


<b>DATE:</b> May 10, 2010	<b>AGENDA NO.</b> VII. 3. a.	<b>SUBJECT:</b> An Ordinance amending Sections 19-21, 19-22, and 19-23, thereby adopting by reference the 2010 edition of the "Model Traffic Code"
<b>Department Head:</b>		
<b>City Manager:</b>  Nathan M. Cherpeski		
<b>PRESENTED BY:</b> Erich Schwiesow, City Attorney		

**Recommendation:**

It is the recommendation of staff to adopt alternative 1 adopting the proposed ordinance.

**Background:**

The Colorado Department of Transportation has published the 2010 "Model Traffic Code." It corrects numerous errors in the 2009 Model Traffic Code. Staff has reviewed the 2010 Code and recommends adopting it, with changes as set forth in the ordinance. See the discussion under alternatives, below. Staff's recommendation deletes the following Alamosa-specific language, which was in the past added to the traffic Code:

(7) Section 1412 is amended by the following substitution and addition:

(12) It shall be unlawful for any person or persons to run or engage in any bicycle race on any street, alley, or public place in the City of Alamosa, except under permit from the city clerk.

(15) Every person found guilty of a violation of any one (1) of the provisions hereof or of sections 221, 234, and 1204 of the Model Traffic Code shall be punished by fine or by impoundment of such person's bicycle for a period not to exceed ninety (90) days, or by combination of said penalties.

It seems unnecessary to address bicycle races in the traffic code, and the 2010 MTC already provides a penalty provision for the bicycle section. Additionally, the 2010 version of the MTC provides a schedule of fines and penalties, so unless that provision is changed, the current schedule of fines and penalties adopted by the Court will be replaced by those in the 2010 MTC. Municipalities may adopt the Model Traffic Code in its entirety, or may adopt only those portions of it considered applicable, and in addition may amend it when adopting it to conform to the individual needs of each municipality.

**Issue Before the Council:**

Does Council wish to enact an ordinance amending Sections 19-21, 19-22, 19-23, and 19-24,

thereby adopting the 2010 Model Traffic Code, with specific additions and deletions to the Code concerning issues relevant to the City of Alamosa?

**Alternatives:**

Alternative 1: Adopt the proposed ordinance

Alternative 2: Adopt the proposed ordinance with amendments. For instance, consider the applicability of the following:

Section 1409(9) of the 2010 Model Traffic Code, deleted by this ordinance, requires that 50% of fines collected for violations of the sections requiring proof of insurance be forwarded to the County. The code drafters give the following reason for including this provision, which the City may want to consider: "It is the intent of the general assembly that the moneys collected as fines imposed [for violations of this section] are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general assembly further determines that a clerk and recorder for a county is supervising the public highways through his or her enforcement of the requirements for demonstration of proof of motor vehicle insurance pursuant to section 42-3-105 (1)(d), C.R.S."

Alternative 3: Decline to adopt the proposed ordinance, and give staff further direction.

**Fiscal Impact:**

None

**Legal Opinion:**

The City Attorney will be present for any comments.

**Conclusion:**

The proposed ordinance establishes an up-to-date traffic code that is substantially equivalent to the Model Traffic Code produced by the Colorado Department of Transportation.

## ORDINANCE NO. 5 - 2010

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF ALAMOSA, COLORADO; ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

**WHEREAS**, it is desirable to provide a system of municipal traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation; and

**WHEREAS**, the Colorado Department of Transportation has recently revised the 2009 *Model Traffic Code* by issuance of the 2010 edition of the *Model Traffic Code*; and

**WHEREAS**, it is in the best interest of the citizens of Alamosa to adopt the 2010 edition of the *Model Traffic Code*;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Alamosa, Colorado:

**Section 1. Adoption.** Chapter 19, Article II, Section 19-21 of the *Code of Ordinances of the City of Alamosa* is amended, to read in its entirety as follows:

### **Sec. 19-21. Adoption of Model Traffic Code.**

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 Articles I and II, inclusive, of the 2010 edition of the "Model Traffic Code" 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 City. 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 Alamosa, Colorado, and may be inspected during regular business hours.

**Section 2. Deletions.** Chapter 19, Article II, Section 19-22 of the *Code of Ordinances of the City of Alamosa* is amended, to read in its entirety as follows:

### **Sec. 19-22. Deletions.**

The 2010 edition of the Model Traffic Code 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 City and are therefore expressly deleted: Section 1409(9)

**Section 3. Additions or Modifications.** Chapter 19, Article II, Section 19-23 of the *Code of Ordinances of the City of Alamosa* is amended to read in its entirety as follows:

**Sec. 19-23. Additions or modifications.**

The 2010 edition of the Model Traffic Code is subject to the following additions or modifications:

(1) Section 225(3) of the Model Traffic Code is hereby to read in its entirety as follows:

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars.

(2) Section 1204(6) of the Model Traffic Code is hereby amended to read in its entirety as follows:

(6) On any street or at any place within this municipality where an official sign is posted giving notice of stopping, standing or parking restrictions or prohibitions, no person shall stop, stand, or park a vehicle in any manner in violation of the provisions contained on such sign or signs, except where necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic control device, or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede, or endanger any traffic.

(3) Section 1205 of the Model Traffic Code is hereby amended by the addition of the following subsection (4) and the renumbering of the existing subsection (4) to be subsection (5) , to wit:

(4) On the streets which have been approved and signed or marked for angle parking, no person shall stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings within a marked parking space and with the right front wheel of the vehicle against the curb or within six (6) inches thereof. No vehicle shall be parked in any angled parking space having space markings in such a manner that the vehicle extends beyond the length of the painted space markings or beyond length limitations as indicated on appropriate signs.

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

(4) Section 1208(1)(b) of the Model Traffic Code is hereby amended to read in its entirety as follows:

(1) (b) As used in this section, "person with a disability" has the meaning provided for such term in C.R.S. section 42-3-204(1) and includes any person who has qualified for and obtained disabled veteran special license plates with the identifying feature for a person with a physical impairment affecting mobility under C.R.S. section 42-3-213(5)(a)(II).

(6) Section 1412(10) of the Model Traffic Code is hereby amended by the following addition:

(d) No person shall ride a bicycle upon a sidewalk within the centralized business area of the City of Alamosa, which area, for the purposes of this section, shall comprise the sidewalks adjacent to the following streets: Those parts of Ross, Edison, San Juan, State, Hunt and Denver Avenues lying between the north sidewalk adjacent to Fourth Street and the south sidewalk adjacent to Sixth Street; those parts of Fourth, Main and Sixth Streets lying between the west sidewalk adjacent to Ross Avenue and the east sidewalk adjacent to Denver Avenue; and both sidewalks adjacent to the 1400 Block of Main Street.

**Section 4. Application.** Chapter 19, Article II, Section 19-24 of the *Code of Ordinances of the City of Alamosa* is amended to read in its entirety as follows

**Sec. 19-24. 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 the city, the use of which the city has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, and 1413 of the adopted Model Traffic Code, 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 city.

**Section 5. Validity.** If any part or parts of this ordinance are for any reason held to be invalid such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council 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 invalid.

**Section 6. Repeal.** Existing 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 of 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.

**Section 7. Interpretation.** This ordinance 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 the ordinance 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 article or section thereof.

**Section 8. Certification.** The City Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**Section 9. Approval.** The City Clerk shall submit this ordinance to the Colorado Department of Transportation for approval and written certification signed by the Chief Engineer.

**INTRODUCED, READ AND APPROVED** on first reading the 19th day of May , 2010, and ordered published as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 2<sup>nd</sup> day of June 2010, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

**APPROVED, AND ADOPTED** after public hearing the 2<sup>nd</sup> day of June 2010.

CITY OF ALAMOSA

By \_\_\_\_\_  
Kathleen Rogers, Mayor

ATTEST:

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Judy A. Egbert, City Clerk