

ORDINANCE NO. 348

AN ORDINANCE FOR THE REGULATION OF TRAFFIC WITHIN THE TOWN OF BERTHOUD, COLORADO, AMENDING ORDINANCE NO. 324 WHICH ADOPTS THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES".

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. AMENDMENTS: Pursuant to 139-34-7 of Colorado Revised Statutes 1963, Ordinance No. 324 of the Town of Berthoud which adopts by reference the 1966 "Model Traffic Code for Colorado Municipalities" is hereby amended as follows:

(a) Deletions: Sections 22-1(b), 22-5(2), 22-5(3) and 22-5(4) of the Code are deleted.

(b) Additions: Sections 3-3(e), 16-11(b), 20-11(a), 20-14 and 23-12(b) (9) of the Code are added to read:

Code Sec. 3-3. Certain vehicles to stop at all grade crossings.—(e)
This section shall not apply at street railway grade crossings within a business or residence district.

Code Sec. 16-11. Drivers to exercise due care.—(b) Any pedestrian who is not wholly or partially blind and any driver of a vehicle who approaches or comes in contact with a person who is wholly or partially blind carrying a cane or walking stick, white or metallic in color, or white tipped with red, or who is accompanied by a guide dog, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid an accident or injury to the person wholly or partially blind.

Code Sec. 20-11. Foreign matter on street or highway prohibited.—(a) No person shall throw or deposit upon any street or highway within this municipality any glass bottle, glass, stones, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon said street or highway; nor shall any person dump, deposit, throw, or leave any litter on any public or private property within this municipality except in a receptacle or container provided for such purpose.

Code Sec. 20-14. Cycle helmets.—No person shall operate any motorcycle or motor-driven cycle on any street or highway within this municipality unless such person and any passenger thereon is wearing securely fastened on his head a protective helmet of a type approved by the State Department of Revenue; nor shall any vehicle be so operated on said street or highway unless the operator and any passenger shall have in place on his helmet a face shield or shall wear covering his eyes goggles or eye glasses made of safety glass or plastic lens.

Code Sec. 23-12. Official traffic control records.—(b) (9) Right-turn-on-red prohibitions declared pursuant to section 15-5 (f).

Code Sec. 25-5. Miscellaneous definitions.—(d) Litter.—All rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, and description.

(c) Revisions: Sections 3-3(a), 3-6, 4-1, 4-2, 4-3, 4-7, 8-3, 12-1, 15-5(f), 15-10, 18-3(d), 19-2, 22-20, 24-5, 24-6 and 25-2 of the Code are revised to read:

Code Sec. 3-3. Certain vehicles to stop at all grade crossings.—(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 10 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.

Code Sec. 3-6. Stop when traffic obstructed.—No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control indication to proceed.

Code Sec. 4-1 Basic rule.—(a) No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is reasonable and prudent under the conditions existing.

(b) Except when a special hazard exists that requires lower speed, and except as otherwise provided herein, the following speeds shall be lawful but any speed in excess of said limits shall be *prima facie* evidence that the speed is not reasonable or prudent and that it is unlawful:

- (1) Twenty-five miles per hour in any business district;
- (2) Thirty miles per hour in any residence district;
- (3) Twenty miles per hour on narrow, winding mountain highways and blind curves;
- (4) Forty miles per hour on open mountain highways;
- (5) Sixty miles per hour on other open, surfaced highways.

Code Sec. 4-2. Decrease of speed limits at certain intersections.—It is hereby determined upon the basis of an engineering and traffic investigation that the *prima facie* speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at certain intersections or approaches thereto described in traffic control schedules of Article XXVI herein or otherwise recorded as provided in section 23-12 of this ordinance and it is hereby declared that the *prima facie* speed limit upon every approach to and within those intersections so designated shall be as stated in said schedules or records, which speed so declared shall be effective when signs are erected giving notice thereof; provided, however, that decreased speed limits on streets which are a part of the State Highway System shall be subject to the approval of the State Department of Highways as specified in section 23-10 herein.

Code Sec. 4-3. Increase of speed limits in certain zones.—It is hereby determined upon the basis of an engineering and traffic investigation that the *prima facie* speed hereinbefore set forth is less than is necessary for safe operation of vehicles upon certain streets or portions thereof described in traffic control schedules of Article XXVI herein or otherwise recorded as provided in section 23-12 of this ordinance, by reason of the designation of said streets as through streets or by reason of widely-spaced intersections or the absence of intersections; and it is hereby declared that the *prima facie* speed limits upon those streets or portions thereof shall be as stated in said schedules or records but not in excess of 60 miles per hour as limited by statute, which speeds so declared shall be effective when signs are erected giving notice thereof; provided, however, that increased speed limits on streets which are a part of the State Highway System shall be subject to the approval of the State Department of Highways as specified in section 23-10 herein.

Code Sec. 4-7. Regulation of speed by traffic signals.—Traffic signals may be timed, as authorized in section 23-9 of this ordinance, so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the *prima facie* speed limit otherwise applicable to the street or area.

Code Sec. 8-3. Reversible lane control.—Official traffic control devices may be erected, as authorized in section 23-9 of this ordinance, designating streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, regardless of the center line of the roadway, and drivers shall obey the directions of all such devices.

Code Sec. 12-1. Regulations not exclusive.—The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

Code Sec. 15-5. Traffic control signal legend.—(f) *Steady red alone.*—(1) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a sign or pavement marking indicating where the stop shall be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection and shall remain stopped or standing until a green indication is shown; except, that the driver of such vehicle, after coming to a stop and yielding the right of way to pedestrians and other traffic proceeding as directed, may make a right turn unless a sign has been erected prohibiting such right turn as declared in section 23-12 of this ordinance. (Schedule of right-turn-on-red prohibitions added to Article XXVI.)

Code Sec. 15-10. Traffic lanes.—Where traffic lanes have been marked, as authorized in section 23-9 of this ordinance and as declared in the State traffic control manual, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

Code Sec. 18-3. Height, width, and length of vehicles and loads.—

(d) No combination of vehicles coupled together shall consist of more than three units, and no such combination of vehicles shall exceed a total overall length of 60 feet, except as otherwise provided in section 18-11 of this ordinance. Any such combination of vehicles shall be operated only on streets and highways designated by the road authority.

Code Sec. 19-2. Lights, brakes, and other required equipment.—(c)

Nothing contained in this ordinance shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions herein, except that no person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle any headlamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been approved by the State Department of Revenue.

Code Sec. 22-20. Authority to impound vehicles.—(a) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right of way within this municipality in such a manner as to constitute a violation of section 10-5 of this ordinance, or left unattended for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by 13-5-71(2) and 13-5-72(2) C.R.S. 1963 as amended, such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.

Code Sec. 24-5. Disposition of traffic fines and forfeitures.—All fines or forfeitures collected upon conviction or a finding of violation, or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this ordinance shall be handled as required by State law.

Code Sec. 24-6. Official misconduct.—Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine to comply with the provisions of section 24-5 shall constitute misconduct in office and shall be grounds for removal therefrom.

Code Sec. 25-2. Definitions relating to vehicles and traffic.—

(i) **Motor vehicle.**—Any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways.

(u) **Road machinery.**—Those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance and repair of roadways and the digging of ditches.

(v) **School bus.**—Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation, but not including informal or intermittent arrangements such as sharing of actual gasoline expense or participation in a car pool, for the transportation of children to or from school.

(w) **Semitrailer.**—Any wheeled vehicle, without motive power, which is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such truck tractor, and which is generally and commonly used to carry and transport property over the public highways.

(bb) **Trailer.**—Any wheeled vehicle, without motive power having an empty weight of more than two thousand pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

(dd) **Truck.**—Any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

(ee) **Truck tractor.**—Any motor vehicle which is generally and commonly designed and used to draw a semitrailer and its cargo load over the public highways.

(ff) **Vehicle.**—Any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks; but such term shall not mean or include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations, or any device moved by muscular power, or moved exclusively over stationary rails or tracks, or designed to move primarily through the air.

Section 2. PENALTIES: The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions stated in this ordinance.

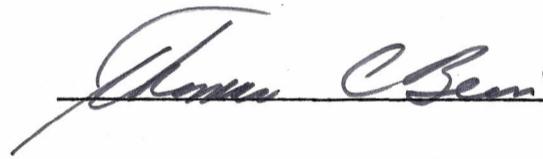
(b) Every person convicted of a violation of any provisions stated in this ordinance shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

Section 3. VALIDITY: If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 4. PUBLICATION: The Town Clerk shall certify to the passage of this ordinance, and cause notice of its contents and passage to be published or posted.

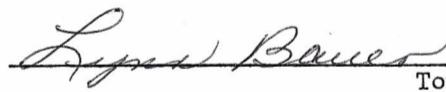
Section 5. EFFECTIVE DATE: The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance is necessary for the immediate preservation of the public peace, health and safety; and whereas, in the opinion of the Board of Trustees, an emergency exists, this Ordinance shall take effect and be in force immediately after its final passage, adoption and publication.

This ordinance was introduced, read, passed on first reading and ordered published by the Board of Trustees of the Town of Berthoud at its regular meeting held this 12th day of January, 1971.



James C. Bear
Mayor

ATTEST:



Lynn Bauer
Town Clerk

Published January 14, 1971