

Title 11

VEHICLES AND TRAFFIC

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Chapter 11.04

TRAFFIC CODE

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11.04.010 Adoption by Reference. Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the 2010 Edition of the “Model Traffic Code for Colorado”, (“Model Traffic Code”), and appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic and vehicle control regulations for the Town of Eagle. The purpose of this Chapter 11.041 of the Eagle Municipal Code and the Model Traffic Code adopted herein is to provide a system of uniform traffic regulations generally consistent with State law, and generally conforming to similar regulations throughout the State and the nation.

11.04.030 Deletions. The following Articles, Sections and/or subsections of the “Model Traffic Code for Colorado”, 2010 Edition, are inapplicable to the Town of Eagle and are therefore

deleted:

- (A) Part 1, "TRAFFIC REGULATION-GENERALLY," Sections 101, Short title and 102, Legislative declaration;
- (B) Part 1, "TRAFFIC REGULATION-GENERALLY," subsection (3) of Section 116 concerning restrictions for minor drivers;
- (C) Part 2, "EQUIPMENT", Section 240, low speed electric vehicle equipment requirements;
- (D) Part 7, "RIGHTS OF WAY", Section 711, Driving on mountain highways;
- (E) Part 10, "DRIVING-OVERTAKING-PASSING", Section 1011, Use of runaway vehicle ramps and Section 1012, High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes;
- (F) Part 11, "SPEED REGULATION", Sections 1105(5), 1105(6), 1105(7), 1105(8), and 1105(9) concerning penalties for speed contests and exhibitions;
- (G) Part 12, "PARKING", subsection (9) of Section 1208, Parking privileges for persons with disabilities;
- (H) Part 12, "PARKING", Section 1210, designated areas on private property for authorized vehicles;
- (I) Part 14, "OTHER OFFENSES", subsection (4) of Section 1409, Compulsory insurance-penalty-legislative intent;
- (J) Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;
- (K) Part 17, "PENALTIES AND PROCEDURE", is deleted in its entirety;
- (L) Part 18, "VEHICLES ABANDONED ON PUBLIC PROPERTY", is deleted in its entirety;
- (M) Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses; and
- (N) All subsections of the 2010 Edition of the Model Traffic Code that categorize violations into classes of traffic infractions, traffic offenses, misdemeanors, or which set forth a specific penalty for a violation, whether monetary or otherwise are hereby deleted.

11.04.040 Additions and Modifications. The adopted Model Traffic Code is subject to

the additions or modifications set forth below. All Sections not deleted, added to, or modified remain as if set out at length in the original form.

(A) Subsection 9 of Section 109 of Part 1 of the Model Traffic Code, concerning skateboards, skis, skates, and toy vehicles in rights of way, is hereby amended to read as follows:

109. Low-powered scooters, animals, skis, skates and toy vehicles on highways.

(9) No person shall use the highways for traveling on skis, toboggans, coasting on sleds, skates, skateboards, motorized skateboards, or similar devices. It is unlawful for any person to use any roadway of this municipality as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates, a skateboard, a motorized skateboard, or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk and so crossing such person shall be granted all of the rights subject to all of the duties applicable to pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

(B) Subsection (3) of Section 114 of Part 1 of the Model Traffic Code, concerning traffic hazards, is amended to read as follows:

114. Removal of traffic hazards.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from the Town of Eagle to do so, the Town may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the Town for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town and in the court having jurisdiction thereof. If the Town must resort to court action for collection of amounts due, the Town shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails. In the event such costs are not paid by the property owner when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

(C) Subsection (5) of Section 116 of Part 1 of the Model Traffic Code, concerning restrictions for minor drivers, is hereby amended to read as follows:

116. Restrictions for minor drivers-definitions.

(5) No driver in a motor vehicle shall be cited for a violation of this Section unless such driver was stopped by a law enforcement officer for an alleged violation of the Model Traffic Code other than a violation of this Section.

(D) Subsection (3) of Section 117 of Part 1 of the Model Traffic Code concerning limitations on use of EPAMDs is hereby amended to read as follows:

117. Personal mobility devices.

(3) An EPAMD shall not be operated:

(a) On a limited-access highway; or

(b) At a speed greater than twelve and one-half (12 ½) miles per hour.

(E) Subsection (3) of Section 223 of Part 2 of the Model Traffic Code, concerning brakes, is hereby amended to read as follows:

223. Brakes.

(3) No operator of a truck or truck tractor shall use or apply Jacoby Engine Brakes (“Jake brakes”) or engine compression brakes equipped on such vehicle while traveling within this municipality.

(F) Subsection (4) of Section 229 of Part 2 of the Model Traffic Code, concerning safety glazing material, is hereby amended to read as follows:

229. Safety glazing material in motor vehicles.

(4) No person shall operate a motor vehicle on any highway within this municipality unless such vehicle is equipped with a front windshield as provided in this Section except as provided in Section 232(1) and except for motor vehicles registered as collector’s items under Section 42-3-219, C.R.S.

(G) Section 235 of Part 2 of the Model Traffic Code, Equipment, is hereby amended to read as follows:

235. Minimum standards for commercial vehicles-spot inspections.

(1) A police officer may, at any time, require the driver of any commercial vehicle, as defined in Section 235 (3) below, to stop so that the officer may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations

Volume 8, 1507-1 “Minimum Standards for the Operation of Commercial Vehicles.”

(2) A police officer may immobilize, impound or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 “Minimum Standards for the Operation of Commercial Vehicles.”

(3) As used in this section, unless the context otherwise requires, “commercial vehicle” means:

(a) Any self propelled or towed vehicle bearing an apportioned plate or having a manufacturer’s gross vehicle weight rating or gross combination rating of ten thousand one (10,001) pounds or more, which vehicle is used in commerce on public highways of this State or is designed to transport sixteen (16) or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to Section 1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle;

(b) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on public highways of this state; and

(c) A motor vehicle that is used on the public highways and transports materials determined by the Secretary of Transportation to be hazardous under 49 U.S.C. Section 5103 in such quantities as to require placarding under 49 C.F.R. 172 and 173.

(H) Part 2 of the Model Traffic Code, Equipment, is hereby amended to include the following additional Section:

241. Use of tire chains on commercial vehicles prohibited.

No person shall drive any commercial vehicle, including a motor vehicle, truck, truck tractor, trailer or semi-trailer used in the business of transporting persons or property over the public highways for profit, hire or otherwise in any business or commercial enterprise, equipped with tire chains within the corporate limits of the Town of Eagle.

(I) Section 501 of Part 5 of the Model Traffic Code, concerning size and weight limitations, is hereby amended to read as follows:

501. Size and weight violations – penalty.

Except as provided in Section 509, it is a traffic offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in Sections 502 to 513 or otherwise in violation of said sections or Section 1407, except as permitted in Section 510.

(J) Part 5 of the Model Traffic Code, concerning size, weight and load of vehicles, is hereby amended to include the following additional Section:

513. Weight limits on certain streets or parts thereof. When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon any of the streets.

(K) Section 614 of Part 6 of the Model Traffic Code is amended to read as follows:

614. Designation of highway maintenance, repair, or construction zones-signs-increase in penalties for speeding violations.

(1) If maintenance, repair, or construction activities are occurring or will be occurring within four (4) hours on a local street or State highway, local authorities within their jurisdiction, may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone shall be subject to double the fine normally imposed for the applicable speeding violation.

(2) Local authorities, within their jurisdiction, shall designate by appropriate signs that maintenance, repair or construction activity is taking place or will be taking place within four (4) hours. Such signs shall notify the public that increased penalties for speeding violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, repair or construction zone shall conform to the Colorado Department of Transportation requirements. Local authorities may display such signs on a fixed, variable or movable stand. Local authorities may place such sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

(L) Subsection (1) of Section 615 of Part 6 of the Model Traffic Code, concerning schools zones, is hereby amended to read as follows:

615. School zones-increase in penalties for moving traffic violations.

(1) Any person who commits a moving traffic violation in a school zone is subject to double the fine normally imposed for any moving violation, whether a criminal traffic offense or a non-criminal traffic offense, that occurs in a school zone.

(M) Part 6 of the Model Traffic Code, concerning signals, signs and markings, is amended to include the following additional Section:

616. Barricades. Whenever barricades are erected to close off part or all of a highway, as authorized by Section 42-4-111, C.R.S., no person shall drive around, through, or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with the directions of a law enforcement officer or other authorized person.

(N) Section 702 of Part 7 of the Model Traffic Code is amended to read as follows:

702. Vehicle turning left.

Unless there is an official traffic control arrow signal regulating the left turn, the driver of a vehicle intending to turn left within an intersection, or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(O) Subsection (3) of Section 703 of Part 7 of the Model Traffic Code, concerning entering through highway at stop or yield intersection, is amended to read as follows:

703. Entering through highway-stop or yield intersection.

(3) Except when directed to proceed by law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop sign, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways, except that if the driver is involved in a collision with a vehicle, after driving past a stop sign, such collision shall be deemed prima facie evidence of his or her failure to yield the right-of-way.

(P) Subsection (2) of Section 707 of Part 7 of the Model Traffic Code, concerning certain vehicles must stop at railroad grade crossings is hereby amended to read as follows:

707. Certain vehicles must stop at railroad grade crossings.

(2) This section shall not apply at street railway grade crossings within a business or residential district.

(Q) Subsection (3) of Section 710 of Part 7 of the Model Traffic Code, concerning emerging from or entering alley, driveway, or building, is hereby amended to read as follows:

710. Emerging from or entering alley, driveway or building.

(3) No person shall drive any vehicle other than a bicycle or EPAMD, if such person is disabled, upon a sidewalk or sidewalk area, except upon permanent or duly authorized temporary driveway.

(R) Subsection (3) of Section 712 of Part 7 of the Model Traffic Code, concerning driving in highway work areas, is amended to read as follows:

712. Driving in highway work areas.

(3) Local road authorities, in cooperation with law enforcement agencies, may train and appoint adult civilian personnel for special traffic duty as highway flag-persons within any highway maintenance or construction work area. Whenever such duly authorized flag-persons are wearing the badge, insignia, or uniform of their office, or engaged in the performance of their respective duties, and are displaying any official hand signal device of any type and in the manner prescribed in the adopted State Traffic Control Manual, or supplement thereto, for signaling traffic in such areas to stop or proceed, no person shall willfully fail or refuse to obey the visible instructions or signals so displayed by such flag-person. Any alleged willful failure or refusal of the driver to comply with such instructions or signals, including information as to the identity of the driver and license plate number of the vehicle alleged to have been driven in violation, shall be reported by the work area supervisor in charge at the location to the municipal prosecutor or district attorney for appropriate penalizing action in a court of competent jurisdiction.

(S) Section 1101 of Part 11 of the Model Traffic Code, concerning speed limits, is amended to read as follows:

1101. Speed limits.

(1) No person shall drive a vehicle on a traveled roadway or highway within this municipality at a speed greater than the posted speed limit, and in no event greater than seventy-five (75) miles per hour, or if there is no posted speed limit, greater than the applicable speed set forth in subsection (2) below.

(2) Except when a special hazard exists that requires a lower speed limit, the following speeds shall be lawful:

(a) Twenty-five (25) miles per hour in any business district, as defined in Section 42-1-102 (11) C.R.S.;

(b) Twenty-five (25) miles per hour in any residence district, as defined in Section 42-1-101 (80), C.R.S.;

(c) Twenty (20) miles per hour in any alley; and

(d) Any speed not in excess of the speed limit designated by official traffic control devices.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty (40) miles per hour.

(5) It shall not be a defense to prosecution for a violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the maximum lawful speed limit.

(6) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent or public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 108, exist.

(7) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proof proving that such negligence was the proximate cause of an accident.

(T) Section 1201 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is amended to read as follows:

1201. Moving a parked vehicle.

No person shall move a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(U) Section 1202 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is amended to read as follows:

1202. Parking or abandonment of vehicles.

No person shall stop, park, or leave standing any vehicle, either attended or unattended, upon the paved or improved main-traveled part of the highway. Nothing contained in this section shall apply to the driver of any vehicle which is disabled while on the paved or improved main-traveled portion of a highway in such a manner and to such extent that is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to emergency lighting requirements set forth in Section 230.

(V) Section 1203 of Part 12 of the Model Traffic Code is amended to read as follows:

1203. Parking for certain purposes prohibited.

No person shall park a vehicle upon a roadway for the principle purpose of;

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency;
- (c) Displaying advertising;
- (d) Selling from such vehicle or storing merchandise for sale or for any other commercial use of any kind or nature, except as specifically allowed by Municipal Code.

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(W) Subsection (1) of Section 1204 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is hereby amended to read as follows:

1204. Stopping, standing, or parking prohibited in specified places.

(1) Except as otherwise provided in Subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) On a side walk;
- (b) Within an intersection;
- (c) On a crosswalk;
- (d) Between a safety zone and an adjacent curve or within thirty feet (30') of points on the curb immediately opposite the ends of the safety zone unless the traffic authority indicates a different length by signs or markings;
- (e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (f) On the roadway side of any vehicle stopped or parked at the edge or curb of the street;
- (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (h) On any railroad tracks;
- (i) Within an alley except during any expeditious loading and unloading of merchandise or freight and in no case shall a stop for loading or unloading of materials exceed thirty (30) minutes;
- (j) On a controlled access highway;
- (k) In any alley, if standing or parking would obstruct through traffic, except for the timely loading and unloading of vehicles;
- (l) At any other place where official signs prohibit stopping.

(X) Section 1204 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is further amended to add a new subsection (7) to read as follows:

(7) At any place within this municipality where clearly marked signs or markings are posted by the owner, or lessee, of private property, giving notice of any 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. Any violation thereof shall be punished as in other cases of unlawful parking; provided, however, that the Police Department shall require the owner or lessee of the property to sign a complaint prior to taking action.

(Y) Section 1205 of Part 12 of the Model Traffic Code, concerning parking of vehicles, is amended to read as follows:

1205. Parking at Curb or Edge of Roadway.

(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 (12”) of the right hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) 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 (12”) 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 (12”) of the left hand curb or as close as practicable to the edge of the left hand shoulder.

(3) On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.

(Z) Section 1206 of Part 12 of the Model Traffic Code, concerning unattended motor vehicle, is amended to read as follows:

1206. Unattended Motor Vehicle

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without effectively setting the brake thereon, and, when standing upon any grade, said person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) No person driving or in charge of a motor vehicle shall allow a motor vehicle to be left unattended at idle unless all doors and windows are secure and locked to prevent entry into the vehicle.

(3) No person driving or in charge of a motor vehicle shall allow a vehicle to idle for more than five (5) minutes in any one-hour period unless:

(a) The ambient outside air temperature has been less than twenty (20) degrees Fahrenheit for each hour of the previous twenty-four (24) hour period; or

(b) The latest hourly ambient outside air temperature is less than ten (10) degrees Fahrenheit; and

(c) Under no circumstance, unless specifically authorized in writing by the Town Manager or Chief of Police, or as permitted by a special use permit, shall a vehicle be left at idle for longer than 15 minutes.

(4) The idling restrictions described in this Section shall not apply to emergency vehicles, to vehicles engaged in traffic control operations, to vehicles which are being serviced, to vehicles that must idle to operate auxiliary equipment including but not limited to pumps, compressors or refrigeration units; or to vehicles in route to a destination that are stopped by traffic congestion.

(5) The idling restrictions described in this Section applies to transportation vehicles, as defined below, except that the time during which transportation vehicles are actively loading or discharging passengers may not be included in the computation of the five (5) minute period described in subsection (3) above. A transportation vehicle shall be defined for purposes of this section to mean motor vehicles designed to transport a minimum of sixteen (16) persons.

(Ord. 29 §1, 2014).

(AA) Subsection (1) of Section 1208 of Part 12 of the Model Traffic Code, concerning parking privileges for disabled persons, is amended to read as follows:

1208. Parking Privileges for Persons with Disabilities-Applicability.

(1) As used in this section:

(a) “License Plate or Placard” means a license plate or placard issued pursuant to Section 42-3-204(B), C.R.S.

(b) “Person with a Disability” has the meaning provided for such term in Section 42-3-204(1), C.R.S.

(BB) Part 12 of the Model Traffic Code is amended to include the additional Section 1212 to read as follows:

1212. Parking on emergency snow routes. During a snow event, it shall be unlawful for a person to stand or park a vehicle on the side of a street that constitutes an emergency snow route with even numbered addresses on even numbered calendar days; and the side of the street that constitutes an emergency snow route with odd numbered addresses on odd numbered calendar days

from 5 a.m. to 5 p.m. For the purposes of this section, a “snow event” shall begin when there are two inches (2”) of undrafted snow accumulation and shall remain in effect for seventy-two (72) hours after the snow fall ends. Vehicles parked in violation of this section shall be subject to being towed pursuant to Section 11.12.010 of the Eagle Municipal Code.

(CC) Section 1401 of Part 14 of the Model Traffic Code is amended to read as follows:

1401. Reckless driving. Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter anywhere within this Town in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

(DD) Section 1402 of Part 14 of the Model Traffic Code is amended to read as follows:

1402. Careless driving.

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter anywhere within this municipality in a careless and imprudent manner without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances is guilty of careless driving. A person convicted of careless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

(EE) Subsection (3) of Section 1502 of Part 15 of the Model Traffic Code, concerning motorcycles is amended to read as follows:

1502. Riding on motorcycles.

(3) No person shall operate a motorcycle while carrying packages, bundles or other articles which prevent the person from keeping both hands on the handlebars.

(FF) The “Definitions” section of the Model Traffic Code is amended as follows:

Meaning of words.

Whenever any words and phrases used are defined in the “Definitions” section of the 2010 Model Traffic Code for Colorado, they shall have such meaning ascribed to them. In all cases where the definition or meaning of a word is not set forth and its meaning is not sufficiently apparent in its connection with the subject, the definition given in Webster’s Dictionary shall be taken as the true meaning.

(GG) The “Definitions” section of the Model Traffic Code is amended to add certain definitions as stated below, retaining all other definitions in the Model Traffic Code.

(7.5) “**Barricade**” means a portable or fixed barrier having object markings, including but not limited to traffic cones, used to close all or a portion of the right of way to vehicular traffic.

(28.5) “**Electrical assisted bicycle**” means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) “**Electric personal assistive mobility device**” or “**EPAMD**” means a self balancing, non tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.

(49.5) “**Low-power scooter**” means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

- (a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or
- (b) A wattage not exceeding 4,476 if powered by electricity.

The term “low-power scooter” shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights of way.

(60) (c) “**Motorized skateboard**” means any self-propelled device that has a motor or engine, a deck designed to be stood or sat upon by the operator, on which a person may ride, which may or may not have handlebars and has at least two (2) wheels in contact with the ground. However, a wheelchair or other special motorized unit designed for and used by a person(s) physically disabled to assist their mobility shall not be considered a motorized skateboard.

11.04.060 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 outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1211, 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively, concerning limitations on backing, reckless driving, careless driving, and eluding a police officer shall apply not only to public places and way but also throughout this municipality. Pursuant to Section 103 of the Model Traffic Code, all stop sign regulations and speed limits shall be enforced upon any way which is open to travel by the public by motor vehicles and which is privately maintained when appropriated signs giving notice of such enforcement are erected at the entrances to such ways. In addition, as authorized by Section 1204 of the Model Traffic Code, as amended, the owner or lessee of any private property available for public use in the Town may request in writing that specified areas on such property be designated for use

only by authorized vehicles or only at specified times, or may prohibit parking entirely, and upon acceptance by motion of the Board of Trustees, these private rights-of-way shall be clearly marked by the owner or lessee with official traffic control devices. It is unlawful for any person to park any vehicle in violation of any such sign or marking.

11.04.070 Penalties for Violation.

(A) Except as otherwise provided for in this Section, any person who violates any provision of the Model Traffic Code shall be deemed to have committed a non-criminal traffic offense. Every person who is convicted of, who admits liability for, or against whom a judgment is entered, for a non-criminal traffic offense shall be penalized by imposition of a fine in an amount not less than five dollars (\$5.00) and not greater than five hundred dollars (\$500.00). The presiding Judge of the Municipal Court shall promulgate a schedule of penalties for all non-criminal traffic offenses contained in the Model Traffic Code. Said schedule shall be prominently posted in the office of the Municipal Court Clerk.

(B) The following criminal traffic offenses shall constitute Class A and B municipal offenses:

Class B Municipal Offenses

(punishable by a maximum fine of \$500.00 and/or maximum imprisonment of 6 months)

- A. MTC1101(1) and (2) Speeding (If the alleged violator is accused of exceeding the prima facie speed limit by more than 19 mph);
- B. MTC1101(3) Special Hazards (If the alleged violation has caused, or contributed to the cause of an accident resulting in appreciable damage to property of another or an injury or the death to any person);

Class A Municipal Offenses

(punishable by a maximum fine of \$1000.00 and/or maximum imprisonment of 1 year)

- C. MTC1105 Speed Contest;
- D. MTC1401 Reckless Driving;
- E. MTC1402 Careless Driving (If the violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or death to any person);

- F MTC1409 Compulsory Insurance
- G. MTC1413 Eluding or Attempting to elude a Police Officer;
- H. MTC1903 Failure to Stop for School Buses; and
- I. Any other offense contained in the Model Traffic Code resulting in an accident causing personal injury or substantial property damage.

11.04.080 Procedure – Non-Criminal Traffic Offenses

A. Notwithstanding the provisions of Rule 223(a) and (b) of the Colorado Municipal Court Rules of Procedure, or any other provision of law, the right of a jury trial shall not be available at a hearing where the cited person is charged with a non-criminal traffic offense. In addition, no person charged with a non-criminal traffic offense shall be afforded the right of Court-appointed counsel.

B. The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a non-criminal traffic offense, unless any of the rules are clearly inapplicable. The burden of proof shall be upon the People beyond a reasonable doubt.

C. An appeal from final judgment on a non-criminal traffic offense shall be made in accordance with Rule 237 of the Colorado Municipal Court Rules of Procedure and Article 10, Title 13, C.R.S.

D. Except as otherwise provided in this subsection, no person against whom a judgment has been entered for a non-criminal traffic offense shall collaterally attack the validity of that judgment unless such attack is commenced within three (3) months after the date of entry of the judgment. The only exceptions to the time limitations shall be:

1. A case in which the Court entering judgment did not have jurisdiction over the subject matter of the alleged infraction.

2. A case in which the Court entering judgment did not have jurisdiction of the person of the violator.

3. Where the Court finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

4. Where the Court finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

E. At any time that a person is cited for the commission of any non-criminal traffic offense, the citing officer shall give a notice to the person in charge of or operating the motor vehicle involved, which notice shall be in the form of a Penalty Assessment Notice.

F. The Penalty Assessment Notice tendered by the citing officer shall contain the name and address of such person, the license number of the vehicle involved, if any, the number of such person's driver's license, the nature of the offense, the amount of the penalty prescribed for such offense, the date of the Notice, the time and place and when and where such person shall appear in Court in the event such penalty is not paid, and a place for such person to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed within twenty (20) days as well as such other information as may be required by law to constitute such Notice as a Summons and Complaint to appear in Court, should the prescribed penalty not be paid within the time period.

G. One copy of the Notice shall be given to the violator by the citing officer.

H. The time specified in the Notice to appear shall be at least twenty-one (21) days, but not more than forty-five (45) days after such citation, unless the person cited shall demand an earlier hearing.

I. Whenever the alleged violator refuses to sign or accept the Penalty Assessment Notice, tender of such Notice by the citing officer to the alleged violator shall constitute service of a Summons and Complaint.

J. In the event a person who has been cited for a non-criminal traffic offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice, he/she shall make an appearance and answer the Complaint against him/her. If the alleged violator answers that he/she is liable, judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty on the Complaint and if he/she denies liability, a trial shall be held within the time period prescribed in Rule 248 of the Colorado Municipal Court Rules of Procedure. If the alleged violator fails to appear for a final hearing, a default judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty and applicable Court costs.

K. In the event a person who has been cited for a non-criminal traffic offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice and fails to appear at the time and place specified in the Notice a default judgment shall be entered against him/her, and he/she shall be assessed the appropriate penalty and Court costs. The Clerk of the Municipal Court may proceed to collect this judgment as provided by law, and shall certify the same to the Department of Revenue as provided in Section 42-4-1709(7), C.R.S..

L. If the alleged violator is cited for a non-criminal traffic offense, he/she shall be privileged to answer the Complaint made against him in the manner provided in the Colorado

Municipal Court Rules of Procedure. The maximum penalty which may be imposed shall not exceed the penalty set forth in the Penalty Assessment Notice.

M. The provisions of this Section shall not apply to violations specified in Section 11.04.080(B), nor shall they apply when it appears that the alleged violator has, in the course of the same transaction, violated one of the provisions referred to in Section 11.04.070(B), and has also violated one or more of the other provisions of the Model Traffic Code.

N. If a person receives a Penalty Assessment Notice for a violation under this Chapter 11.04 and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows, in the manner and to the extent permitted by. Sections 42-2-127(5.5) and (5.6), C.R.S.

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

2. For a violation having an assessment of two (2) point, the points are reduced by one (1) point.

11.04.090 Procedure for Parking Violations.

A. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the parking, standing or stopping provisions of the Model Traffic Code, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a penalty assessment notice directing the driver to respond and answer the charge at a place and time specified in said notice.

B. In any prosecution charging a violation of any provision of this Section, proof that the vehicle described in the notice was parked or stopped in violation of such provision, together with proof that the defendant named in the notice was at the time of such violation the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner was the person who parked or stopped the vehicle at the time and place of the violation.

C. In addition to any other liability provided for in the Model Traffic Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the Town Prosecutor the name and address of the person or company who leased, rented or otherwise had the care, custody or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this Section, the operator has the care, custody or control of the motor vehicle. The notice shall inform

the operator that the operator's name and address shall be furnished to the Town Prosecutor of the Town when a parking violation fine is incurred by the operator.

D. Any person charged with a parking, stopping or standing violation under the Model Traffic Code for which a penalty assessment notice may be issued and for which payment of a fine may be made to the Municipal Court shall have the option of paying such fine within the date, time and at the place specified in said notice upon entering a plea of guilty and upon waiving appearance in Court; or may have the option of depositing any required lawful bail, and upon a plea of not guilty shall be entitled to a trial to the Court before the Municipal Judge.

E. Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice.

F. Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the Municipal Court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. A check tendered and accepted and on which payment is received shall be deemed sufficient.

11.04.100 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. Article and section headings of this Chapter 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.

11.04.110 Copies on File and Available for Sale. At least one (1) copy of the Model Traffic Code for Colorado, 2010 Edition together with one (1) copy of the Ordinance codified in this Chapter shall be kept on file in the office of the Town Clerk, or in the office of the Police Department as provided by Section 31-16-206, C.R.S. The Clerk shall at all times maintain a reasonable supply of copies of the Model Traffic Code for Colorado, 2010 Edition available for purchase by the public at a moderate price.

(Ord. 18 § 1, 2013)

Chapter 11.08

SNOWMOBILES

Sections:

- 11.08.010 Definitions.
- 11.08.020 Use.
- 11.08.030 Regulations.
- 11.08.040 State Law.
- 11.08.050 Public Areas.

11.08.010 Definitions. The following words and terms used herein shall be construed to mean the following:

- A. “Snowmobile” means a self-propelled vehicle primarily designed for travel on snow or ice or on natural terrain, and steered or supported in part by skis, belts, wheels, runners or cleats;
- B. “Owner” means a person, other than a lienholder, having the property in or title to a snowmobile and entitled to the use or possession thereof;
- C. “Operate” means to ride in or on and control the operation of a snowmobile;
- D. “Operator” means every person who operates or is in actual physical control of a snowmobile;
- E. “Street,” “road,” or “highway” means the entire right-of-way between boundary lines of any of such public ways when any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel.

(Ord. 156 §1, 1972).

11.08.020 Use. It is unlawful for any person to operate a snowmobile:

- A. On the private property of any person without the express permission of the owner of said property.
- B. On publically owned land including school property, park property, playgrounds, and recreation areas, except where otherwise permitted herein.
- C. On the streets, roads, highways or alleys of the municipality, except that a person may operate a snowmobile upon such streets, roads, highways or alleys solely for the limited purpose of obtaining access to and from the Town limits of the Town of Eagle.

D. In any manner so as to create loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.

(Ord. 156 §2, 1972).

11.08.030 Regulations. The operator of a snowmobile, when legally operating the same as provided in subsection 11.08.020(C), shall conform to and abide by all State statutes and regulations and municipal regulations and ordinances governing the movement of motor vehicle traffic and the operation of motor vehicles within the Town, and such operator shall expressly comply with the Model Traffic Code for Colorado Municipalities currently in effect in the Town. (Ord. 156 §3, 1972).

11.08.040 State Law. All snowmobile owners and operators shall strictly comply with all State statutes governing the registration, ownership, and operation of snowmobiles, including, but not by law of limitation, C.R.S. 1971, 62-13-1, *et seq.* (Ord. 156 §4, 1972).

11.08.050 Public Areas. The other provisions of this Chapter notwithstanding, the Board of Trustees shall have the authority to designate public areas that may be available for snowmobile use, and shall have the authority to supervise and regulate the use and operation of snowmobiles on said public areas. (Ord. 156 §5, 1972).

Chapter 11.09

OFF-HIGHWAY VEHICLES

Sections:

- 11.09.010 Definitions
- 11.09.020 Off-highway Routes Designated
- 11.09.030 Regulations Concerning the Operation of Off-Highway Vehicles Within the Town
- 11.09.040 Penalties

11.09.010 Definitions. As used in this Chapter, unless the context otherwise requires, the following terms shall have the meanings hereinafter designated unless such meaning is excluded by an express provision:

- A. “Off-highway vehicle” shall mean any self-propelled vehicle which is designed to travel on wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes, as further defined in Article 14.5 of Title 33, C.R.S.
- B. “Off-highway vehicle route” means any road, trail, or other public way owned or managed by the Town of Eagle and designated for off-highway vehicle travel.

11.09.020 Off-highway Vehicle Routes Designated. In accordance with Section 33-14.5-108, C.R.S., all Town streets, roads, and alleys except any street or road which is part of the State highway system, within the Town of Eagle are hereby designated as limited off-highway vehicle routes. Off-highway vehicles shall be permitted on such routes for the limited purpose of traveling to or from the owner’s or operator’s residence or place of storage directly to or from a recreational site that allows the use of such vehicles.

11.09.030 Regulations Concerning the Operation of Off-Highway Vehicles Within the Town. No off-highway vehicle shall be operated on the public streets, roads, and alleys within the Town except in accordance with the following:

- A. Every off-highway vehicle operated on the Town’s streets, roads and alleys shall be currently registered with the Colorado Division of Parks and Wildlife.
- B. No owner of an off-highway vehicle shall operate such vehicle, or permit it to be operated, on the Town’s streets, roads and alleys when the owner has failed to have an insurance policy complying with the requirements for motor vehicles or a certificate of self-

insurance, in full force and effect. When an accident occurs, or when requested to do so following any lawful traffic contact, or during an investigation by a peace officer, no owner or operator of an off-highway vehicle 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 law.

C. No person shall operate an off-highway vehicle at a speed greater than is reasonable and prudent under the conditions then existing, and in no event greater than fifteen miles per hour (15 mph).

D. Any person who drives an off-highway vehicle in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property shall be deemed guilty of reckless operation of an off-highway vehicle.

E. Any person who operates an off-highway vehicle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, pedestrians and use of the streets, and all other attendant circumstances, shall be deemed guilty of careless operation of an off-highway vehicle.

F. A person operating an off-highway vehicle on any street or alley shall observe all official traffic control devices, including signs and signals, as set forth in the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town of Eagle, and shall further operate such off-highway vehicle in the manner required for vehicles under the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town of Eagle, except as otherwise provided in this Chapter.

G. No off-highway vehicle shall be operated on any public street, road, or alley between the hours of sunset and sunrise unless such off-highway vehicle is equipped with at least one lighted headlamp and one lighted tail lamp, each having the minimum candle power prescribed by the regulations of the State of Colorado.

H. No off-highway vehicle shall be operated on any public street, road, or alley unless such off-highway vehicle is equipped with brakes and a muffler and spark arrester which conform to the standards prescribed by the regulations of the State of Colorado.

I. No person, shall operate an off- highway vehicle within the Town unless such person has a current valid driver's license and is at least sixteen (16) years of age.

J. Any operator of an off-highway vehicle on Town streets and alleys that is under the age of eighteen (18) years shall wear a safety helmet. In the case of "dune buggies", any person under the age of sixteen (16) years shall have the proper safety restraints as required by Section 42-4- 237, C.R.S., while such vehicle is operated on Town streets and alleys.

K. An off-highway vehicle operated within the Town shall not carry more people than such vehicle is designed to carry.

L. An off-highway vehicle operated on Town streets and alleys shall not tow objects or people behind such vehicle.

M. No off-highway vehicle shall be operated on sidewalks within the Town.

N. Operators of off-highway vehicles on Town streets and alleys shall use proper hand signals to warn other drivers of their intentions such as to turn or stop.

O. All operators of off-highway vehicles within the Town shall wear proper eye protection.

11.09.040. Penalties. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who violates any of the provisions of Section 11.09.020 and subsection (A), (B) and (D) of Section 11.09.030 commits a Class B municipal offense. Any person who violates any other provision of this Chapter, not resulting in appreciable damage to the property of another or any injury or death to any person, commits a non-criminal municipal offense. Any violation of this Chapter which does result in appreciable damage to the property of another or an injury or death to any person shall be deemed a Class B municipal offense. The municipal judge is hereby authorized to promulgate a penalty assessment schedule for violations of this Chapter in accordance with Rule 210(b)(5) of the Colorado Municipal Court Rules of Procedure.

(Ord. 16 §1, 2014).

Chapter 11.10

ABANDONED AND JUNKED VEHICLES

Sections:

- 11.10.010 Definitions.
- 11.10.020 Abandonment of Motor Vehicles Prohibited.
- 11.10.030 Junked Vehicles Prohibited.
- 11.10.040 Abandoned and Junked Motor Vehicles - Public Tow.
- 11.10.050 Post-Storage Hearing.
- 11.10.060 Abandoned and Junked Motor Vehicles - Private Tow.
- 11.10.070 Impoundment Fees.
- 11.10.080 Disposition of Unclaimed Vehicles.
- 11.10.090 Entry upon Private Property.
- 11.10.100 Waiver of Liability.

11.10.010 Definitions. As used in this Chapter, unless the context otherwise requires:

A. “Abandoned motor vehicle” means:

1. “Any motor vehicle left unattended on private property for a period of seventy-two (72) hours or longer without the consent of the owner or lessee of such property or his legally authorized agent; or
2. Any motor vehicle left unattended on public property, including any portion of a public right-of-way, with the Town of Eagle for a period of twenty-four (24) hours or longer; or

(Ord. 12 §1, 2008)

3. Any motor vehicle stored in an impound lot at the request of its owner or the owner’s agent or the Eagle Police Department and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two (72) hours of the time the Eagle Police Department notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Eagle Police Department requested the storage, the provisions governing public tows as contained in Section 11.10.040 shall apply as of the time of abandonment. Otherwise, the private tow provisions contained in Section 11.10.060 shall apply as of the time of abandonment.

B. “Disabled motor vehicle” means any motor vehicle which is stopped or parked, either tended or unattended, upon a public right-of-way and which is, due to any mechanical failure or any inoperability because of collision, fire, or other such injury, temporarily inoperable under its own power.

C. “Junked motor vehicle” means:

1. Any motor vehicle three (3) years old or older; and
2. Extensively damaged, such damage including but not limited to any of the following: a broken window, windshield or both; missing wheels, tires, motor or transmission; and
3. Apparently inoperable.

D. “Operator” means a person or a firm licensed by the Public Utilities Commission as a towing carrier.

E. “Private property” means any real property which is not public property.

F. “Private tow” means any tow of an abandoned or junked motor vehicle not requested by the Eagle Police Department.

G. “Public property” means any real property having its title, ownership, use, or possession held by the Federal Government, the State of Colorado, any county or municipality, or other governmental entity of this State.

H. “Public tow” means any tow of an abandoned or junked motor vehicle requested by the Eagle Police Department.

11.10.020 Abandonment of Motor Vehicles Prohibited. No person shall knowingly abandon any motor vehicle upon public property or upon private property other than his own. Violation of this Section shall constitute a Class B municipal offense. Each separate day or portion thereof, during which said violation continues, shall be deemed to constitute a separate offense. (Amended Ord. 10-2001 §132, 2001).

11.10.030 Junked Vehicles Prohibited. A. No person shall knowingly leave any partially dismantled, wrecked, discarded, junked or unlicensed vehicle on any public property within the Town.

B. It shall be unlawful for any person who is the owner of any vehicle or any person who is in the charge or control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, to knowingly permit or allow a wrecked, junked, unlicensed or discarded vehicle to remain on such property longer than thirty (30) days; provided, that this subsection shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained for impounded vehicles by the Town.

C. Any person violating the provisions of this Section commits a Class B municipal offense. Each separate day or any portion thereof, during which said violation continues, shall be deemed to constitute a separate offense. (Amended Ord. 10-2001 §133, 2001).

11.10.040 Abandoned and Junked Motor Vehicles - Public Tow. A. Any police officer who finds a motor vehicle which he has reasonable grounds to believe has been abandoned or junked shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designed or maintained by the Eagle Police Department.

B. Upon having an abandoned or junked motor vehicle towed, the Eagle Police Department shall ascertain, if possible, whether or not the motor vehicle has been reported stolen and, if so reported, the Police Department shall recover and secure the motor vehicle and notify its rightful owner. The Eagle Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

C. As soon as possible, but in no event later than three (3) working days after having an abandoned or junked motor vehicle towed, the Eagle Police Department shall report the same to the Department of Motor Vehicles by 1st Class or Certified Mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Motor Vehicles. The report shall contain the information required in Section 42-4-1604(1)(c), C.R.S., as amended.

D. The Eagle Police Department, upon receipt of an ownership report from the Department of Motor Vehicles, shall determine, from all available information and after reasonable inquiries, whether or not the abandoned or junked motor vehicle has been reported stolen and, if so reported, the Eagle Police Department shall recover and secure the motor vehicle and notify its rightful owner. The Eagle Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

E. The Eagle Police Department, within five (5) working days of the receipt of the ownership report from the Department of Motor Vehicles, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 42-4-1607, C.R.S., as amended, and shall send a copy of such notice to the towing operator. The notice shall contain information that the motor vehicle has been reported abandoned or junked to the Department of Motor Vehicles, the location of the motor vehicle, and the location from which it was towed; and that, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale. Such notice shall also inform the owner of record of his opportunity to request a hearing concerning the legality of the towing of his abandoned or junked motor vehicle, and that the Eagle Police Department may be contacted for that purpose. A request for hearing shall be made in writing to the Eagle Police Department within ten (10) days of the postmark date of sending such notice. Such hearing, if requested, shall be conducted pursuant to the following Section.

11.10.050 Post-Storage Hearing. A. Upon request, a hearing shall be conducted before

the Eagle Municipal Court Judge within seventy-two (72) hours after the receipt of the owner's request, excluding weekends and holidays. The failure of the owner to request or to attend a scheduled hearing shall satisfy the hearing requirement of this Section. The sole issue before the Municipal Judge shall be whether there was probable cause to impound the vehicle in question. The burden of proof shall be on the Eagle Police Department to establish probable cause for the impoundment.

B. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe there was sufficient violation of the Eagle Municipal Code to grant legal authority for the removal of the vehicle.

C. The Municipal Judge shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall have the burden of establishing that such person has the right to the possession of the vehicle. At the conclusion of the hearing, the Municipal Judge shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The Municipal Judge's decision shall in no way effect any criminal proceeding in connection with the impound in question, and any criminal charges in such proceeding may only be challenged in a court of competent jurisdiction. The decision of the Municipal Judge shall be final.

D. The Municipal Judge shall only determine that as to the vehicle in issue either (i) there was probable cause to impound the vehicle, or (ii) there was no such probable cause. Upon a finding of no probable cause, the motor vehicle shall be released to its owner and all towing and storage fees shall be paid by the Town of Eagle. If the owner fails to present the decision of the Municipal Judge to the operator having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the operator is not open for business, the owner shall assume liability for all subsequent storage charges.

11.10.060 Abandoned and Junked Motor Vehicles - Private Tow. A. Any owner or lessee, or his agent authorized in writing, may have an abandoned or junked motor vehicle removed from his property by having it towed and impounded by an operator.

B. Any operator having in his possession an abandoned or junked motor vehicle from a private tow shall immediately notify the Eagle Police Department as to the name of the operator and the location of the impound lot where the vehicle is located and a description of the abandoned or junked motor vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number. Upon such notification, the Eagle Police Department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, the Police Department shall recover and secure the motor vehicle and notify its rightful owner. The Eagle Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

C. Any operator shall, as soon as possible, but in no event later than seventy-two (72)

hours after receipt of the determination that such motor vehicle has not been reported stolen, report the same to the Department of Motor Vehicles by 1st Class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Motor Vehicles. The report shall contain the information required in Section 42-4-1605(3)(b).

D. Within five (5) working days of the receipt of an ownership report from the Department of Motor Vehicles, the operator shall notify by certified mail or by personal delivery the owner of record and any lienholder. The operator shall send a copy of the notice by certified mail or by personal delivery to the Eagle Police Department. Such notice shall contain the following information:

1. That the identified motor vehicle has been reported abandoned or junked to the Department of Motor Vehicles;
2. The claim, if any, of a lien under Section 42-2-1607, C.R.S., as amended;
3. The location of the motor vehicle and the location from which it was towed;
and
4. That, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

11.10.070 Towing and Impoundment Fees. No motor vehicle towed, stored or impounded at the request of the Eagle Police Department as provided in this Chapter shall be released until the charge for towing or otherwise removing such motor vehicle together with the charge for storage for the same, as hereinafter set forth, are paid. The charge for towing an abandoned or junked motor vehicle shall not exceed the maximum amount set by the Colorado Public Utilities Commission for such services. The charge for the storage of an abandoned or junked motor vehicle shall not exceed the maximum rate set by the Public Utilities Commission for vehicles impounded at the request of the Eagle Police Department. The maximum rates that may be charged for motor vehicles towed, stored or impounded at the request of the Eagle Police Department shall be fees and rates that are in compliance with said schedules posted by the Public Utilities Commission each year.
(Amended Ord. 8-2013 § 3)

11.10.080 Disposition of Unclaimed Vehicles. Motor vehicles removed from public or private property at the request of the Eagle Police Department shall be placed in storage and shall be disposed of in accordance with the provisions of Section 42-4-1606, C.R.S., as amended.

11.10.090 Entry upon Private Property. The Chief of Police of the Eagle Police Department or any police officer is hereby authorized to go on private property for the purpose of making an investigation of any violation of this Chapter and for the purpose of determining ownership and condition of any motor vehicle reasonably appearing to be in violation of any of the provisions of this Chapter.

11.10.100 Waiver of Liability. Neither the Chief of Police, the Town Manager, any police officer, their designees, or any person acting under their direction or control shall be liable or responsible in any manner to the owner of the vehicle, the person claiming to be the owner of a motor vehicle, or any other person, for or on account of any damage to the motor vehicle or other property, or the loss or damage of or to any property which may be contained within the motor vehicle as a result of towing, storing or disposing of said motor vehicle pursuant to the provisions of this Chapter. (Amended Ord. 12-2004 §9 (part), 2004).

Chapter 11.12

EMERGENCY TOWING OF MOTOR VEHICLES

Sections:

- 11.12.010 Authority for Immediate Towing.
- 11.12.020 Impoundment.
- 11.12.030 Post-Storage Hearing.
- 11.12.040 Disposition of Unclaimed Vehicles.

11.12.010 Authority for Immediate Towing. The Chief of Police of the Town of Eagle or any police officer is hereby authorized to remove immediately, without prior notice to the owner or occupant, any motor vehicle from any public or private property under any of the circumstances hereinafter enumerated; the Board of Trustees hereby finding and determining that such vehicles under such circumstances constitute obstructions to traffic or public nuisances.

A. When a vehicle is left unattended upon any bridge, viaduct, or when such vehicle constitutes an obstruction to traffic; or

B. When a vehicle upon a public way is so disabled so as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal; or

C. When any vehicle is left unattended upon any street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic or left unattended upon any public street with engine running or with keys in the ignition switch or lock; or

D. When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the traffic engineer, provided such area or portion of said public street has been posted with an official sign or signs giving notice both of the limitation and prohibition and of the fact that such area or portion of such street is a "tow away" area; or

E. When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property; or

F. When a driver of such vehicle is taken into custody by a police officer and the vehicle would thereby be left unattended upon a street, highway or restricted parking area or other public way; or

G. When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to him, or a vehicle is driven without proper license plates or license permit, or with no license plates or license permit, or driven with an invalid or expired license permit; or

H. When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or who does not have such license in his immediate possession, or who drives a vehicle contrary to restrictions imposed upon his license, or who drives a vehicle while his operator's or chauffeur's license is denied, suspended, canceled or revoked by the State of Colorado; or

I. Where a vehicle is found parked on or near to any railroad tracts so as to block the same in any manner, or when any truck tractor or semitrailer is parked in any parking metered space; or

J. When a driver of any vehicle or the vehicle which he is driving is reasonably suspected of having been in any hit-and-run accident; or

K. When any vehicle is reasonably suspected of being stolen or parts thereof to be stolen; or

L. When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods or other contraband.

11.12.020 Impoundment. Whenever, as authorized in this Chapter, an officer or employee of the Town removes a vehicle from the place where it was left, the officer or employee shall give a notice in writing of such impoundment, as required in subsection 11.10.040(E). Impoundment fees shall be as provided in Section 11.10.070.

11.12.030 Post-Storage Hearing. Upon request, the owner of a motor vehicle removed pursuant to this Chapter shall be entitled to a hearing as provided in Section 11.10.050.

11.12.040 Disposition of Unclaimed Vehicles. Vehicles removed pursuant to this Chapter shall be disposed of in a manner provided for in Section 11.10.080.

Chapter 11.14

SPECIAL EVENTS, PARADES AND DEMONSTRATIONS

Sections:

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11.14.010 Purpose. This Chapter is established to ensure the public health, safety and welfare within public rights-of-way. (Ord. 19 §1, 2004).

11.14.020 Definitions. The following words and terms used herein shall be construed to mean the following:

A. “Applicant” shall mean any person or organization that seeks a permit from the Town to conduct or sponsor an event governed by this Chapter. An applicant must be eighteen (18) years of age or older.

B. “Block party” shall mean a festive gathering on a residential or commercial street requiring the closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including sidewalk sales, barbecues, picnics, music or games for a limited amount of time.

C. “Chief of Police” shall mean the Town of Eagle’s Chief of Police or his designee.

D. “Demonstration” shall mean a rally, picketing, speechmaking, marching, vigil, religious services or any other similar gathering or parade that primarily involves the communication or expression of views or grievances, engaged in by more than one (1) person, that occurs on a street or highway, including sidewalks, or on a publicly owned park, open space, or on other property

owned or leased by the Town, which demonstration does not comply with traffic laws and controls or which may, in the judgment of the Chief of Police or the department head responsible for the administration of any Town affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the demonstration or other persons.

E. “Event” shall mean all demonstrations, parades and special events for which permits have been applied for or given.

F. “Parade” shall mean a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street or highway, including sidewalks, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.

G. “Permit” or “Event Permit” shall mean a permit issued for either a demonstration, parade or special event.

H. “Permittee” shall mean any person or organization that has been issued an event permit by the Chief of Police.

I. “Special event” shall mean an athletic contest, street fair, art and craft show, carnival, block party, or other outdoor event which is not a demonstration as defined in this Section, that occurs on a street or highway, including sidewalks, or on a publicly owned outdoor park or open space, or on other property owned or leased by the Town, which event does not comply with traffic laws and controls or which may, in the judgment of the Chief of Police or the department head responsible for the administration of any Town affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the event or other persons.

J. “Street” or “highway” has the same meaning as defined in Article II of the Model Traffic Code, as adopted in Section 11.04.010 of the Eagle Municipal Code, and also includes bike and pedestrian lanes or paths.

(Ord. 19 §1, 2004).

11.14.030 Permit Required; Exceptions. Any person desiring to conduct an event in the Town shall first obtain a permit from the Chief of Police; provided, however, that an event permit shall not be required for the following:

A. Events that occur exclusively within Town parks, open space areas or recreation areas, as the same are defined in this Municipal Code, and do not involve the closure of any streets or sidewalks that are normally open to the public. All events within Town parks, open space areas or recreation areas that do involve the closure of such streets or sidewalks shall be reviewed by the

Chief of Police and shall be subject to the permit requirements of this Chapter, but only with regard to that portion of the event which occurs upon or affects the streets or sidewalks. Other activities conducted within the parks, open space areas or recreation areas in conjunction with such events shall be regulated according to the requirements of Chapter 9.26 of the Eagle Municipal Code.

B. Parades involving a total of forty (40) or fewer pedestrians marching along a route that is restricted to sidewalks and which cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls; pedestrians participating in such parades shall cross streets in groups of fifteen (15) people or less, and shall allow vehicles to pass between each group;

C. Funeral processions.

(Ord. 19 §1, 2004).

11.14.040 Application Procedure; Fee. A. Any person desiring to sponsor an event not exempted by Section 11.14.030 shall apply for an event permit by filing a verified application with the Chief of Police on a form supplied by the Chief of Police. Applications must be submitted not less than ten (10) business days nor more than one (1) year before the event date.

B. If the application is for a demonstration, the Chief of Police shall, upon a showing of good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. Good cause may be demonstrated by the applicant by showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed.

(Ord. 19 §1, 2004).

11.14.050 Action on Application. The Chief of Police shall approve, conditionally approve or deny an application on the grounds specified in Section 11.14.060. Such action shall be taken no later than five (5) business days after receiving a completed application and fee, if applicable. If the application is denied or conditionally approved, the Chief of Police shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal. If the Chief of Police relied on information about the event other than that contained in the application, he shall inform the applicant of such information. If the Chief of Police refuses to consider a late application under Section 11.14.040(B), he shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal. (Ord. 19 §1, 2004).

11.14.060 Grounds for Denial of Application. A. The Chief of Police shall approve an application for an event permit unless he determines, from a consideration of the application and other pertinent information, that:

1. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail; or

2. The applicant fails to complete the application form after having been notified of the additional information or documents required; or

3. Another event permit or application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Police Department is unable to meet the needs for police services for both events; or

4. The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion; or

5. The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons; or

6. The size of the event will require diversion of so great a number of peace officers of the Town to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the Town; nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers available to police the event; or

7. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or a previously granted encroachment permit; or

8. The event shall occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class; or

9. The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard; or

10. The event will violate a provision of the Eagle Municipal Code or State statute.

B. When the grounds for denial of an application for a permit specified in subsections (A)(4) through (A)(9) above can be corrected by altering the date, time, duration, route or location of the event, the Chief of Police shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said subsections.

(Ord. 19 §1, 2004).

11.14.070 Permit Conditions. The Chief of Police may condition the issuance of an event permit by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions include, but are not limited to, the following:

1. Alteration of the date, time, route or location of the event;
2. Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
4. Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;
5. Requirements for provision of first aid or sanitary facilities;
6. Requirements for arrangement of supplemental fire protection personnel to be present at the event at the permittee's expense;
7. Requirements for use of event monitors and providing notice of permit conditions to event participants;
8. Restrictions on the number and type of vehicles, animals or structures at the event and inspection and approval of floats, structures and decorated vehicles for fire safety by the Greater Eagle Fire Protection District;
9. Requirements for use of garbage containers, cleanup and restoration of Town property;
10. Restrictions on the use of amplified sound;
11. A requirement that an event permit to conduct a block party may be conditioned on the giving of notice to the residents and owners of dwellings along the affected street(s) and provision of temporary barricades in designated locations; and
12. Compliance with any relevant law and obtaining any legally required permit or license.

(Ord. 19 §1, 2004).

11.14.080 Appeal Procedure. The applicant shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the Town Manager's office setting forth the grounds for the appeal within five (5) business days after mailing or personal delivery of a notice of denial or permit condition. The Town Manager or his designee shall hold a hearing no later than five (5) business days after the filing of the appeal and shall render his decision no later than one (1) business day after the hearing. In the event that a notice of appeal is filed in accordance herewith but fewer than six (6) business days prior to the requested date for an event for which a permit has been denied, the Town Manager shall hold a hearing and issue his decision no later than two (2) business days after the filing of the appeal. If the Town Manager determines that circumstances do not permit the completion of such hearing and decision at least one (1) full business day prior to the time and date for the initiation of an event regarding which an appeal is pending, he shall notify the appealing applicant of said determination in writing and said applicant shall be entitled, but not required, to seek judicial review of the permit denial with no further administrative review. The Town Manager's decision shall be final, subject only to such judicial review as may be permitted by law. (Ord. 19 §1, 2004).

11.14.090 Permit Issuance. If, after review of the criteria contained in Section 11.14.060 above, the Chief of Police determines that a permit should be granted, the Chief of Police shall issue the event permit once the applicant has agreed in writing to comply with all terms and conditions of the permit. After consideration of the nature of the event and the criteria set forth in Section 11.14.090 above, the Chief of Police may require:

1. Insurance as set forth in Section 11.14.110;
2. Traffic-Control Fees as set forth in Section 11.14.120; and
3. Cleanup Deposits (when applicable), as set forth in Section 11.14.130.

(Ord. 19 §1, 2004).

11.14.100 Indemnification Agreement. Prior to the issuance of an event permit, the Chief of Police shall require the applicant and authorized officer of the sponsoring organization (if any) to sign an agreement for the permittee to reimburse the Town for any costs incurred by it in repairing damage to Town property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. The agreement shall also provide that the permittee shall defend the Town against, and indemnify and hold the Town harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. Persons who merely join in an event are not considered by that reason alone to be "under the control" of the permittee. (Ord. 19 §1, 2004).

11.14.110 Insurance. A. Prior to the issuance of an event permit, the Chief of Police may require the applicant and authorized officer of the sponsoring organization (if any) to possess or

obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. The Chief of Police shall determine whether to require such insurance, and the amount of insurance that shall be required, based upon the considerations routinely taken into account by the Town in evaluating loss exposures, including, without limitation, whether the event poses a substantial risk of damage or injury due to the anticipated number of participants, the nature of the event and activities involved and the physical characteristics of the proposed site. Such insurance shall name on the policy or by endorsement as additional insureds the Town, its officers, employees and agents.

B. If insurance coverage is required pursuant to subsection (A) above, a copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the Chief of Police no less than five (5) days before the date of the event unless the Chief of Police for good cause changes the filing deadline, in which event such documents shall be provided prior to the event.

C. The insurance requirements of subsections (A) and (B) above shall be waived by the Chief of Police for demonstrations if the applicant or an officer of the sponsoring organization signs a verified statement that he believes the event is a demonstration under the definition in this Chapter, and that he has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one (1) insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.

D. If the Chief of Police waives the insurance requirements set forth in subsections (A) and (B), the Town may, in its discretion, require the applicant to apply for insurance coverage for the event under a policy selected by the Town. The applicant must provide any information pertinent to qualifying for the insurance coverage. The premium for such insurance coverage shall be paid by the Town rather than the applicant.

(Ord. 19 §1, 2004).

11.14.120 Traffic-Control Fees; Optional Use of Preestablished Event Routes. A. Prepayment of Fees. Upon approval of an application for an event permit, the Chief of Police shall provide the applicant with a statement of the estimated cost of providing peace officers for traffic control at the event. The applicant of the event shall be required to pay the estimated traffic-control fees no later than five (5) days prior to the event unless the Chief of Police for good cause changes the filing deadline, in which event such documents shall be provided prior to the event. Traffic control includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event.

B. Computing Traffic-Control Fees. Traffic-control fees will be computed based on an hourly rate with a minimum charge of two (2) hours per officer or supervisor. The hourly rate is based upon Town personnel policies and will be updated periodically. The Chief of Police shall

keep a record of such rate.

C. Refunds or Overruns. If the actual cost for traffic control on the date of the event is less than the estimated cost pursuant to subsection (A) above, the difference will be promptly refunded to the applicant by the Town, subject, however, to the minimum stated in subsection (B) above. If the actual cost for traffic control is more than the estimated cost, the Town shall bill the applicant for the excess and the applicant shall pay the same within ten (10) days of the date of the bill.

D. Prestablished Event Routes and Fees. The Chief of Police may preestablish several event routes within the Town which may be, but are not required to be, used by applicants. The routes shall specify the number of officers and traffic-control devices or marshals needed for traffic control on the routes, if any. Such preestablished event routes and the fee schedule for traffic-control services shall be made available to the public.

E. Waiver of fees for demonstrations. Traffic-control fees will be waived by the Chief of Police for demonstrations of either if the following conditions are satisfied:

1. The applicant signs a verified statement that he believes the event's purpose is First Amendment expression, and that he has determined that the cost of traffic-control fees is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression; and

2. The applicant selects one (1) of the preestablished event routes.

(Ord. 19 §1, 2004).

11.14.130 Cleanup Deposits for Certain Events. A. In connection with an event involving the sale of food or beverages, erection of structures, presence of horses or other large animals, or erection of water aid stations, the applicant shall be required to provide a cleanup deposit prior to the issuance of a permit. The cleanup deposit shall be in the amount established by the Chief of Police, based upon an estimate of the actual costs reasonably estimated to be incurred by the Town in the cleanup of an event of like nature and size.

B. The cleanup deposit shall be returned after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event.

C. If the property used for the event has not been properly cleaned or restored, the applicant shall be billed for the actual cost to the Town for cleanup and restoration, and the cleanup deposit (or a portion thereof) shall be applied toward payment of the bill. If the applicant disputes the bill, he may appeal to the Chief of Police within ten (10) days of the date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant. Should the amount of the bill exceed the cleanup deposit, the difference shall be billed to the applicant by the Town and the applicant shall pay the same within ten (10) days of the date of

the bill.

(Ord. 19 §1, 2004).

11.14.140 Duties of Permittee. A. The permittee shall comply with all terms and conditions of the special event permit.

B. The permittee shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event, is familiar with all the provisions of the permit and carries the event permit on his or her person for the duration of the event.

C. The permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

(Ord. 19 §1, 2004).

11.14.150 Revocation of Permit. A. The Chief of Police or a designee may, at any time prior to an event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.

B. The Chief of Police or a designee may revoke or terminate the permit during the course of the event if continuation of the event presents a clear and present danger to the participants or the public.

(Ord. 19 §1, 2004).

11.14.160 Violations. A. It shall constitute a Class B municipal offense for any person to sponsor or conduct a parade, athletic event, other special event or demonstration requiring an event permit unless a permit has been issued for the event. It shall constitute a Class B municipal offense for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.

B. It shall constitute a Class A municipal offense for any person to interfere with or disrupt a lawful parade, athletic event or other special event.

C. The event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the terms and conditions of the permit. It shall constitute a Class B municipal offense for the permittee to knowingly violate the terms and conditions of the permit, or for any event participant with knowledge thereof to knowingly violate the terms and conditions of the permit.

(Ord. 19 §1, 2004).