

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 23-16**

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 167 OF THE CODE OF THE TOWN OF FRISCO, RELATING TO VEHICLES AND TRAFFIC; ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Town of Frisco, Colorado (the “Town”) is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and Section 31-15-702(1)(a)(I), C.R.S., the Town is authorized to regulate the use of streets; and

WHEREAS, pursuant to Section 42-4-110, C.R.S., the Town Council (the “Council”) may adopt by reference all or any part of a model traffic code that embodies the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S.; and

WHEREAS, the Town has previously adopted by reference the “Model Traffic Code for Colorado, 2003 Edition;” and

WHEREAS, the Colorado Department of Transportation has revised the Model Traffic Code and promulgated the “Model Traffic Code For Colorado, 2020 Edition;” and

WHEREAS, the Council finds and determines that the adoption of the 2020 Model Traffic Code is in the best interest of the public health, safety and welfare of the citizens of Frisco.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Chapter 167 of the Code of the Town of Frisco, titled “VEHICLES AND TRAFFIC,” is hereby repealed and re-enacted as follows:

§ 167-1. Adoption of Standards by Reference.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the 2020 edition of the “Model Traffic Code,” as revised on July 7, 2021, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, Colorado 80204. The subject matter of the Model Traffic Code for Colorado relates primarily to comprehensive traffic control regulations for the Town. The purpose of this chapter and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code for Colorado adopted herein are now filed in the office of the Clerk of the Town of Frisco, Colorado, and may be inspected during regular

business hours. The 2020 edition of the Model Traffic Code for Colorado, as revised on July 7, 2021, is adopted as if set out at length.

§ 167-2. Violations and Penalties.

The following penalties, herewith set forth in full, shall apply to this chapter:

- A. It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.
- B. Except as hereinafter provided, every person convicted of a violation of any provision stated or adopted in this chapter shall, in addition to any administrative or court costs which may be imposed, be punished by a fine not exceeding one thousand dollars (\$1,000.00); except any person convicted of violating Section 1101, Speed limits, when such person exceeded the lawful speed limit by twenty (20) miles per hour or greater, Section 1105, Speed contests, Section 1401(1), Reckless driving, Section 1409, Compulsory insurance, Section 1413, Eluding or attempting to elude a police officer, all being violations of the Model Traffic Code for Colorado as adopted by the Town, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

§ 167-3. Applicability.

This chapter shall apply to every street, alley, sidewalk area, driveway and park and to every other public way 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 606, 1204(2)(f), 1208, 1211, 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively, concerning unauthorized signs or devices, parking prohibition, parking privileges for persons with disabilities, limitations on backing, reckless driving, careless driving and eluding an officer shall apply not only to public places and ways but also throughout this municipality.

§ 167-4. Interpretation.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. 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.

§ 167-5. Notice of Adoption; Availability of Standards for Public Inspection.

The Town Clerk shall certify to the passage of this chapter, cause notice of its contents and passage to be published or posted and make not fewer than three (3) copies of the adopted Code available for inspection by the public during regular business hours. The Town Clerk shall maintain a reasonable supply of the Model Traffic Code adopted by this chapter available for purchase by the public.

§ 167-6. Office of Traffic Engineer.

The office of Traffic Engineer is hereby established. The Traffic Engineer shall be appointed by the Town Council and shall exercise the powers and duties provided by this chapter. In the absence of such appointment or at such times as the Traffic Engineer may be absent from the town or unable to perform his duties, said duties shall be vested in the Chief of Police or other municipal official as determined by the Town Council.

§ 167-7. Powers and Duties of Traffic Engineer.

- A. It shall be the general duty of the Traffic Engineer to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of the Town of Frisco, to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed.
- B. By way of example, but not by way of limitation, the Traffic Engineer is empowered and authorized, consistent with the provisions of this Code, to effectuate the following:
 - 1. The installation, maintenance and removal of traffic control devices;
 - 2. The designation and marking of medians and traffic islands;
 - 3. The making of speed zone studies and posting of speed limits as permitted by law;
 - 4. The designation of minimum speed as provided by law;
 - 5. The regulation of speed and traffic movement by traffic signals and provision for the synchronization of such signals wherever practicable;
 - 6. The designation of one-way streets and roadways;
 - 7. The designation of through streets or roadways and the control of entrances thereto;
 - 8. The designation of stop or yield intersections and the erection of stop or yield signs thereat;
 - 9. The establishment of restrictions, prohibitions and regulations for the parking, standing or stopping of vehicles;
 - 10. To designate special parking zones for taxicabs, press, television and radio cars, and the like;

11. The establishment of parking time limitations based on an engineering and traffic investigation;
12. The establishment of tow-away zones;
13. The designation of streets, if any, upon which angle parking shall be permitted;
14. The designation of and placement of signs at intersections at which drivers shall not make a right or left turn, a U-turn or any turn at all times or during certain times;
15. The designation of and placement of signs at intersections where multiple turns shall be allowed;
16. The marking of center lines and lane lines and the placement of other pavement markings necessary for the regulation and control of traffic;
17. The installation and maintenance of crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;
18. The establishment of safety zones at such places where necessary for pedestrian protection;
19. The installation of pedestrian-control signals and the designation of those crossings where angle crossing by pedestrians shall be permitted;
20. The establishment of truck routes, truck loading zones, bus stops and taxicab stands;
21. The designation and placement of signs on those streets and roadways where pedestrians, bicyclists or other nonmotorized traffic or persons operating a motor-driven cycle shall be excluded as provided by law;
22. The designation and placement of signs upon those streets upon which vehicles or loads of a certain weight shall be prohibited;
23. The provision of temporary street or alley closures by the erection of barricades;
24. The issuance of special permits for curb loading operations, the movement of vehicles having excess size or weight, parades, processions, and other events or activities of similar character.

§ 167-8. Severability.

If any part of this chapter or of the Model Traffic Code adopted hereby shall be held unconstitutional or invalid, the remainder of this chapter and the Model Traffic Code

adopted hereby shall continue in full force and effect, it being the legislative intent that this chapter and the Model Traffic Code would have been adopted even if such unconstitutional or invalid matter had not been included herein.

§ 167-9. References in Other Ordinances

All references in this Code or other ordinances to the “Model Traffic Code,” the “traffic code,” or the “vehicle and traffic code” shall be interpreted to refer to Chapter 167 of the Frisco Code and to the Model Traffic Code adopted therein.

§ 167-10. Additions or Modifications Generally.

The Model Traffic Code adopted in this Chapter is subject to the additions or modifications provided in the following sections.

§ 167-11. Section 105, Local Traffic Control Devices.

Section 105 of the Model Traffic Code adopted in this Chapter is hereby amended to read as follows:

§ 105. Local Traffic Control Devices.

- (1) The Town of Frisco may place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Code or local traffic ordinances to regulate, warn or guide traffic, subject in the case of state highways to the provisions of sections 42-4-110 and 43-2-135(1)(g), C.R.S. All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in section 42-4-104, C.R.S.
- (2) Any and all references in this Code to “official sign(s),” “official signal(s),” “official traffic control device(s),” “official device(s)” or “official marking(s)” shall be construed to refer to any and all signs, signals, devices or markings that have been placed upon highways within the Town of Frisco by authority of the Town of Frisco, any official of the Town of Frisco, the Parking Enforcement Operator, or any other proper official, whether or not the Town of Frisco exercised such authority by means of a resolution or ordinance, and whether or not such official was authorized to exercise such authority by resolution or ordinance. It is the intent of this section that proof of a resolution or ordinance authorizing the placement of any sign, signal, device or marking not be construed to be an element of any traffic offense or other violation of this Code.
- (3) Any and all references in this Code to acts of a municipality “by resolution” or “by ordinance” or any requirement within this Code that a municipality act “by resolution” or “by ordinance” shall be construed only as intended to guide the administrative procedures of the Town of Frisco

in regulating, warning, guiding or otherwise controlling vehicles or traffic. It is the intent of this section that any reference or requirement of this Code that a municipal action be “by resolution” or “by ordinance” not be construed as an element of any traffic offense or other violation of this Code.

§ 167-12. Section 1401(2), Reckless Driving - Penalty for Subsequent Violation.

Section 1401(2) of the Model Traffic Code adopted in this Chapter is hereby amended to as follows:

1401 Reckless Driving - Penalty for Subsequent Violation

- (2) Upon a second or subsequent conviction for violation of this section, a person shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than two (2) days nor more than one year, or by both such fine and imprisonment.

§ 167-13. Section 1402(1), Careless driving - penalty.

Section 1402(1) of the Model Traffic Code adopted in this Chapter is hereby amended to read as follows:

1402 Carless Driving - Penalty

- (1) Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, low-power scooter, or motorized bicycle 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. Any person who drives a motor vehicle, bicycle, electrical assisted bicycle, low-power scooter, or motorized bicycle in such a manner as to violate, in a single driving episode, two (2) or more of the sections of this Code regulating the driving of vehicles for which penalty points are assessed, pursuant to the statutes of the State of Colorado, against the driver’s driving privilege, is guilty of careless driving. A person convicted of careless driving of a bicycle, electrical assisted bicycle, low-power scooter, or motorized bicycle shall not be subject to the provisions of section 42-2-127, C.R.S.

§ 167-14. Reserved.

§ 167-15. Section 1720, Notice on Illegally Parked Vehicle; Authority of Parking Enforcement Operator to Enforce Certain Parking Laws.

A new Section 1720 of the Model Traffic Code adopted in this Chapter is hereby added to read as follows:

1720. Notice On Illegally Parked Vehicle; Authority of Parking Enforcement Operator to Enforce Certain Parking Laws.

- A. Whenever any motor vehicle is found parked or stopped in violation of any of the restrictions imposed by this code, the officer or other authorized individual finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user if the driver of the vehicle is not present, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.
- B. The Town's parking enforcement operator shall have the power to enforce all of the restrictions imposed by Part 12 of the Town's Model Traffic Code (concerning the parking of motor vehicles) as adopted by reference and amended in this Chapter 167, except for Section 1208 of the Town's Model Traffic Code concerning parking privileges for persons with disabilities, which the Town's parking enforcement operator is not authorized to enforce.

§ 167-16. Section 1204, Stopping, Standing, or Parking Prohibited in Specified Places.

Section 1204 of the Model Traffic Code adopted in this Chapter is hereby amended as follows:

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

The introductory portion of Section 1204(1) is amended to read as follows:

(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, the parking enforcement operator, or an official traffic control device, in any of the following places:.....

The introductory portion of Section 1204(2) is amended to read as follows:

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:.....

The introductory portion of Section 1204(3) is amended to read as follows:

(3) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:...

§ 167-17. Appendix 1, Definitions.

Appendix 1 of the Model Traffic Code adopted in this Chapter is hereby amended to include the following definition:

(67.1) “Parking Enforcement Operator” means a person under contract to the Town whose duties include, but are not limited to, enforcement of certain of the Town’s laws concerning the parking of motor vehicles. The term “parking enforcement operator” includes any employee of the Town’s parking enforcement operator acting within the course and scope of his or her employment.

Section 2. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the Town of Frisco shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 3. Savings Clause. If any part, section, subsection, sentence, clause or phrase of this ordinance or of the Model Traffic Code adopted hereby is for any reason held to be unconstitutional or invalid, the remainder of this ordinance and the Model Traffic Code adopted hereby shall continue in full force and effect, it being the legislative intent that this ordinance and the Model Traffic Code would have been adopted even if such unconstitutional or invalid matter had not been included herein.

Section 4. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado, at 12:00 a.m. on _____, 2023.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE AND HEARING ORDERED ON THE ____ DAY OF _____, 2023.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE
ORDERED THIS ____ DAY OF _____, 2023.

Town of Frisco, Colorado:

Mayor Hunter Mortensen

ATTEST:

Stacey Nell, Town Clerk