

ORDINANCE NO. 12-2014

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

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

Section 1. Adoption. Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2010 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Administrator/Clerk of the Town of Wellington, Colorado, and may be inspected during regular business hours.

Section 2. Repealer. ORDINANCE NO. 11-2007 section 3(1) confirmed the adoption of the *Model Traffic Code for Colorado*, 2003 edition also referenced in section Sec. 8-1-10 of the code as the 2003 edition of the *Model Traffic Code for Colorado Municipalities*. Any reference in ORDINANCE NO. 11-2007 or the Wellington Town Code to the Model Traffic Code or the *Model Traffic Code for Colorado*, 2003 edition, or the 2003 edition of the *Model Traffic Code for Colorado Municipalities* including references at Chapter 8 Article 1, are amended to refer to the *Model Traffic Code for Colorado*, 2010 revised edition which *Model Traffic Code for Colorado*, 2010 revised edition shall apply to all Traffic offences occurring in the Town of Wellington Colorado after August 1, 2014.

Section 2. Deletions and additions. The revised 2010 edition of the Model Traffic Code (the "MTC") is adopted as set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted,

Section Sec. 8-1-20. "Amendments" As contained in the current Town Code is deleted in its entirety and the following is inserted in its place.

- 1) Section 1203 of the MTC related to Ski area signs is not adopted.
- 2) Section 711 of the MTC related to driving on mountain highways is not adopted.
- 3) Section 713 of the MTC related to yielding the right of way to transit busses is not adopted.
- 4) Section 1011 of the MTC related to use of runaway vehicle ramps is not adopted.
- 5) Section 1012 of the MTC related to HOV and HOT lanes is not adopted.
- 6) Section 1013 of the MTC related to Passing Lanes is not adopted.
- 7) Section 1409(9) of the MTC related to division of fines for violation of compulsory insurance is not adopted.
- 8) The definitions section contained in the Appendices section of the code is specifically adopted.
- 9) Section 1101 of the MTC is amended to reflect that speed limits set forth at subsection (2) are adopted unless other speeds have been posted by the Town as allowed by Sections 1102 and 105 of the MTC, including speed limits and postings established within the Town prior to the adoption of this ordinance.

- 10) Section 509 and 510 of the MTC related to weighing of vehicles and permits for excess size and weight and for manufactured homes are adopted, subject to requirements imposed by the Town at Section 8-1-30 of the Town Code.
- 11) The following is added as a section of the Model Traffic Code:

Section "1212. Engine Idling.

"(1) Except as hereinafter provided, it shall be unlawful for any person to idle or permit the idling of the motor of any stationary motor vehicle for a prolonged or unreasonable period of time, determined herein to be ten minutes.

"(2) This section shall not apply when the engine of a motor vehicle must be operated in the idle mode for safety reasons, including but not limited to the operation of cranes and forklifts.

"(3) The time required by a diesel-powered motor vehicle while operating in a stationary position to achieve a temperature of one hundred twenty (120) degrees Fahrenheit and an air pressure of one hundred (100) pounds per square inch shall not be included in the computation of the ten minutes determined herein to be a prolonged or unreasonable period of time. The temperature and air pressure as indicated on the vehicle's gauges may be used for determining the diesel engine's temperature and air pressure and may dictate idling time for both warm-up and cool-down.

"(4) The time during which transportation vehicles are actively loading or discharging passengers shall not be included in the computation of the ten minutes determined herein to be a prolonged or unreasonable period of time. A transportation vehicle shall be defined for the purposes of this section to mean motor vehicles designed to transport a minimum of sixteen (16) persons.

"(5) Emergency vehicles are exempt from the above engine-idling restrictions."

Section 4. Penalties. The following penalties, set forth in current Town Code Section 8-1-60 shall apply to this ordinance and violations of the MTC as adopted by this ordinance:

Sec. 8-1-60

(1) It is unlawful for any person to violate any of the provisions of this Article or the Model Traffic Code as adopted herein.

(2) Every person convicted of a violation of any provision in this Article or the Model Traffic Code 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.

Section 5. Application. This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parkway 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 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 6. 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 Town Board 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 7. Repeal. Existing or parts of ordinances (identifying ordinance number may be cited) covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution 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 8. Interpretation. This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Emergency Ordinance. This ordinance is adopted as an emergency ordinance. The Board of Trustees finds that an emergency exists and the ordinance is necessary for the immediate preservation of the public health and safety.

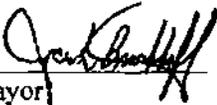
Section 10. Certification. The Town Administrator/Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 11. Effective Date. This Ordinance when signed shall be effective as of August 1, 2014.

PASSED AS AN EMERGENCY MEASURE BY A TWO-THIRDS VOTE OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO AFTER A PUBLIC HEARING AND SIGNED THIS 24th DAY OF JUNE, 2014, AND EFFECTIVE August 1, 2014.

TOWN OF WELLINGTON, COLORADO

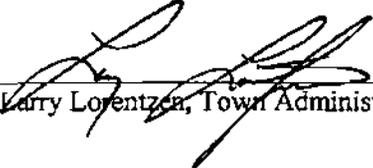
By:



Jack Brinkhoff, Mayor

(SEAL)

ATTEST:



Larry Loyentzen, Town Administrator/Clerk



CERTIFICATION OF MODEL TRAFFIC CODE

to be affixed to inside front or back cover of each Code provided for public inspection.

STATE OF COLORADO

CERTIFICATION

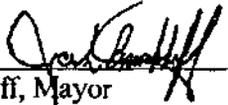
COUNTY OF LARIMER

TOWN OF WELLINGTON, COLORADO

We, the undersigned, do hereby certify that this Model Traffic Code is a true and accurate copy of the Code adopted by reference by the Town of Wellington, Colorado under Ordinance No. 12-2014 pursuant to and as provided by parts 1 and 2 of article 16 of title 31 or part 4 of article 15 title 30, C.R.S.

Dated this 24th day of ~~May~~ ^{June}, 2014 .

TOWN OF WELLINGTON, COLORADO

By 
Jack Brinkhoff, Mayor

ATTEST:


Larry Lorenzen, Administrator/Clerk