



TO: MAYOR AND TOWN COUNCIL
FROM: THAD W. RENAUD, TOWN ATTORNEY
RE: ORDINANCE ADOPTING 2020 MODEL TRAFFIC CODE
DATE: JUNE 13, 2023

Summary Statement:

Attached, for your consideration on second reading, please find an ordinance that would amend the Town Code to adopt, by reference, the 2020 Model Traffic Code for Colorado (a version that was last revised by the State of Colorado on July 7, 2021).

This ordinance was approved on first reading on May 23, 2023, by the affirmative vote of all Council members present. The only change to the ordinance from the version approved on first reading was to insert "August 1, 2023," as the effective date of the ordinance in order to ensure that the Frisco Police Department has sufficient time to obtain the new citation forms that will be needed in connection with the new Model Traffic Code.

Background:

The state traffic laws are contained in Article 4 of Title 42 of the Colorado Revised Statutes ("C.R.S."). Violations of these provisions may be cited into county or district court but not municipal court. The Model Traffic Code for Colorado ("MTC") is a uniform code of traffic laws that mirror, in large part, the state traffic laws contained in Article 4 of Title 42, C.R.S. Adoption of the MTC by a municipality allows for the enforcement of most traffic laws in the municipal court.

The MTC is a document maintained and published by the Colorado Department of Transportation. The Town previously adopted the 2003 edition of the MTC into Chapter 167 of the Frisco Town Code. Since that time, as important new state traffic laws have been adopted, the Town has amended its 2003 MTC to adopt those new laws. (One example being the adoption into Town law of requirements that vehicles slow down or move over for emergency vehicles on the roadside.)

However, because small changes in both state traffic laws and the MTC accumulate over time, the best practice to achieve uniformity in traffic laws between state and local governments, and among local governments, is to repeal and re-adopt the latest version of the MTC from time to time.

In the past, the Town has amended the MTC as it has adopted it in order to provide for local variations on procedural and substantive rules. Each of those changes to the previously adopted version of the MTC is reflected in the attached ordinance adopting the 2020 MTC.

Recommendation:

On that basis, it is my

RECOMMENDATION:

that the Town Council adopt on first reading Ordinance No. 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