforcement
  - (a) It shall be the duty of the Law Enforcement Officers to enforce all traffic regulations of the City and all of the State laws applicable to the City.
  - (b) Law Enforcement Officers, code enforcement officers, community service officers and other designated personnel are hereby authorized to direct all traffic by voice, hand or signal in conformance with State traffic laws and this Code; provided that, in the event of fire or emergency, or to expedite traffic or protect pedestrians, Law Enforcement Officers may direct traffic as conditions may require notwithstanding the provisions of State traffic laws or this Code.
  - (c) Fire department personnel, when at the scene of a fire or other emergency, may at the direction of authorized Law Enforcement Officers assist such Law Enforcement Officers with directing traffic.

C. Section 106, "Who may restrict right to use highways," is amended to add subsection (6.5), to read as follows:

- (6.5) The use of certain streets and roadways by motorized vehicles, trucks or other commercial vehicles, bicycles or other non-motorized vehicles shall be restricted or prohibited when official signs giving notice thereof are erected thereon.

D. Section 114, "Removal of traffic hazards," is amended to add subsection (4), to read as follows:

- (4) If the City is not reimbursed within forty-five (45) calendar days after the property owner has been provided a demand for payment, the amount due shall become a lien against the property and certified by the City's Finance Director and recorded with the Office of the Lake County Treasurer. Such lien shall have priority over all other liens except general taxes. The Lake County Treasurer shall collect and pay over to the City such charges in the same manner as the Treasurer is authorized to collect delinquent general property taxes.
- E. Subsection (1) of section 1101, "Speed limits," is amended to read as follows:
- (1) No person shall drive a vehicle on a highway at a speed greater than ~~is reasonable and prudent under the conditions then existing~~ the maximum lawful speed limit.
- F. Section 1101(2), except for its subsections unless otherwise provided herein, is deleted and replaced, to read as follows:
- (2) Where speed limits are posted by an official traffic control device, it shall be unlawful for any person to drive any vehicle in excess of the posted speed limits. Where speed limits are not posted, and where no special hazard exists that requires a lower speed, the following speeds shall be lawful:
- H. Section 1101(2) is amended to add subsection (2)(i), to read as follows:
- (i) Twenty miles per hour in designated school zone between 7:30 a.m. and 4:30 p.m. on school days and fifteen miles per hour during times indicated by flashing lights and other official traffic control devices unless otherwise posted by the City.
- I. Section 1101(5) is amended to read as follows:
- (5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the ~~alleged reasonable and prudent speed~~ maximum lawful speed limit applicable at the specified time and location of the alleged violation.
- J. Subsection (1) of section 1202, "Parking or abandonment of vehicles," is amended to read as follows:
- (1) No person shall stop, park, or leave standing any vehicle, either attended or unattended, ~~outside of a business or a residential district,~~ upon the ~~paved or improved and~~ main-traveled part of a street or alley ~~the highway~~. Nothing contained in this section shall apply to the driver of any vehicle which is disabled while upon the ~~paved or improved and~~ main-traveled portion of a street or alley ~~highway~~ in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in section 230.
- K. Section 1204, "Stopping, standing, or parking prohibited in specified places," is revised to amend subsection (1)(a), add subsection (1)(l), and amend subsection (3)(b) as follows:
- (1)(a) On a sidewalk or pedestrian pathway, whether paved or unpaved, parallel to a street;
- (1)(l) In any properly signed and marked fire lane or access roadway for fire apparatus, whether said lane or roadway is located upon public or private property. Vehicles parked in violation of this section may be forthwith towed away and impounded by

the City Police at the expense of the vehicle owner.

(3)(b) At any other place where official signs or curb markings prohibit parking.

L. Section 1205, "Parking at curb or edge of roadway," is amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder as long as the vehicle is parked far enough from traffic so as to not interfere with the passage of traffic on the street.

(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder as long as the vehicle is parked far enough from traffic so as to not interfere with the passage of traffic on the street.

(3) ~~Local authorities may by ordinance permit angle parking on any roadway; except that angle~~ Angle parking shall be permitted on streets designated by the City by official traffic control devices. Any vehicle parked at an angle shall park facing into the sidewalk and at the angle designated by the City. The vehicle shall be parked far enough forward so as not to interfere with the passage of traffic on the street. Evidence that a vehicle was parked outside of applicable pavement markings shall constitute prima facie evidence of a violation of this section. Angle parking shall not be permitted on any state highway unless the department of transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

M. Section 1209, "Owner liability for parking violations," is amended to add the following sentence at the end of Section 1209:

In any prosecution charging a violation of any provision of this Part 12 governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute an evidentiary 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.

N. Section 1214, "Parking time limited on certain streets," is hereby added to state in its entirety as follows:

1214. Parking time limited on certain streets.

(1) From November 1 through May 31, parking on Harrison Avenue from Elm Street to Ninth Street and on Second through Ninth Streets from Harrison Avenue to the alleys

is prohibited from 2:00 a.m. to 6:00 a.m., upon posting of official signs giving notice thereof.

- (2) Parking shall be prohibited in City parking lots from 2:00 a.m. to 6:00 a.m., upon posting of official signs giving notice thereof.

O. Section 1215, "Loading Zones," is hereby added to state in its entirety as follows:

1215. Loading Zones.

- (1) Hotel Loading Zone. Upon posting of official signs giving notice thereof, no person shall park a vehicle other than for the purpose of loading and unloading passengers or baggage for a period not to exceed thirty (30) minutes upon any streets or portions of streets as determined by the police chief and street supervisor considering traffic flow, traffic congestion, pedestrian safety and other similar public safety concerns.
- (2) Package Delivery Zone. Upon posting of official signs giving notice thereof, no person shall park a vehicle other than for the purpose of loading and unloading mail or packages for a period not to exceed thirty (30) minutes upon any streets or portions of streets as determined by the police chief and street supervisor considering traffic flow, traffic congestion, pedestrian safety and other similar public safety concerns.
- (3) Commercial Pickup and Delivery Zone. Upon posting of official signs giving notice thereof, no person shall park a vehicle other than for the purpose of loading and unloading furniture or other bulky items for a period not to exceed thirty (30) minutes upon any streets or portions of streets as determined by the police chief and street supervisor considering traffic flow, traffic congestion, pedestrian safety and other similar public safety concerns.

P. Subsection (10) of section 1412, "Operation of bicycles and other human-powered vehicles," is amended to add the following subsections (d), (e), and (f), to read in full as follows:

- (d) On Harrison Avenue between the 200 block and the 900 block, inclusive, no person shall ride a bicycle, skateboard, or other human-powered vehicle upon a sidewalk.
- (e) Elsewhere within the City, where signs are erected giving notice thereof, no person shall ride a bicycle, skateboard, or other human-powered vehicle upon a sidewalk.
- (f) No electrical assisted bicycle shall be operated on any sidewalk, unless such operation is specifically permitted upon posting of official signs giving notice thereof.

Q. Section 1701, "Traffic offenses and infractions classified – penalties – penalty and surcharge schedule - repeal," is hereby deleted.

**10.04.050 – Citation to state statutes.**

All references to provisions of the Colorado Revised Statutes (C.R.S.) that contain counterpart provisions to the adopted Model Traffic Code as contained in this chapter shall be deemed proper references to the counterpart provisions of the adopted Model Traffic Code. When enforcing the adopted Model Traffic Code, the City's law enforcement officers and the City's prosecuting attorneys and officials are authorized to cite to equivalent counterparts contained in the Colorado

Revised Statutes. Any citation by such persons to a state statute containing the substantially same or identical provisions as those found in counterpart sections of the adopted Model Traffic Code is equivalent to a citation to the relevant provisions of the adopted Model Traffic Code for purposes of notifying, designating, charging, prosecuting and penalizing violations of the adopted Model Traffic Code pursuant to this chapter.

**10.04.060 – Violations and penalties.**

- A. It is unlawful for any person to violate any of the provisions of this chapter or of the State of Colorado Model Traffic Code, as adopted by the City of Leadville.
- B. Any person who commits a violation of any provision stated in or adopted by this chapter and classified as a traffic infraction shall be subject to a fine as set forth in the fine schedule adopted by the municipal court subject to Section 1.20.010 of the Leadville Municipal Code and Rule 210(b)(5) of the Colorado Municipal Court Rules of Procedure. Any person who commits a violation of any provision stated in or adopted by this chapter and classified as a traffic offense shall be subject to a fine and/or imprisonment as set forth in the fine schedule adopted by the municipal court subject to Section 1.20.010 of the Leadville Municipal Code. If the alleged offender is found or pleads guilty, or has judgment entered against them, court costs and surcharges may be assessed in addition to the fine and penalties set forth in the fine schedule.

**10.04.070 - Interpretation.**

This chapter 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. Chapter and section headings of this chapter and 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 chapter or section thereof.

**Section 3. Remaining Provisions.** Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

**Section 4. Codification Amendments.** The codifier of Leadville's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

**Section 5. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 6. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and 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 or code hereby repealed prior to the taking effect of this ordinance.


**Section 7. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 8. Effective Date.** This ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 16TH DAY OF MARCH, 2021.**

**ADOPTED AS ORDINANCE NO. 4, SERIES 2021, BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, UPON SECOND READING AFTER PUBLIC HEARING THIS 20TH DAY OF APRIL, 2021.**

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

PUBLISHED IN FULL in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on March 24th, 2021

NOTICE OF HEARING ON SECOND READING PUBLISHED in The Herald Democrat on March 25th, and April 1st, 2021

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on April 29th, 2021.