

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 796**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, FOR THE  
REGULATION OF TRAFFIC BY THE TOWN OF MEAD, COLORADO;  
ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC  
CODE"; AMENDING CERTAIN SECTIONS OF THE MEAD MUNICIPAL  
CODE IN CONNECTION THEREWITH; PROVIDING PENALTIES FOR  
VIOLATIONS OF THE ADOPTED CODE; AND REPEALING ALL  
ORDINANCES IN CONFLICT THEREWITH.**

**WHEREAS**, it is a commitment of the Board of Trustees to continually review the municipal code and provide appropriate updates to the code; and

**WHEREAS**, in cooperation with the Board of Trustees, staff and the Town Attorney, the following changes to the *Mead Municipal Code* have been recommended for adoption and inclusion in the code as part of the annual update to the codification; and

**WHEREAS**, pursuant to section 42-4-110(1)(b), C.R.S., municipalities may, in the manner prescribed by article 16 of title 31, C.R.S., 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 traffic laws; and

**WHEREAS**, the Colorado Department of Transportation has prepared and adopted a 2010 Revised Edition of the Model Traffic Code for Colorado; and

**WHEREAS**, the Town of Mead desires to adopt the 2010 Revised Edition of the Model Traffic Code for Colorado, with amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado as that:

**Section 1.** Sec. 8-1-10, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**"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 Articles I and II, inclusive, of the 2010 edition of the *Model Traffic Code for Colorado* 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* 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 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 Town Clerk of Mead, Colorado, and may be inspected during regular business hours."

**Section 2.** Section 8-1-20, of the *Mead Municipal Code* is hereby repealed and reenacted to provide for the following deletions from the Code, which deleted sections are declared to be inapplicable to the Town, to read as follows:

**“Sec. 8-1-20. Deletions.**

The following sections of Part I of the *Model Traffic Code for Colorado, 2010 Edition*, are not adopted and are hereby deleted therefrom:

- (1) Section 203(4) Unsafe Vehicles-spot inspections;
- (2) Section 227, subsection (3)(b) Windows Obstructed;
- (3) Section 239, subsection (5) (b) Misuse of Wireless Telephone;
- (4) Section 1012, subsection (3) (b) HOV Lanes;
- (5) Section 1409, subsection (9) Compulsory Insurance;
- (6) Section 1701, subsections (4) and (5), Traffic offenses and infractions classified-penalties; and
- (7) Section 1702 Counties-Traffic Offenses Classified-schedule of fines.
- (8) Section 1709 (1.5) Penalty assessment notice for traffic offenses-violations of provisions by officer-driver’s license.”

**Section 3.** Section 8-1-30, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted, to provide for the following adoptions, modifications, or deletions to the *Model Traffic Code* adopted by this ordinance, to read as follows:

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

Unless specifically noted as an amendment to Article II, the following additions, amendments and deletions are made to Article I of the Model Traffic Code:

- (1) **Section 116. Restrictions for minor drivers - definitions**, subsection (3) is amended to read as follows:

“(3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:

(a) By the imposition of community service and/or a fine;

(b) By the levying of a fine of not more than \$100.00 for a first offense, a fine of not more than \$200.00 for a second offense, and a fine of not more than \$300.00 for any subsequent offense.

(c) By the assessment of two license suspension points pursuant to section 42-2-127(5) (kk) C.R.S..”

- (2) **Section 225. Mufflers-prevention of noise**, subsection (3) is amended to read as follows:

“(3) Any person who violates subsection (1) of this section commits a class B traffic infraction.”

- (3) **Section 239. Misuse of a wireless telephone - definitions - penalty - preemption**, subsection (5) (a) is amended to read as follows:

“(5)(a) A person who operates a motor vehicle in violation of subsection (2) or (3) of this section commits a class A traffic infraction.”

- (4) § 510. Permits for excess size and weight and for manufactured homes, is hereby amended by the addition of the following:
- (8) Local permits for excess size and weight may be issued upon the filing with the Town of an application and the paying of the prescribed fee, in addition to, but not to exceed, the amounts required in Section 42-4-510(11), C.R.S. Application shall be submitted on the form provided by the Town and will be issued at the discretion of the Town.
- (9) Local permits shall designate an approved route of travel of the vehicle and load, designate whether such permit is for a single trip, a special or annual operation and designate the time of such movement.
- (10) A local permit for the movement of a mobile home or manufactured house is not required.
- (11) Local permit fees shall be charged according to the following schedule:

“Oversize/Overweight Vehicle Permits

Oversize vehicle <sup>1</sup>	Width - over 17' (204") Height - over 14'6" Length - over 45' (single unit) - over 75' (combination)	Trip \$15.00	Annual \$250.00
Overweight wheel/axle <sup>2</sup>	Wheel - solid rubber or cushion tire - over 8,000 lbs. Wheel - pneumatic tire - over 8,000 lbs. Wheel - steel - over 500 lbs./inch of width Single axle - solid rubber or cushion tire - over 16,000 lbs. Single axle - pneumatic tire - over 20,000 lbs. Tandem axle - pneumatic tire - over 40,000 lbs.	Trip \$15.00 + \$5.00 per axle. Oversized Permit included in the fee	Annual \$400.00 Oversized Permit included in the fee
Overweight vehicle <sup>3</sup>	2 axles - over 36,000 lbs. 3 axles - over 54,000 lbs. 4 axles - over 80,000 lbs. 5 axles - over 85,000 lbs.	Trip \$15.00 + \$5.00 per axle Oversized Permit included in the fee	Annual \$400.00 Oversized Permit included in the fee
Special transport permit - over 17' wide, or weight exceeding 200,000 lbs.		Trip \$125.00	

<sup>1</sup> Exceptions to width, height and length limit as provided by Sections 42-4-502 through 42-4-506, C.R.S.

<sup>2</sup> Exceptions to wheel and axle loads as provided by Section 42-4-507, C.R.S.

<sup>3</sup> Exceptions to weight limit as provided by Section 42-4-507 through 42-4-508, C.R.S.”

- (5) **Section 611. Paraplegic person or persons with disabilities - distress flag,** subsection (2) is amended to read as follows:

“(2) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a misdemeanor, and

upon conviction thereof may be punished by a fine of up to \$1,000 and/or imprisonment in the county jail of up to one year.”

- (6) **Section 614. Designation of highway maintenance, repair, or construction zones - signs -increase in penalties for violations**, subsection (1) is amended to read as follows:

“(1)(a) If maintenance, repair or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits traffic violations in a maintenance repair, or construction zone that is designated pursuant to this section is subject to increased penalties and surcharges.

“(b) If maintenance, repair or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. Any person who commits traffic violations in a maintenance repair, or construction zone that is designated pursuant to this section is subject to increased penalties and surcharges.”

- (7) **Section 615. School zones - increase in penalties for moving traffic violations**, subsection (1) is amended to read as follows:

“(1) Any person who commits a moving traffic violation in a school zone is subject to increased penalties and surcharges.”

- (8) **Section 1101. Speed limits**, subsection (2) is amended 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”:

- (9) **Section 1101. Speed limits**, subsections (2)(b) is amended to read as follows:

“(b) Twenty-five (25) miles per hour in any residence district, as defined in section 42-1-102 (80) C.R.S.;;”

- (10) **Section 1101. Speed limits**, subsections (2)(c) is amended to read as follows:

“(c) Thirty (30) miles per hour in any business district, as defined in Section 42-1-102 (11), C.R.S.;;”

- (11) **Section 1211. Limitations on backing**, is amended to read as follows:

“(1)(a) The driver of a vehicle, whether on public or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with pedestrians, other

vehicles or other traffic.”

- (12) **Part 12. Parking**, is amended by the addition of a new **Section 1212. Parking not to obstruct traffic or maintenance**, to read as follows:

**“Section 1212. Parking not to obstruct traffic or maintenance.**

(1) No person shall park any vehicle upon a street or highway in such a manner or under conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

(2) Any person who violates this section commits a class B traffic infraction.”

- (13) **Section 1406. Foreign matter on highway prohibited**, subsection (5) is amended to read as follows:

“(5)(b)(II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of \$500.”

- (14) **Section 1409. Compulsory insurance-penalty - legislative intent**, subsection (9) is deleted, and subsections (4) and (6) are amended to read as follows:

“(4)(a) Any person who violates the provisions of subsections (1), (2) or (3) of this section commits a class 1 misdemeanor traffic offense.”

“(6) No person charged with violating subsection (1), (2) or (3) of this section shall be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation. Such person may be subject to a \$25 administrative fee.”

- (15) **Section 1415. Radar jamming devices prohibited - penalty**, subsection (4) is amended to read as follows:

“(4) A violation of this section is a class 2 misdemeanor traffic offense.”

- (16) **Section 1701. Traffic offenses and infraction classified - penalties**. Subsections 4 and 5 are deleted and reenacted, and Subsections (1), (2), (3), (6) and (7) are amended to read as follows:

“(1)(a) Traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

<b>Class</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
A	\$25 penalty	\$500 penalty
B	\$25 penalty	\$500 penalty

“(1)(b) Misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

<b>Class</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
1	Ten days imprisonment or \$50 fine, or both	One year imprisonment, or \$1000 fine, or both
2	Ten days imprisonment or \$50 fine, or both	90 days imprisonment, or \$500 fine, or both

“(2) Any person convicted of a class 1 or class 2 misdemeanor traffic offense may be required to pay restitution as required by Code 18.5 of title 16, C.R.S. and may be sentenced to perform a certain number of hours of community service or useful public service in addition to any other sentence.

“(3) Any juvenile (a person under the age of eighteen (18) may be fined, but not subjected to imprisonment.

“(4) Any traffic infraction or misdemeanor traffic offense defined by law outside of Code 1 to 4 of the *Model Traffic Code* shall be punishable as provided in the statute defining it or as otherwise provided by law.

“(5) The department has no authority to assess any points under section 42-2-127 upon entry of judgment for any Class B traffic infractions.

“(6) Penalties for traffic infractions or traffic offenses in a maintenance, repair or construction zone designated pursuant to Sec. 614 of the adopted *Model Traffic Code* shall be double the penalty for such violation.

“(7) Penalties for traffic infractions or traffic offenses that occur in a school zone shall be double the penalty for such violation as set forth above.”

(17) **1703. Parties to a crime**, is amended to read as follows:

“Every person who commits, conspires to commit, or aids or abets in the commission of any act declared herein to be a traffic infraction or a traffic offense, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such infraction or offense or liable for such infraction or offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this code is likewise guilty of such offense or liable for such offense.”

(18) **1709. Penalty assessment notice for traffic offenses-violations of provisions by officer-driver’s license** is amended to read as follows:

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section to a minor (under age 18) shall require the named minor and a parent or legal guardian to appear in court pursuant to 1710(1)(b).

- (19) **1710. Failure to pay penalty for traffic offenses-failure of parent or guardian to sign penalty assessment notice-procedures** shall be amended to read as follows:

(1)(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a minor under the age of eighteen years shall be required to appear at a hearing on the date and time specified in the citation and answer the complaint.

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to (1)(b) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

**Section 4.** Section 8-2-30 of the *Mead Municipal Code* is hereby amended by the repeal of the definition “Street or Highway” in its entirety and reenacted to read as follows:

“Highway” means the entire width between the boundary lines of every road, street, alley, or way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any applicable law.”

**Section 5.** Section 8-1-50 of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 8-1-50. Penalties.**

- (1) It is unlawful for any person to violate any of the provisions of this chapter or any of the provisions of the *Model Traffic Code* as adopted or amended in this chapter for which no specific penalty has been provided or for which the sole penalty provided is a fine, which violations are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available, and for which a penalty assessment notice shall be issued. The municipal court shall follow the state municipal court rules in such cases unless such rules are clearly inapplicable. Every person who is convicted of a traffic infraction, who admits liability or guilt for a traffic infraction, or against whom a judgment is entered for a traffic infraction shall be subject to a penalty of at least \$10.00, but not more than \$500.00, exclusive of any court costs and surcharges.
- (2) For any violation of any provision of this chapter that is a traffic infraction, such violation shall constitute a civil matter, no trial by jury shall be available, and no arrest warrant shall be issued for failure to appear or failure to pay or satisfy a judgment.
- (3) For any violation of any provision of this chapter which is a traffic infraction, the court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalty, together with such court costs and surcharges, as are established by law. The court may establish by written order, rules and regulations for the administration of any violation of this chapter which is a traffic infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance.

- (4) It is unlawful for any person to violate any of the following provisions of this chapter, which violations are hereby deemed criminal offenses. Every person convicted of a violation of any one of the following provisions of this chapter shall be punished by a fine not exceeding the maximum fine set forth in section 1-4-20 of this Code, exclusive of any court costs and surcharges, or by imprisonment not exceeding one year, or by both such fine and imprisonment:
- (a) Section 1903, of the *Model Traffic Code*, stopping for school buses;
  - (b) Section 1101, of the *Model Traffic Code*, where the speed as driven is 25 miles per hour or more over the lawful speed;
  - (c) Section 1105, of the *Model Traffic Code*, speed contest;
  - (d) Section 1401, of the *Model Traffic Code*, reckless driving;
  - (e) Section 1402, of the *Model Traffic Code*, careless driving;
  - (f) Section 1413, of the *Model Traffic Code*, eluding or attempting to elude a police officer;
  - (g) Section 1409, of the *Model Traffic Code*, compulsory insurance.”

**Section 6.** Section 8-5-70, of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 8-5-70. Payment before appearance.**

- (1) The defendant may elect to receive a penalty point reduction on a penalty assessment notice (unless defendant receives a mandatory court appearance), if payment is received by the Court Clerk seven (7) days prior to the date set for the first Court hearing.
- (2) The penalty point reduction shall be to (2) points per charge, with the exception of a three point charge, which shall be reduced to a two-point charge.
- (3) The fine on the original charge shall remain the same. At the time of payment, which shall include all costs and fees regularly assessed by the Court for the defendant’s pleading or being found guilty of non-civil municipal violations, the defendant shall sign a waiver of rights and acknowledgment of guilt or liability upon a form approved by the rules of the Municipal Court.
- (4) This procedure shall constitute an entry in satisfaction of judgment.”

**Section 7.** Section 8-5-170 of the *Mead Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

**“Sec. 8-5-170. Penalties.**

- (1) It is unlawful for any person to violate any of the provisions adopted in this Article.
- (2) Penalties for civil traffic infractions:

Traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon conviction, entry of a guilty plea or a plea



of nolo contendere to a civil traffic infraction, as defined in Section 8-5-20 of this Code:

<b>Class</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
A	\$25 penalty	\$500 penalty
B	\$25 penalty	\$500 penalty

(3) Penalties for non-civil traffic offenses.

(a) Misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction, entry of a guilty plea or a plea of nolo contendere:

<b>Class</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
1	Ten days imprisonment or \$50 fine, or both	One year imprisonment, or \$1000 fine, or both
2	Ten days imprisonment or \$50 fine, or both	90 days imprisonment, or \$500 fine, or both

(b) Any juvenile (a person under the age of eighteen (18)) may be fined, but not subjected to imprisonment.

(c) Any person convicted of a class 1 or class 2 misdemeanor traffic offense may be required to pay restitution as required by Code 18.5 of title 16, C.R.S. and may be sentenced to perform a certain number of hours of community service or useful public service in addition to any other sentence.

(4) Any traffic infraction or misdemeanor traffic offense defined by law outside of Code 1 to 4 of the *Model Traffic Code* shall be punishable as provided in the statute defining it or as otherwise provided by law.

(5) The department has no authority to assess any points under section 42-2-127 upon entry of judgment for any Class B traffic infractions.

(6) Penalties for traffic infractions or traffic offenses in a maintenance, repair or construction zone designated pursuant to Sec. 614 of the adopted *Model Traffic Code* shall be double the penalty for such violation.

(7) Penalties for traffic infractions or traffic offenses that occur in a school zone shall be double the penalty for such violation as set forth above.”

**Section 8.** Chapter 8, Article 5 of the *Mead Municipal Code* is hereby amended by the addition of a new Section 8-5-180, to read as follows:

**“Sec. 8-5-180. Failure to Appear.**

(1) It is unlawful for any person to fail to appear in court as required by a summons, fail to appear at any post-arraignment proceeding or fail to comply with an order of the municipal court. In the event any person fails to comply, or fails to respond to a

summons, order and/or notice directing an appearance in municipal court, the municipal prosecutor shall forthwith file a complaint against such person.

- (2) If a person fails to appear or comply with a court order, the clerk shall issue and have served a warrant for the person's arrest, except that a warrant will not issue:
  - (a) In those cases where the person is charged with a civil traffic infraction where entry of a default judgment is authorized by any provision of this Code, or
  - (b) Who is charged with any other ordinance violation deemed civil by any provision of this Code and for which imprisonment is not a possible penalty.”

**Section 9.** Section 8-5-50 of the *Mead Municipal Code* is hereby amended by the addition of a new subsection (a)(7), to read as follows:

“(a) (7) MTC 1402 Careless Driving.”

**Section 10.** Any person who violates any provision of this Ordinance or the *Model Traffic Code* adopted herein shall be subject to punishment as set forth in Section 8-1-50 of the *Mead Municipal Code*. Each day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by any such person shall be a separate offense.

**Section 11.** 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 Town Board hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts are declared unconstitutional or invalid.

**Section 12.** The repeal or modification of any portion of the *Mead Municipal Code* by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 13.** 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.

**Section 14. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 15. 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.

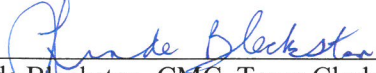
**Section 16. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this

ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

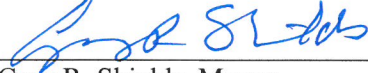
**Section 17. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED**  
this 14<sup>th</sup> day of December, 2015.

**ATTEST:**

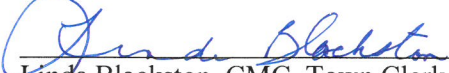
By   
Linda Blackston, CMC, Town Clerk

**TOWN OF MEAD**

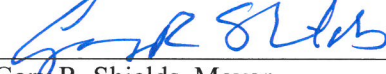
  
Gary R. Shields, Mayor

**PASSED AND ADOPTED ON SECOND AND FINAL READING,** this 25<sup>th</sup> day of January, 2016.

**ATTEST:**

  
Linda Blackston, CMC, Town Clerk

**TOWN OF MEAD**

  
Gary R. Shields, Mayor

