BOARD OF TRUSTEES
October 22, 2024
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to houghtkm@wellingtoncolorado.gov. The email must be received by 4:00 p.m. on the day of the meeting. The comments will be provided to the Trustees and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:
https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnallEK1hvNHJ5Zz09
Passcode: 726078
Or One tap mobile :
US: +17207072699,,84871162393# or +17193594580,,84871162393#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 720 707 2699 or +1 719 359 4580 or +1 669 444 9171 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623
Webinar ID: 848 7116 2393

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda
4. Conflict of Interest

B. COMMUNITY PARTICIPATION

1. Proclamation - Veterans Day

2. Public Comment

C. PRESENTATION

1. 2025 Utility Rate and Fee Presentation (with Public Comment)

- Presentation: Meagan Smith, Deputy Director of Public Works

2. 2025 Draft Budget and CIP Presentation (with Public Comment)

    - Presentation: Nic Redavid, Finance Director/Treasurer

D. CONSENT AGENDA

1. October 8, 2024 Regular Meeting Minutes
2. Resolution No. 52-2024 - A Resolution of the Town of Wellington, Colorado Calling a Special Meeting

E. ACTION ITEMS

1. Public Hearing: Consideration of a Preliminary Plat for Wellington Business Center, Amendment No. 1 - a Replat of Lots 7 and 8, Wellington Business Center

    - Cody Bird, Planning Director

2. Ordinance No. 08-2024 - An Ordinance for the Regulation of Traffic; Adopting by Reference the 2024 Edition of the "Model Traffic Code for Colorado," Repealing all Ordinances in Conflict Therewith, and Providing Penalties for Violations Thereof

    - Dan Sapeniza, Town Attorney

3. Ordinance No. 09-2024 - An Ordinance Adjusting the Town of Wellington Marijuana Sales Tax

    - Nic Redavid, Finance Director/Treasurer

4. Resolution No. 53-2024 - A Resolution of the Town of Wellington Authorizing an Application for WaterSMART Grant Funding through the Bureau of Reclamation.

    - Kelly Houghteling, Deputy Town Adminstrator

F. REPORTS

1. Town Attorney
2. Town Administrator
3. Staff Communications
    a. Treasurer's Report (June 2024)
    b. Treasurer's Report (July 2024)
    c. Report of Bills & Treasurer's Report Update (August 2024)
    d. Monthly Utility Report - September, 2024

4. Board Reports

G. ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

TOWN OF WELLINGTON

PROCLAMATION

WHEREAS, *throughout American History, generations of patriots have bravely served in our military and sacrificed much to protect our country and preserve democracy around the world; and*

WHEREAS, *more than 125,000 American men and women have been held captive by hostile powers during their military service, and more than 83,000 Americans remain missing from World War II, the Korean War, the Cold War, the Vietnam War, and the Gulf War; and*

WHEREAS, *in 1954, President Dwight D. Eisenhower signed the first Veterans Day proclamation calling on our nation to "pay appropriate homage to the Veterans of all its wars who have contributed so much to the preservation of this nation"; and*

WHEREAS, *our Nation has fought and continues to fight battles around the world. The words of that first proclamation still rings true. "Let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air and on foreign shores to preserve our heritage of freedom and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain"; and*

WHEREAS, *we remember with somber and grateful hearts those men and women who have served the United States of America with distinction and valor as service men and women and offer our sincere prayers for those who continue to defend the principles on which our nation was founded; and*

WHEREAS, *we are proud to recognize our country's veterans and extended families and extend our appreciation of our citizens to those who wear the uniform of the United States Armed Forces and served or have served on the front lines preserving our freedoms and liberty.*

NOW, THEREFORE, BE IT PROCLAIMED*, that I, Calar Chaussee, Mayor of the Town of Wellington, Colorado, proclaim November 11, 2024, as:*

Veterans Day

and encourage all residents and families to observe the sacrifices and contributions of our Veterans who fought for peace and defended democracy in our land and abroad.

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the seal of the Town of Wellington to be affixed this October 22nd, 2024.*

_____

Calar Chaussee*, Mayor*

Outlook

Public Comment for 2025 Budget for packet

From Walking Epistle <walkingepistle@yahoo.com>
Date Tue 10/22/2024 9:31 AM
To Kelly Houghteling <houghtkm@wellingtoncolorado.gov>

The general fund is overspending by $1.35M. At this rate, the general fund will be bankrupt in the year 2029. This is financially irresponsible. The Trustees have decided that they want to prioritize giving money to the water and sewer fund and adding another LCSO officer. These are good priorities. When expenses such as LCSO go up, then other expenses must go down. The Trustees need to direct staff to cut expenses to balance the budget. When I say balance the budget, I mean making the revenue and the expenses equal. Do not pass a negative balance budget.

The park fund will run out of money in the year 2028.

The street fund will run out of money in the year 2026 from the capital improvement projects that it doesn't have the money for.

The general fund CIP wants to build a new employee building- is this a wise use of citizen's money when the operating expenses are overspending the revenue? $900,000 for an employee building in 2025 and 2026 when the town can't even get their spending under control. Another $880,000 to buy land in 2026 to build a new town hall, all while overspending. The Town has not been good stewards of tax payers money. I would rather the town spend tax payer money on fixing the streets than on new buildings for employees.

Trustees, you are in charge of the budget. Please direct the staff to cut expenses before the town goes bankrupt.

Outlook

Online Form Submittal: Contact Your Board of Trustees

From noreply@civicplus.com <noreply@civicplus.com>

Date Mon 10/21/2024 9:15 PM

To Patti Garcia <garciapa@wellingtoncolorado.gov>; Kelly Houghteling <houghtkm@wellingtoncolorado.gov>; Calar Chaussee <chausseec@wellingtoncolorado.gov>; Rebekka Dailey <daileyrm@wellingtoncolorado.gov>; Brian Mason <masonb@wellingtoncolorado.gov>; Shirrell Tietz <tietzs@wellingtoncolorado.gov>; David Wiegand <wiegandd@wellingtoncolorado.gov>; Ed Cannon <cannoned@wellingtoncolorado.gov>; Patti Garcia <garciapa@wellingtoncolorado.gov>; Rebekka Dailey <daileyrm@wellingtoncolorado.gov>; Lowrey Moyer <moyerlo@wellingtoncolorado.gov>

Contact Your Board of Trustees

First and Last Name	Edward Beckmann
Email Address	edbeckmann@yahoo.com
Phone Number	970-980-4627
Address or Subdivision	7061 Sage Meadows Drive
Message for the Board of Trustees	I would like to add a comment for the Public Comment section of the meeting for Tuesday, October 21, 2024. This is in regard to the agenda topic of the budget. I would like to say to the Board as you look at the budget and the plans for the coming year(s) to keep in mind the fact that pickleball is and has been the fastest growing sport in the nation. I play pickleball with dozens of others and want the Board to note that we need dedicated pickleball courts in this town. Right now there are tennis courts (with tennis nets) being used for pickleball in certain locations. We need more spaces for pickleball courts, and preferably dedicated pickleball-only courts. The number of people in this town who are playing, and who want to play, far exceed the available spaces. I respectfully request the Board to not only consider this, but to actually take actions that result in more places to play pickleball, both indoors and out. Thank you.

Email not displaying correctly? View it in your browser.

Board of Trustees Meeting

Date: October 22, 2024
Subject: 2025 Utility Rate and Fee Presentation (with Public Comment)

- **Presentation: Meagan Smith, Deputy Director of Public Works**

EXECUTIVE SUMMARY

Attached for Board of Trustee review is Ordinance No. 10-2024 – An Ordinance establishing fees to be charged by the Town of Wellington, Colorado, for utility services and Ordinance No. 11-2024 – An Ordinance establishing capital investment fees to be charged by the Town of Wellington, Colorado for connection to the water and wastewater utility systems. Descriptions for both Ordinances, proposed for adoption at the November 12, 2024 Board of Trustee Meeting are included below.

BACKGROUND / DISCUSSION

In April 2022, the Town of Wellington contracted with Raftelis, a Colorado-based consulting firm, to perform a comprehensive rate and fee study ("study") for the water and wastewater utilities. The study process incorporated a 10-person Utility Rate Structure Roundtable ("Roundtable") with members appointed by Trustees and selected representatives from other Town Boards. Roundtable members developed rate setting values and principles for the community and set the pricing objectives for the rate design. The pricing objectives included:

- Essential Water Use Pricing – providing base level water use at lowest possible cost while maintaining financial health of the utilities
- Customer Impact – minimizing financial impact to customers of changing rates
- Cost Recovery Between New and Existing Customers – ensuring growth pays for growth
- Cost Recovery Between Customer Classes – no one customer class should be subsidizing another

The rate and fee study process led by Raftelis included:

- 5-year financial plan cash analysis and models to determine the level of revenues required to meet annual expenditures
- Cost-of-service analysis to allocate costs proportionately to customer classes
- Review of alternative rate structures with the Utility Rate Structure Roundtable
- Design of rates based on the preferred alternatives selected by the Roundtable
- Review and update of the water and wastewater capital investment fees to capture the cost to reserve capacity in the system for new development
- Recommendation – 5% annual increases to water and wastewater rates for 5 years
- Recommendation – 4% annual increases to water and wastewater capital investment fees for 5 years

Updated capital investment fees and water and wastewater rate structures were adopted by the Board of Trustees on November 8, 2022, effective January 1, 2023. The new rate structures reflected the pricing objectives defined by the Roundtable and the best practices and recommendations provided by Raftelis. A 5%

increase to water and wastewater usage rates was adopted by the Board of Trustees on November 28, 2023, effective January 1, 2024. Based on review of multiple construction cost indices, including the CDOT construction index, a 5% increase to water and wastewater capital investment fees was also adopted by the Board, effective January 1, 2024.

In commitment to fiscal responsibility, Town Staff annually review all variables with the potential to impact the financial health of the water and wastewater funds. In alignment with this commitment, Staff updated, and Raftelis reviewed, the water and wastewater utility rates models to reflect end of year budget projections for 2024, proposed budget for 2025, updated 5-year CIP planning, and updated growth projections based on best available information and assumptions at this time. Planned rate and fee increases can change in future years in response to new and updated information and assumptions.

Staff presented the proposed water and wastewater rates and fees, which include a recommended 5% increase, and the resulting 5-year financial projections to the Board of Trustees at a Work Session on September 24, 2024 (Board of Trustees Work Session - September 24, 2024 (youtube.com)).

Current 2024 and proposed 2025 water and wastewater rates and fees are summarized in Appendix A.

As Staff continues to work through the ongoing 2025 Budget process, adjustments were made to 2024 end of year expenditure projections, 2025 operations budgets, and the 5-year capital improvement plan. These adjustments are reflected in the updated 5-year financial projections for the water fund included in Appendix B and the wastewater fund included in Appendix C.

CONNECTION WITH ADOPTED MASTER PLANS

Town of Wellington Strategic Plan

- Strategic Area - Grow Responsibly
    - Goal 1 - Proactively maintain and improve utilities, streets, and built environment

FISCAL IMPLICATIONS

Incremental rate and fee increases are needed to maintain the fiscal health of both the Water and Wastewater Enterprise Funds. The proposed rate and fee increases ensure the Water and Wastewater Enterprise Funds meet the Town of Wellington Fund Balance Policy for 2025.

STAFF RECOMMENDATION

This presentation is to inform the Board of Trustees and provide the opportunity for questions and public comment.

ATTACHMENTS

1. 2025 Proposed Water Wastewater Rates Fees Presentation 10-22-2024
2. Ordinance 10-2024 - Utilty Service Fees
3. Ordinance 11-2024 - Capital Investment Fees Water Taps WW Taps
4. Appendix A - Current and Proposed Rates and Fees
5. Appendix B - Combined Water Enterprise Fund 10-22-2024
6. Appendix C - Combined Wastewater Enterprise Fund 10-22-2024

2025 Proposed Water and Wastewater Usage Rates and Capital Investment Fees

October 22, 2024

TOWN OF WELLINGTON

AGENDA

- Background
- Proposed 2025 Water and Wastewater Usage Rates and Capital Investment Fees
- Regional Rate and Fee Comparisons
- Utility Customer Cost Impacts
- Water and Wastewater Fund Financial Projections

TOWN OF WELLINGTON

Background

2022 Rate and Fee Study

- Primary purpose of rate study
  - Ensure financial sustainability of the water and wastewater utilities
  - Ensure rates and fees recover costs proportionately across all customer classes
- Study included:
  - 5-year financial plan cash analysis and models to determine the level of revenues to meet annual expenditures
  - Cost of service analysis to allocate costs proportionately to customer classes
  - Review of alternative rate structures with the Utility Rate Structure Roundtable
  - Design of rates based on the preferred alternatives selected by the URSR
  - Review and update of the water and wastewater tap fees to capture cost to reserve capacity in the system for new development
  - Recommendation - 5% annual rate increases for 5 years
  - Recommendation - 4% annual impact fee increases for 5 years

Highest Singular Fund Expenses

- Water Fund
  - NPIC lease agreement cost increases
    - 640% increase in unit-cost from 2013 to 2023; $520/AF → $3,833/AF
    - Anticipated 2024 Payments for 1983 Agreement - $2,873,000
  - Water Treatment Plant Expansion SRF Loan
    - Closed May 1, 2019
    - Total loan amount - $24,800,000; Annual payment - $1,460,000
- Wastewater Fund
  - Water Treatment Plant Expansion SRF Loan
    - Closed May 1, 2022
    - Total loan amount - $48,500,000; Annual payment - $2,470,000

Residential Water Base and Usage Rates

Recent and Current Water Base Rates, Usage Rates, and Tiers

Year	Type	Base Rate Rate/Unit	Tier 1 0-3K gal	Tier 2 3-7K gal	Tier 3 7-20K gal	Tier 4 20K+ gal
2024	SF Residential	$52.20	$0.00	$12.29	$15.96	$22.72
	MF Residential	$32.50	$0.00	$7.43	$9.67	$13.77
2023	SF Residential	$49.71	$0.00	$11.70	$15.20	$21.64
	MF Residential	$30.95	$0.00	$7.08	$9.21	$13.11

Historical Water Base Rates, Usage Rates, and Tiers

Year	Base Rate	Tier 1 0-14K gal	Tier 2 15-29K gal	Tier 3 30K+ gal
2021	$66.00	$4.56	$5.70	$7.72
2016 - 2020	$18.86	$3.65	$3.93	$4.94
2015	$18.23	$3.38	$3.64	$4.57
2014	$17.63	$3.16	$3.38	$4.27
2013	$14.50	$2.93	$3.17	$4.04
2012	$13.94	$2.71	$2.93	$3.74
2011	$13.41	$2.48	$2.90	$3.70
2010	$12.89	$2.30	$2.75	$3.50

Residential Wastewater Base and Usage Rates

Recent and Current Wastewater Base and Usage Rates

Year	Base Rate	Usage Rate (per 1,000 gal)
2024	$14.65	$8.42
2023	$13.95	$8.02

Historical Wastewater Base and Usage Rates

Year	Base Rate (0-3K gal)	Usage Rate (4K+ gal)
2022	$31.00	$10.00
2016 - 2021	$20.63	$6.50
2015	$19.63	$6.25
2012 - 2014	$17.98	$5.30
2011	$15.63	$4.25
2010	$14.63	$3.75

Residential Water and Wastewater Capital Investment Fees

Recent and Current Residential Capital Investment Fees

Year	Type	Water $/Unit	Wastewater $/Unit
2024	0.75 inch Single-family	$10,959	$10,229
	Multi-family	$7,671	$7,160
2023	0.75 inch Single-family	$10,437	$9,742
	Multi-family	$7,306	$6,819

Historical Residential Capital Investment Fees

Year	Type	Water $/Unit	Wastewater $/Unit
2021	Residential	$7,750	$9,700
2012-2020	Residential	$5,500	$7,500
2011	Residential	$5,500	$6,350
2010	Residential	$4,600	$5,200

TOWN OF WELLINGTON

2025 Proposed Rates and Capital Investment Fees

- Recommended 5% increase

Proposed Residential Water Rates

Residential Water Base Rates, Usage Rates, and Tiers

	Single-family Residential		Multi-family Residential	
	Current	2025 Proposed	Current	2025 Proposed
Base Rate/Unit	$52.20	$54.81	$32.50	$34.13
Tier 1 0-3K gal	$0.00	$0.00	$0.00	$0.00
Tier 2 4-7K gal	$12.29	$12.90	$7.43	$7.80
Tier 3 8-20K gal	$15.96	$16.76	$9.67	$10.15
Tier 4 20K+ gal	$22.72	$23.86	$13.77	$14.46

Proposed Commercial and Irrigation Water Rates

Commercial Water Base Rates, Usage Rates, and Tiers			
	Tap Size	Current	2025 Proposed
Base Rate per Unit	0.75 in	$25.27	$26.53
	1.0 inch	$37.03	$38.88
	1.5 inch	$64.66	$67.89
	2 inch	$99.72	$104.71
	>2 inch	Calculated	Calculated
Tier 1 0-25K gal		$12.31	$12.93
Tier 2 26-120K gal		$15.37	$16.14
Tier 3 120K+ gal		$18.45	$19.37

Potable Irrigation Base Rates and Seasonal Usage Rates			
	Tap Size	Current	2025 Proposed
Base Rate per Unit	0.75 in	$25.27	$26.53
	1.0 inch	$37.03	$38.88
	1.5 inch	$64.66	$67.89
	2 inch	$99.72	$104.71
	>2 inch	Calculated	Calculated
Nov - Apr (per 1K gal)		$9.44	$9.91
May - Oct (per 1K gal)		$18.88	$19.82

Proposed Wastewater Base Rate and Usage Rate

Wastewater Base Rate and Usage Rate

	Current	2025 Proposed
Base Rate	$14.65	$15.38
Usage Rate* ** (per 1,000 gal)	$8.42	$8.84

* Residential usage volume based on water use in the months of Jan-Mar

** Commercial usage volume based on 85% of monthly water use

Proposed Capital Investment Fees

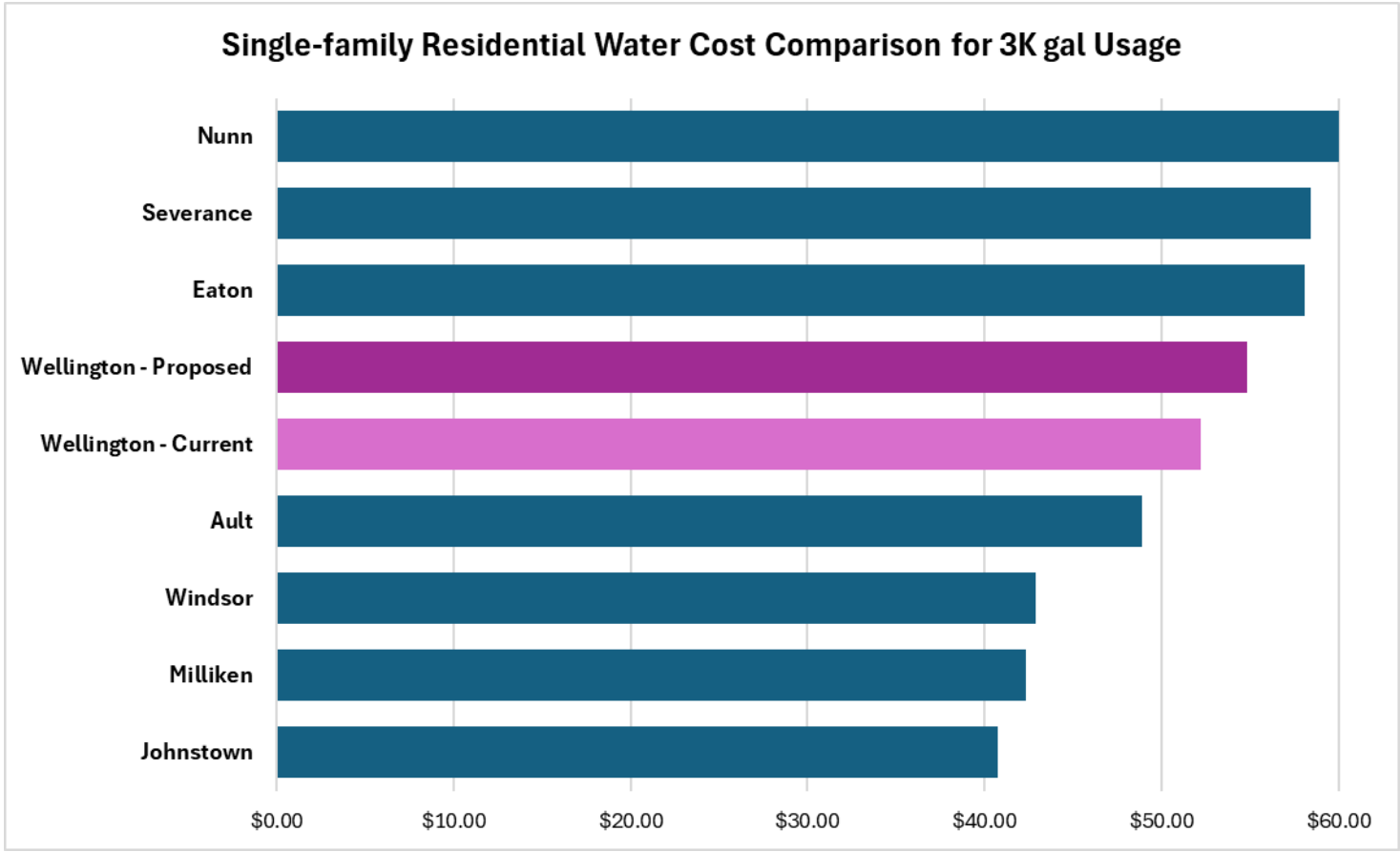
Capital Investment Fees

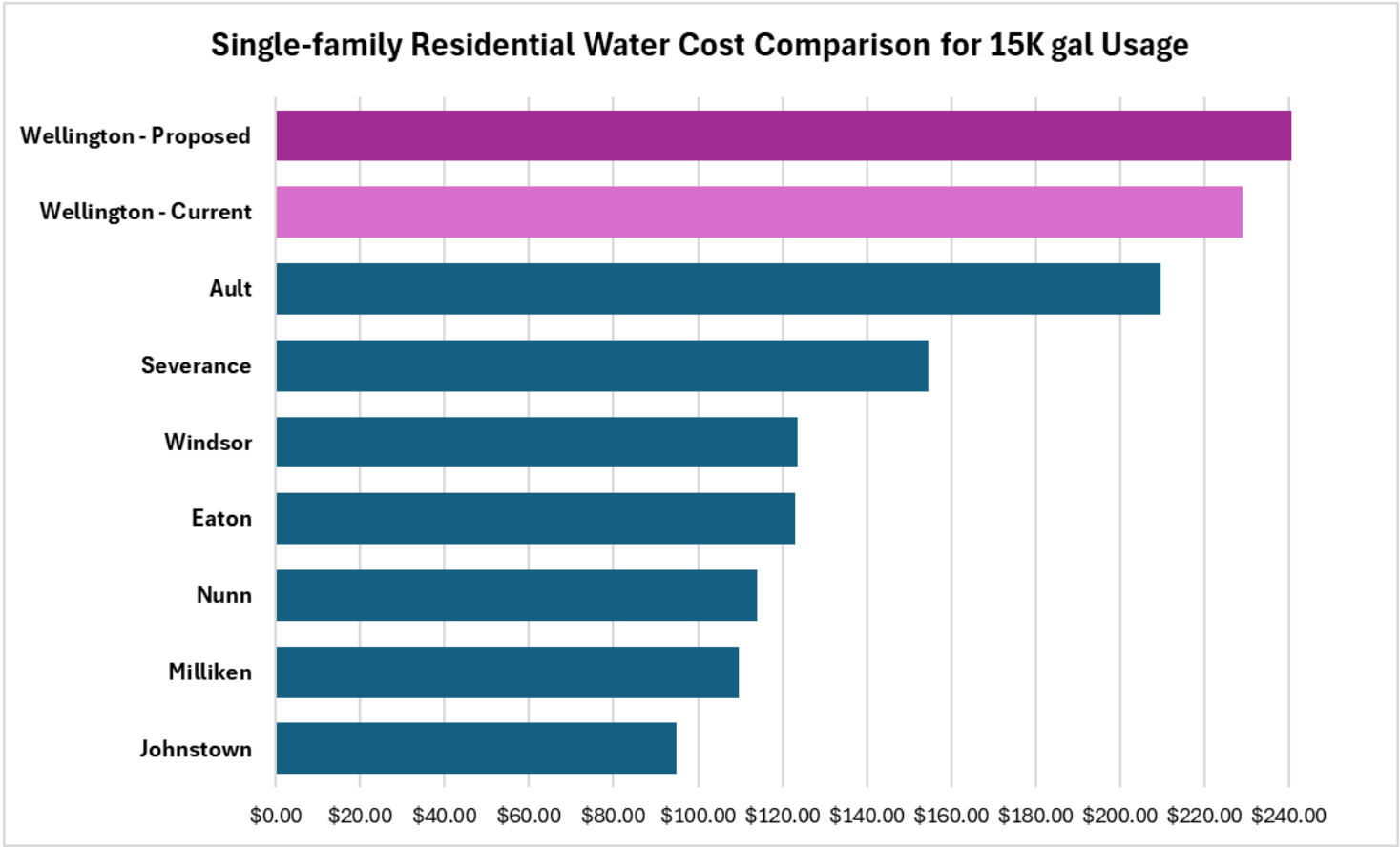
	Water		Wastewater	
Type	**Current**	**2025 Proposed**	**Current**	**2025 Proposed**
RESIDENTIAL	$$/Unit	$$/Unit	$$/Unit	$$/Unit
0.75 inch Single-family	$10,959	$11,507	$10,229	$10,740
Multi-family	$7,671	$8,055	$7,160	$7,518
COMMERCIAL & IRRIGATION	$$/Tap	$$/Tap	$$/Tap	$$/Tap
0.75 inch	$10,959	$11,507	$10,229	$10,740
1.0 inch	$17,534	$18,411	$16,366	$17,184
1.5 inch	$50,411	$52,932	$47,054	$49,407
2.0 inch	$62,466	$65,589	$58,305	$61,220
>2.0 inch	Calculated	Calculated	Calculated	Calculated

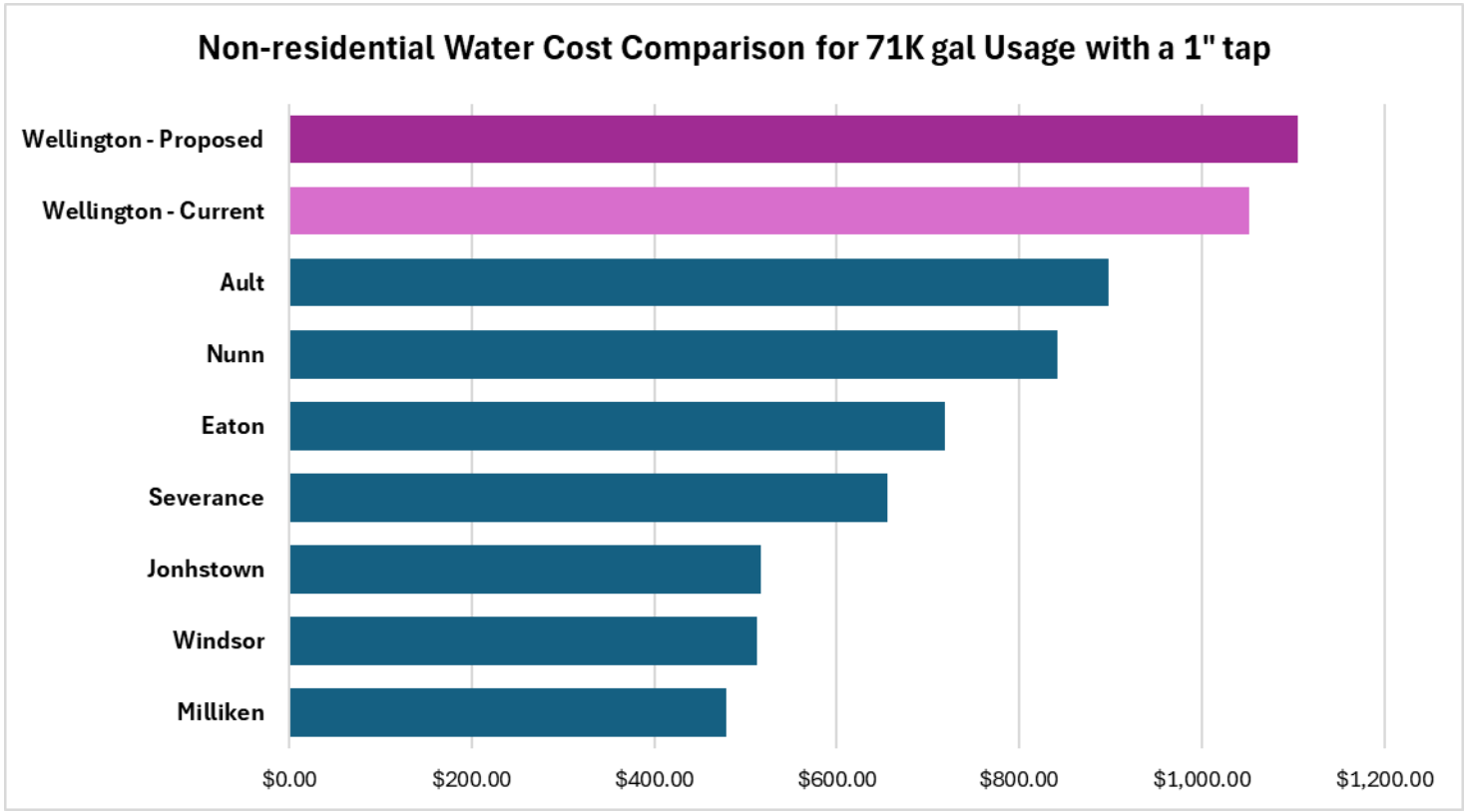
* Wastewater Capital Investment Fees do NOT apply to Irrigation taps

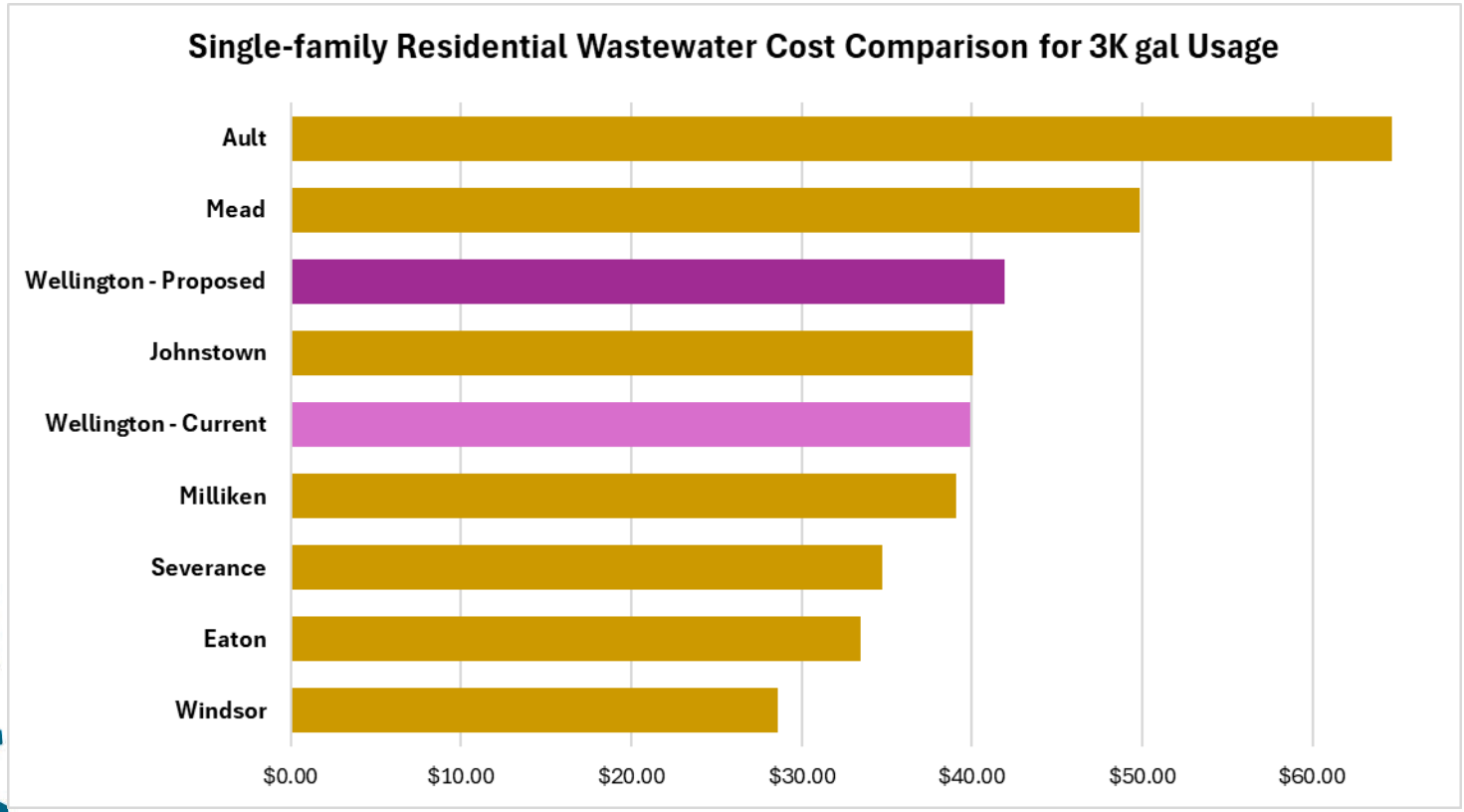
TOWN OF WELLINGTON

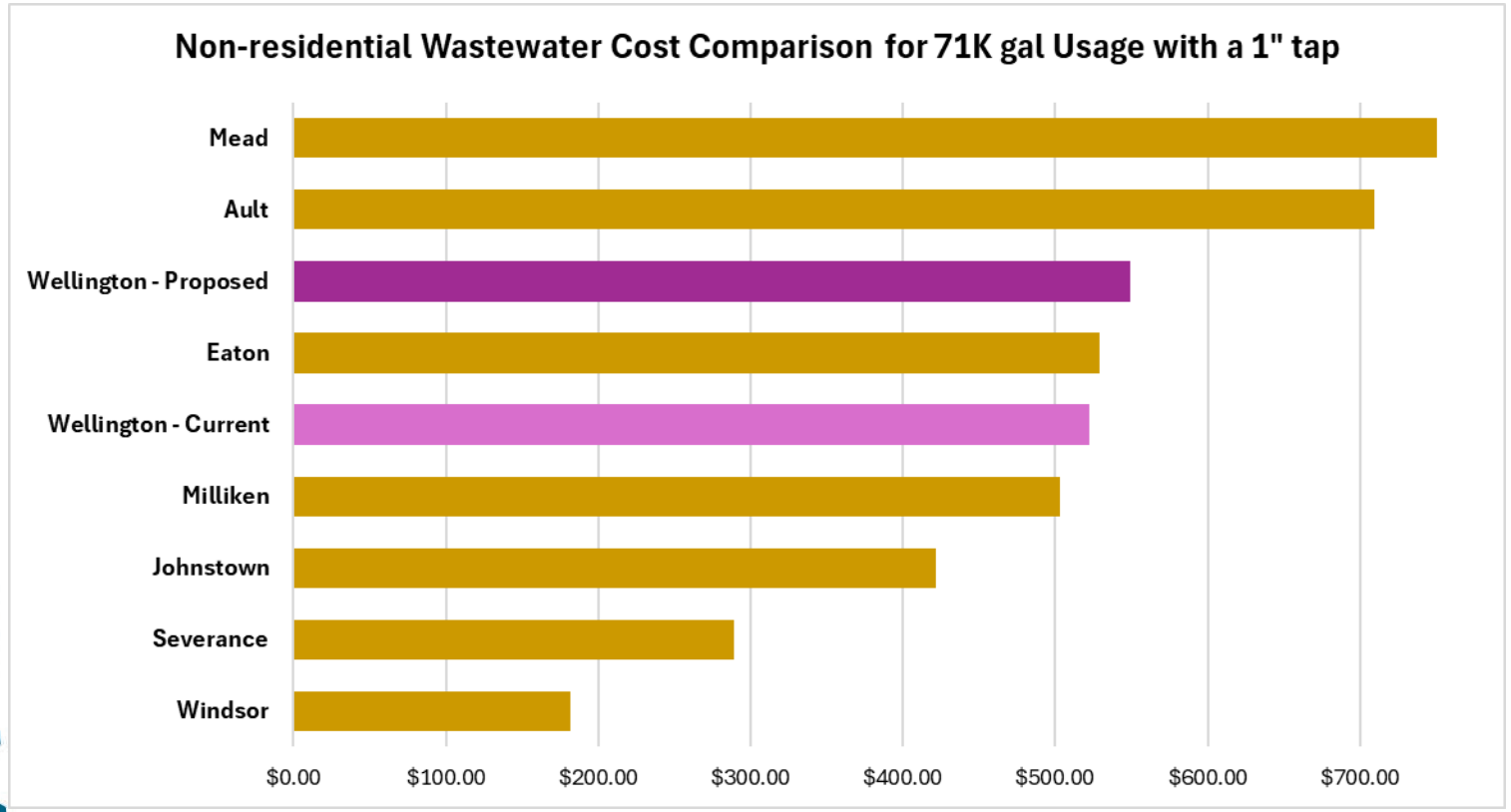
Regional Rate and Fee Comparisons

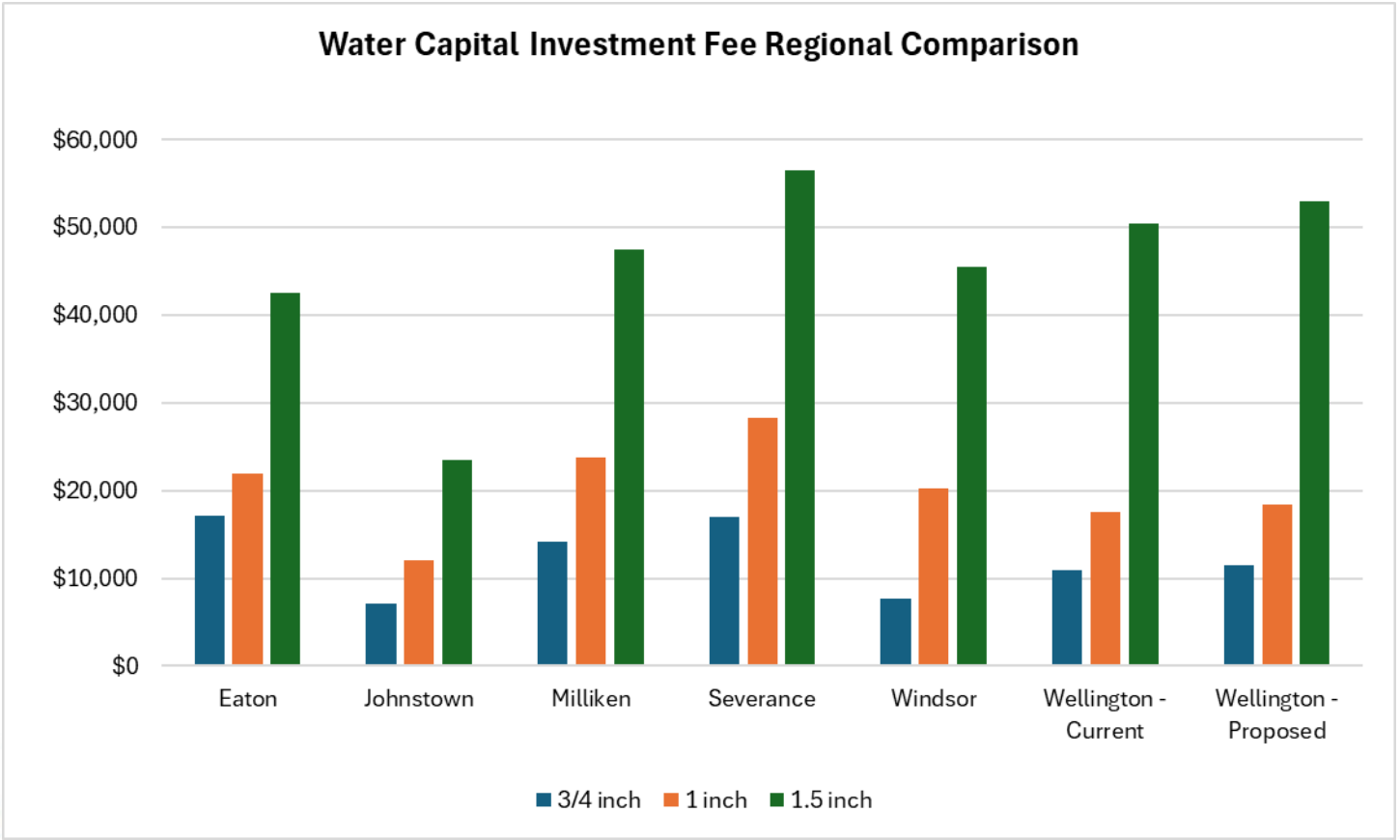

Single-family Residential Water Cost Comparison for 3K gal Usage
Nunn
Severance
Eaton
Wellington - Proposed
Wellington - Current
Ault
Windsor
Milliken
Johnstown
$0.00
$10.00
$20.00
$30.00
$40.00
$50.00
$60.00

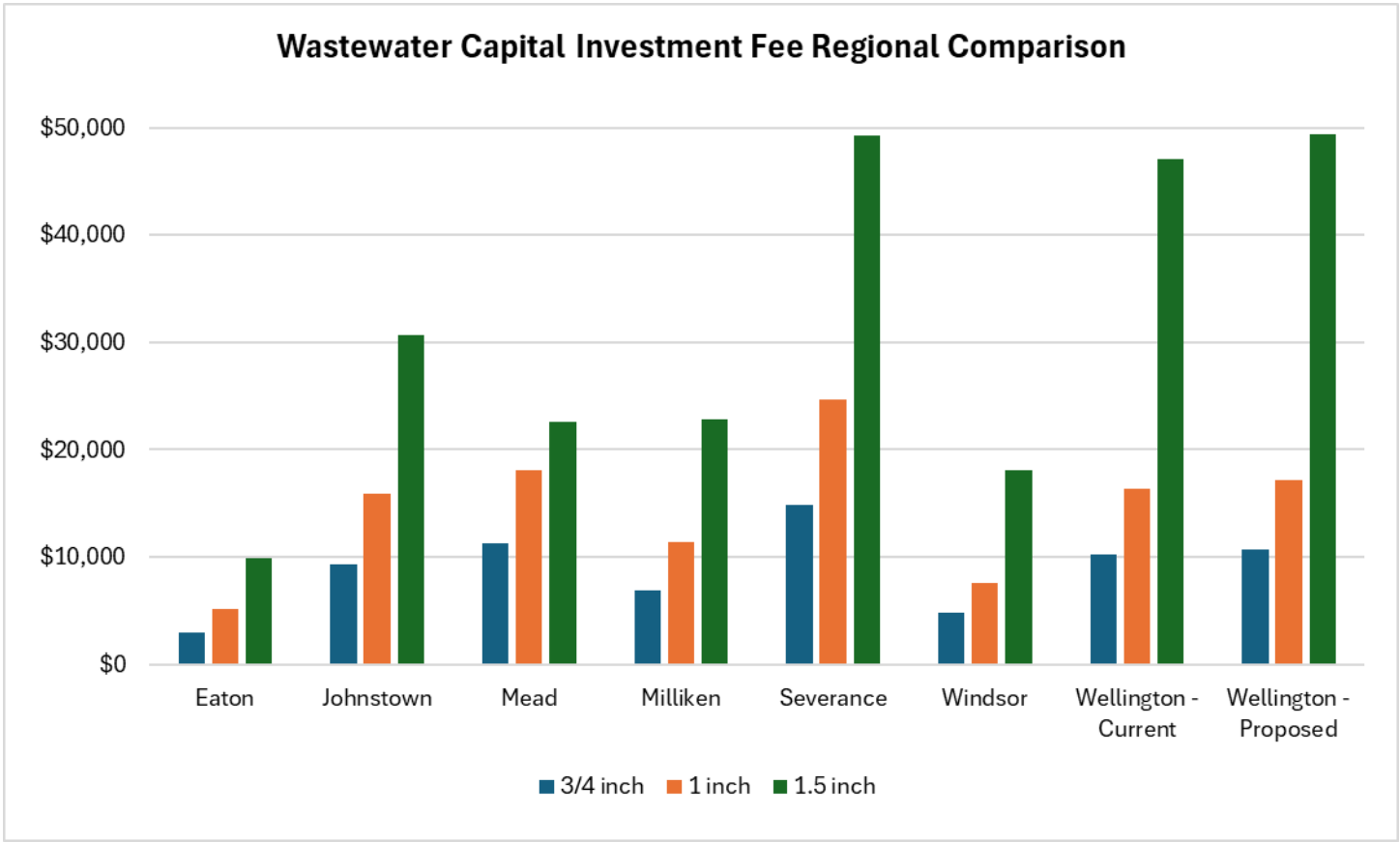

Single-family Residential Water Cost Comparison for 15K gal Usage
Wellington - Proposed
Wellington - Current
Ault
Severance
Windsor
Eaton
Nunn
Milliken
Johnstown
$0.00
$20.00
$40.00
$60.00
$80.00
$100.00
$120.00
$140.00
$160.00
$180.00
$200.00
$220.00
$240.00


Non-residential Water Cost Comparison for 71K gal Usage with a 1" tap
Wellington - Proposed
Wellington - Current
Ault
Nunn
Eaton
Severance
Jonhstown
Windsor
Milliken
$0.00
$200.00
$400.00
$600.00
$800.00
$1,000.00
$1,200.00


Single-family Residential Wastewater Cost Comparison for 3K gal Usage
Ault
Mead
Wellington - Proposed
Johnstown
Wellington - Current
Milliken
Severance
Eaton
Windsor
$0.00
$10.00
$20.00
$30.00
$40.00
$50.00
$60.00

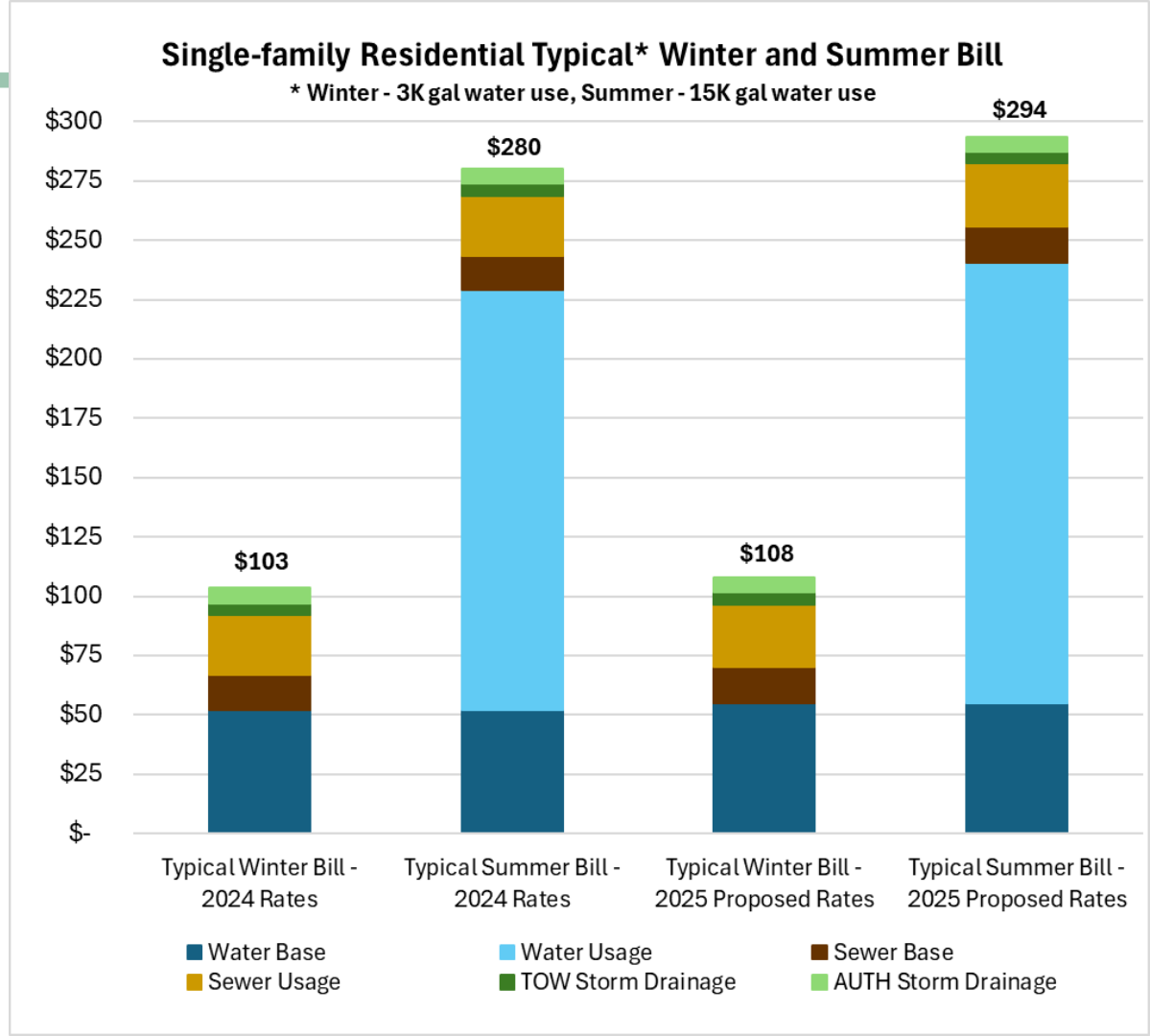

Non-residential Wastewater Cost Comparison for 71K gal Usage with a 1" tap
Mead
Ault
Wellington - Proposed
Eaton
Wellington - Current
Milliken
Johnstown
Severance
Windsor
$0.00
$100.00
$200.00
$300.00
$400.00
$500.00
$600.00
$700.00

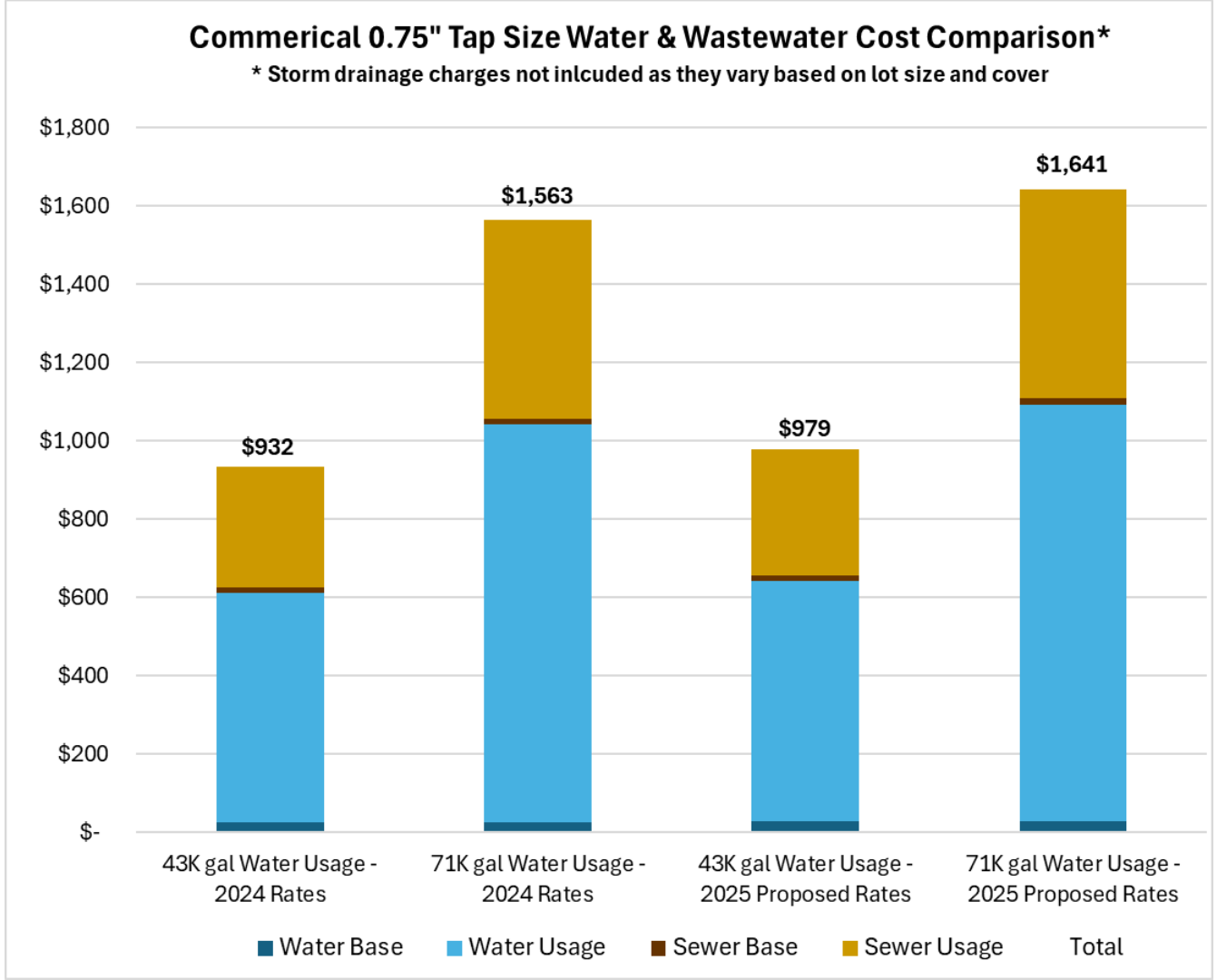

Water Capital Investment Fee Regional Comparison
$60,000
$50,000
$40,000
$30,000
$20,000
$10,000
$0
Eaton
Johnstown
Milliken
Severance
Windsor
Wellington - Current
Wellington - Proposed
3/4 inch
1 inch
1.5 inch

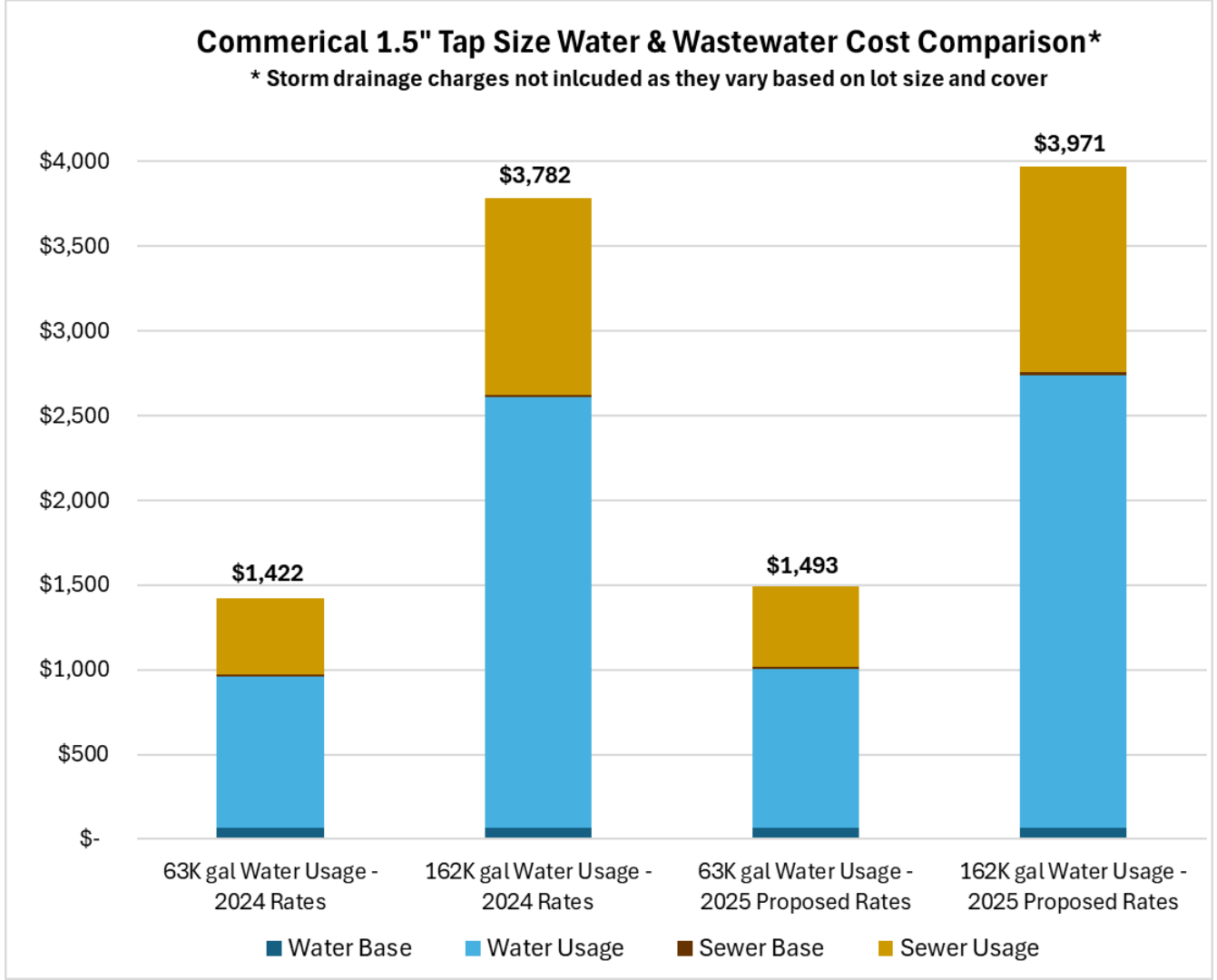

Wastewater Capital Investment Fee Regional Comparison
$50,000
$40,000
$30,000
$20,000
$10,000
$0
Eaton
Johnstown
Mead
Milliken
Severance
Windsor
Wellington - Current
Wellington - Proposed
3/4 inch
1 inch
1.5 inch

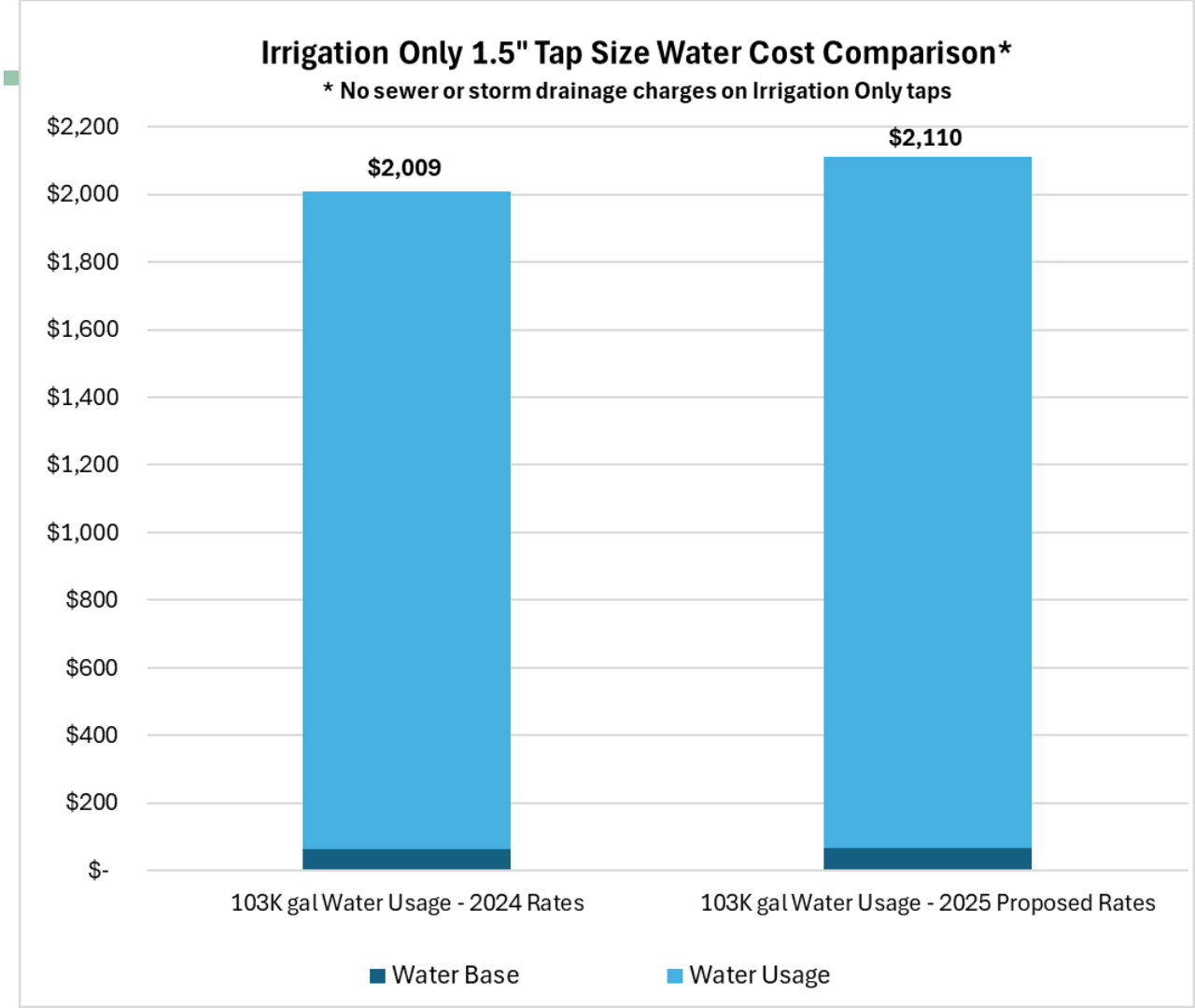
TOWN OF WELLINGTON

Example Customer Cost Impacts


Single-family Residential Typical* Winter and Summer Bill
* Winter - 3K gal water use, Summer - 15K gal water use
$300
$275
$250
$225
$200
$175
$150
$125
$100
$75
$50
$25
$-
$103
$280
$108
$294
Typical Winter Bill - 2024 Rates
Typical Summer Bill - 2024 Rates
Typical Winter Bill - 2025 Proposed Rates
Typical Summer Bill - 2025 Proposed Rates
Water Base
Water Usage
Sewer Base
Sewer Usage
TOW Storm Drainage
AUTH Storm Drainage


Commerical 0.75" Tap Size Water & Wastewater Cost Comparison*
* Storm drainage charges not inlcuded as they vary based on lot size and cover
$1,800
$1,600
$1,400
$1,200
$1,000
$800
$600
$400
$200
$-
$932
$1,563
$979
$1,641
43K gal Water Usage - 2024 Rates
71K gal Water Usage - 2024 Rates
43K gal Water Usage - 2025 Proposed Rates
71K gal Water Usage - 2025 Proposed Rates
Water Base
Water Usage
Sewer Base
Sewer Usage
Total


Commerical 1.5" Tap Size Water & Wastewater Cost Comparison*
* Storm drainage charges not inlcuded as they vary based on lot size and cover
$4,000
$3,500
$3,000
$2,500
$2,000
$1,500
$1,000
$500
$-
$1,422
$3,782
$1,493
$3,971
63K gal Water Usage - 2024 Rates
162K gal Water Usage - 2024 Rates
63K gal Water Usage - 2025 Proposed Rates
162K gal Water Usage - 2025 Proposed Rates
Water Base
Water Usage
Sewer Base
Sewer Usage


Irrigation Only 1.5" Tap Size Water Cost Comparison*
* No sewer or storm drainage charges on Irrigation Only taps
$2,200
$2,000
$1,800
$1,600
$1,400
$1,200
$1,000
$800
$600
$400
$200
$-
$2,009
$2,110
103K gal Water Usage - 2024 Rates
103K gal Water Usage - 2025 Proposed Rates
Water Base
Water Usage

Summary of proposed rate impacts

- Average Residential ¾ inch tap
  - Typical winter use (3,000 gal) - $4.61 increase
  - Typical summer use (15,000 gal) - $13.45 increase
- Commercial ¾ inch tap
  - 43,000 gal – $46.60 increase
  - 71,000 gal – $78.14 increase
- Commercial 1.5-inch tap
  - 63,000 gal - $71.10 increase
  - 162,000 gal – $189.08 increase
- Irrigation 1.5-inch tap
  - 103,000 gal - $100.47 increase

TOWN OF WELLINGTON

Water and Wastewater Fund Impacts

Updated Financial ***Projections***

- Water Fund
  - $6 million intra-fund loan with 10-year repayment schedule
  - General Fund transfers 2024-2025
  - Combined Fund balance exceeds Reserve Policy for 2025
  - Combined Fund deficit spending beginning in 2024
  - Combined Fund balance is negative beginning in 2026
- Wastewater Fund
  - General Fund transfers 2024-2025
  - Combined Fund balance exceeds Reserve Policy for 2025
  - Combined Fund deficit spending in 2024 through 2027
  - Combined Fund balance is negative in 2027

Town of Wellington, CO
Water Utility
Combined Water Enterprise Fund

Table A-3

Line No.	Description	Expected 2024	Budget 2025	Projected 2026	Projected 2027	Projected 2028	Projected 2029
		$	$	$	$	$	$
	Sources of Funds						
1	Revenue from Existing Water Service Rates	4,722,613	4,730,210	4,799,764	4,895,863	4,993,953	5,101,777
2	Additional Water Sales Revenue Required	236,131	484,847	756,563	1,055,089	1,379,737	1,409,527
3	Total Water Service Rate Revenue	4,958,744	5,215,057	5,556,327	5,950,952	6,373,690	6,511,304
4	Miscellaneous Revenue	89,771	86,800	86,800	86,800	86,800	86,800
5	Tap Fees	416,436	1,242,734	2,091,558	2,157,607	2,157,607	2,157,607
6	Property Tax Revenue	0	0	0	0	0	0
7	ARPA Funding	0	0	0	0	0	0
8	Bond/Loan Proceeds	2,891,721	0	0	0	0	0
9	Intrafund Loan	6,000,000	0	0	0	0	0
10	Transfer From General Fund	600,000	659,000	0	0	0	0
11	Investment Income	652,000	151,606	46,435	14,235	12,400	41,300
12	**Total Sources**	**15,608,672**	**7,355,196**	**7,781,120**	**8,209,594**	**8,630,497**	**8,797,011**
	Uses of Funds						
13	Operation and Maintenance Expense	4,866,770	5,473,313	5,679,424	5,893,331	6,115,329	6,345,727
	Debt Service						
14	Existing - Bonds/Loans	1,464,694	1,462,016	1,463,001	1,462,818	1,465,794	1,464,178
15	Intrafund Loan	0	600,000	600,000	600,000	600,000	600,000
16	Proposed - Bonds/Loans	0	0	0	0	0	0
17	Total Debt Service	1,464,694	2,062,016	2,063,001	2,062,818	2,065,794	2,064,178
18	Total Capital	13,789,818	1,615,000	2,689,500	2,672,500	773,060	931,909
19	**Total Uses**	**20,121,282**	**9,150,329**	**10,431,925**	**10,628,649**	**8,954,183**	**9,341,814**
20	Annual Surplus (Deficiency)	(4,512,610)	(1,795,133)	(2,650,805)	(2,419,054)	(323,686)	(544,803)
21	**Beginning Balance**	8,442,291	3,929,681	2,134,548	(516,257)	(2,935,311)	(3,258,998)
22	**Ending Balance**	**3,929,681**	**2,134,548**	**(516,257)**	**(2,935,311)**	**(3,258,998)**	**(3,803,801)**
	Proposed Target Reserves						
23	*Operations and Maintenance (90 Days O&M)*	*1,220,000*	*1,370,000*	*1,420,000*	*1,470,000*	*1,530,000*	*1,590,000*
24	*Capital Reserve (1-year Depreciation Expense)*	*373,403*	*560,105*	*746,806*	*933,508*	*961,513*	*990,358*
25	***Total Proposed Target Reserves***	***1,593,403***	***1,930,105***	***2,166,806***	***2,403,508***	***2,491,513***	***2,580,358***
26	Over/(Under) Proposed Reserve Target	2,336,278	204,443	(2,683,063)	(5,338,819)	(5,750,511)	(6,384,159)

Town of Wellington, CO
Wastewater Utility
Combined Wastewater Enterprise Fund

Table B-3

Line No.	Description	Expected 2024	Budget 2025	Projected 2026	Projected 2027	Projected 2028	Projected 2029
		$	$	$	$	$	$
	Sources of Funds						
1	Revenue from Existing Wastewater Rates	2,131,213	2,172,981	2,251,188	2,350,256	2,450,885	2,551,514
2	Additional Revenue Required	106,561	222,731	354,844	506,495	677,134	704,936
3	Total Wastewater Service Rate Revenue	2,237,774	2,395,711	2,606,032	2,856,751	3,128,019	3,256,450
4	Tap Fees	388,702	1,159,969	2,142,720	2,210,385	2,210,385	2,210,385
5	State Loan Proceeds	18,500,000	1,130,005	0	0	0	0
6	Grant Funding	0	137,500	470,500	0	0	0
7	ARPA Funding	0	0	0	0	0	0
8	Transfer From General Fund	300,000	390,000	0	0	0	0
9	2022 GPR Loan	0	0	0	0	0	0
10	Investment Income	485,839	250,000	138,039	128,613	128,397	134,057
11	**Total Sources**	**21,912,315**	**5,463,185**	**5,357,290**	**5,195,749**	**5,466,801**	**5,600,892**
	Uses of Funds						
12	Operation and Maintenance Expense	1,674,774	2,176,898	2,249,239	2,327,963	2,409,442	2,493,772
	Debt Service						
13	Existing	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
14	Proposed	0	0	0	0	0	0
15	**Total Debt Service**	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
	Debt Service Reserve and Issuance Expense	0	0	0	0	0	0
16	Total Capital	19,345,000	2,177,500	1,457,920	560,130	517,280	517,520
17	**Total Uses**	**23,487,893**	**6,824,047**	**6,177,651**	**5,354,977**	**5,393,605**	**5,482,486**
18	Annual Surplus (Deficiency)	(1,575,578)	(1,360,862)	(820,361)	(159,228)	73,196	118,406
19	**Beginning Balance**	3,897,465	2,321,887	961,025	140,665	(18,563)	54,632
20	**Ending Balance**	**2,321,887**	**961,025**	**140,665**	**(18,563)**	**54,632**	**173,038**
	Proposed Target Reserves						
21	*Operations and Maintenance (90 Days O&M)*	*410,000*	*540,000*	*550,000*	*570,000*	*590,000*	*610,000*
22	*Capital Reserve (1-year Depreciation Expense)*	*269,879*	*404,818*	*539,757*	*674,697*	*694,938*	*715,786*
23	***Total Proposed Target Reserves***	***679,879***	***944,818***	***1,089,757***	***1,244,697***	***1,284,938***	***1,325,786***
24	Over/(Under) Proposed Reserve Target	1,642,009	16,207	(949,093)	(1,263,260)	(1,230,305)	(1,152,747)

Potential Opportunities / Next Steps

- Additional General Fund offsets to Water and Wastewater Funds
  - GF transfers to Water Fund 2022 through 2024 - $1.826 million
  - GF transfers to Wastewater Fund 2022 through 2024 - $1.002 million
  - **Additional GF transfer to Water Fund in 2025 - ~$659,000**
  - **Additional GF transfer to Wastewater Fund in 2025 - ~$390,000**
- Ongoing contract renegotiations with North Poudre Irrigation Company
  - Board can expect an update in an upcoming Executive Session
- Operational and/or Capital Project cost savings
- Utility Rate and Fee Study Update in 2025
  - Update recommended every 3 to 5 years

TOWN OF WELLINGTON

Questions?

TOWN OF WELLINGTON

ORDINANCE NO. 10-2024

AN ORDINANCE ESTABLISHING FEES TO BE CHARGED BY THE TOWN OF WELLINGTON, COLORADO, FOR UTILITY SERVICES

WHEREAS, the Town of Wellington Municipal Code provides that the Board of Trustees of the Town of Wellington shall set fees for various services provided by the Town; and

WHEREAS, the Town of Wellington has previously set fees for utility services by resolution and by ordinance; and

WHEREAS, the Board previously set fees for utility services by Ordinance No. 10-2023; and

WHEREAS, the fees for utility services are to be reviewed and set annually in order for the Town to recoup the full cost of service for the provision of water and wastewater services.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGOTN, COLORADO, AS FOLLOWS:

1. **Residential Water Fees.** For all residential users, the Town shall charge the following fees for each water tap connected to the Town's municipal water system:

   For water taps serving a single residential unit (single-family dwelling):

   Base rate, charge per month based on size of water tap:

0.75 inch:	$54.81
1.0 inch:	$67.16
1.5 inch:	$96.16
2.0 inch:	$132.97

   Volume Rate, charge per 1,000 gallons of usage:

Tier 1 (0 – 3,000 gallons):	$0.00
Tier 2 (3,001 – 7,000 gallons)	$12.90
Tier 3 (7,001 – 20,000 gallons)	$16.76
Tier 4 (more than 20,000 gallons)	$23.86

   For water taps serving multiple residential units (multi-family dwellings):

   Base rate, charge per month:

   $34.13 per unit served

   Volume Rate, charge per 1,000 gallons of average usage per unit served:

Tier 1 (0 – 3,000 gallons):	$0.00
Tier 2 (3,001 – 7,000 gallons)	$7.80
Tier 3 (7,001 – 20,000 gallons)	$10.15

Tier 4 (more than 20,000 gallons)	$14.46

Multi-unit tap volume charges are calculated as an average of monthly usage for all units served by the tap.

2. **Residential Wastewater Fees.** For all residential users, the Town shall charge each user the following fees for connection to the Town's wastewater system:

   For all wastewater taps serving residential units:

   Base Rate, charge per month:

   $15.38

   Volume Rate, charge per 1,000 gallons of average monthly water usage for user between January 1 and March 31:

   $8.84

3. **Commercial Water Fees.** For all commercial users, the Town shall charge the following fees for each tap connected to the Town's municipal water system:

   Base Rate, charge per month based on size of water tap:

0.75 inch:	$26.53
1.0 inch:	$38.88
1.5 inch:	$67.89
2.0 inch:	$104.71

   Volume Rate, charge per 1,000 gallons of usage:

Tier 1 (0 – 25,000 gallons):	$12.93
Tier 2 (25,001 – 120,000 gallons)	$16.14
Tier 3 (more than 120,000 gallons)	$19.37

4. **Commercial Wastewater Fees.** For all commercial users, the Town shall charge each user the following fees for connection to the Towns' wastewater system:

   Base Rate, charge per month:

   $15.38

   Volume Rate, charge per 1,000 gallons of actual monthly water usage reduced by 15% to account for water uses not returned as wastewater:

   $8.84

5. **Irrigation Water Fees.** For all usage of water by irrigation-only taps, the Town shall charge the following fees:

   Base Rate, charge per month based on size of water tap:

0.75 inch:	$26.53
1.0 inch:	$38.88
1.5 inch:	$67.89
2.0 inch:	$104.71

   Volume Rate, charge per 1,000 gallons of usage:

Winter Months (Nov-Apr):	$9.91
Summer Months (May-Oct):	$19.82

6. **Bulk Water.** For all usage at the Bulk Water Station or via hydrants for Construction Bulk Water Usage, the Town shall charge the following fees:

   Volume Rate, charge per 1,000 gallons of usage: $23.86

7. **Validity.** The Board of Trustees hereby declares that should any section, paragraph, sentence, or word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from any such portion which may be declared invalid.

8. **Necessity**. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

9. **Certification**. The Town 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.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 12th day of November, 2024 and ordered to become effective January 1, 2025.

TOWN OF WELLINGTON, COLORADO

By:_____
Calar Chaussee, Mayor

ATTEST:

_____
Patti Garcia, Town Clerk

TOWN OF WELLINGTON

ORDINANCE NO. 11-2024

AN ORDINANCE ESTABLISHING CAPTIAL INVESTMENT FEES TO BE CHARGED BY THE TOWN OF WELLINGTON, COLORADO FOR CONNECTION TO THE WATER AND WASTEWATER UTILITY SYSTEMS

WHEREAS, the Town of Wellington Municipal Code provides that the Board of Trustees of the Town of Wellington can charge capital investment fees for water taps and wastewater taps; and

WHEREAS, the capital investment fee charged by the Town enables the Town to build the necessary infrastructure for the provision of services to water and wastewater users; and

WHEREAS, the Board previously set capital investments fees for water taps and wastewater taps by Ordinance No. 11-2023; and

WHEREAS, the Town of Wellington Board of Trustees desires to adopt capital investment fees by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORAOD, AS FOLLOWS:

1. **Water Capital Investment Fees**. The Town shall require payment of Capital Investment Fees in relation to the issuance of any new water tap as follows:

   Residential Taps:

   0.75-inch water tap serving a single residential unit (single-family dwelling): $11,507

   Water tap serving multiple residential units (multi-family dwellings): $8,055 per unit served

   Commercial and Irrigation Taps, based o the size of the water tap:

0.75 inch:	$11,507
1.0 inch:	$18,411
1.5 inch:	$52,932
2.0 inch:	$65,589
More than 2 inches:	Calculated

   Capital Investment Fees for water taps that exceed 2.0 inches in size shall be calculated based on the proposed use and assumes maximum operating flow based on pipe capacity.

   The above requirements and schedule are subject to existing and new development agreements and memoranda of public improvements to the contrary.

   The above fees shall be reflected in the Town of Wellington Fee Schedule effective January 1, 2025.

2. **Wastewater Capital Investment Fees**. The Town shall require payment of Capital Investment Fees in relation to the issuance of any new wastewater tap as follows:

Residential Taps:

0.75-inch water tap serving a single residential unit (single-family dwelling): $10,740

Water tap serving multiple residential units (multi-family dwellings): $7,518 per unit served

Commercial Taps, based on size of the user's water tap:

0.75 inch:	$10,740
1.0 inch:	$17,184
1.5 inch:	$49,407
2.0 inch:	$61,220
More than 2 inches:	Calculated

Capital investment fees for wastewater taps serving water taps that exceed 2.0 inches in size shall be calculated based on the proposed use and assumes maximum operating flow based on pipe capacity, flowing full at two percent (2%) slope.

The above requirements and schedule are subject to existing and new development agreements and memoranda of public improvements to the contrary.

The above fees shall be reflected in the Town of Wellington Fee Schedule effective January 1, 2025.

3. **Validity.** The Board of Trustees hereby declares that should any section, paragraph, sentence, or word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from any such portion which may be declared invalid.

4. **Necessity**. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

5. **Certification**. The Town 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.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 12th day of November, 2024 and ordered to become effective January 1, 2025.

TOWN OF WELLINGTON, COLORADO

By:_____
Calar Chaussee, Mayor

ATTEST:

_____
Patti Garcia, Town Clerk

TOWN OF WELLINGTON

Appendix A –

Current and Proposed Water and Wastewater Usage Rates and Capital Investment Fees

Residential Water Base Rates, Usage Rates, and Tiers				
	Single-family Residential		Multi-family Residential	
	Current	2025 Proposed	Current	2025 Proposed
Base Rate/Unit	$52.20	$54.81	$32.50	$34.13
Tier 1 0-3K gal	$0.00	$0.00	$0.00	$0.00
Tier 2 4-7K gal	$12.29	$12.90	$7.43	$7.80
Tier 3 8-20K gal	$15.96	$16.76	$9.67	$10.15
Tier 4 20K+ gal	$22.72	$23.86	$13.77	$14.46

Commercial Water Base Rates, Usage Rates, and Tiers			
	Tap Size	Current	2025 Proposed
Base Rate per Unit	0.75 in	$25.27	$26.53
	1.0 inch	$37.03	$38.88
	1.5 inch	$64.66	$67.89
	2 inch	$99.72	$104.71
	>2 inch	Calculated	Calculated
Tier 1 0-25K gal		$12.31	$12.93
Tier 2 26-120K gal		$15.37	$16.14
Tier 3 120K+ gal		$18.45	$19.37

Potable Irrigation Base Rates and Seasonal Usage Rates			
	Tap Size	Current	2025 Proposed
Base Rate per Unit	0.75 in	$25.27	$26.53
	1.0 inch	$37.03	$38.88
	1.5 inch	$64.66	$67.89
	2.0 inch	$99.72	$104.71
	>2.0 inch	Calculated	Calculated
Nov - Apr (per 1K gal)		$9.44	$9.91
May - Oct (per 1K gal)		$18.88	$19.82

Wastewater Base Rate and Usage Rate		
	Current	2025 Proposed
Base Rate	$14.65	$15.38
Usage Rate* ** (per 1,000 gal)	$8.42	$8.84

* Residential usage volume based on water use in the months of Jan-Mar

** Commercial usage volume based on 85% of monthly water use

Capital Investment Fees				
	Water		Wastewater	
Type	Current	2025 Proposed	Current	2025 Proposed
RESIDENTIAL	$$/Unit	$$/Unit	$$/Unit	$$/Unit
0.75 inch Single-family	$10,959	$11,507	$10,229	$10,740
Multi-family	$7,671	$8,055	$7,160	$7,518
COMMERCIAL & IRRIGATION	$$/Tap	$$/Tap	$$/Tap	$$/Tap
0.75 inch	$10,959	$11,507	$10,229	$10,740
1.0 inch	$17,534	$18,411	$16,366	$17,184
1.5 inch	$50,411	$52,932	$47,054	$49,407
2.0 inch	$62,466	$65,589	$58,305	$61,220
>2.0 inch	Calculated	Calculated	Calculated	Calculated

* Wastewater Capital Investment Fees do NOT apply to Irrigation taps

TOWN OF
WELLINGTON

Town of Wellington, CO **Table A-3**
Water Utility
Combined Water Enterprise Fund

Line No.	Description	*Expected* 2024	*Budget* 2025	*Projected* 2026	*Projected* 2027	*Projected* 2028	*Projected* 2029
		$	$	$	$	$	$
	Sources of Funds						
1	Revenue from Existing Water Service Rates	4,722,613	4,730,210	4,799,764	4,895,863	4,993,953	5,101,777
2	Additional Water Sales Revenue Required	236,131	484,847	756,563	1,055,089	1,379,737	1,409,527
3	Total Water Service Rate Revenue	4,958,744	5,215,057	5,556,327	5,950,952	6,373,690	6,511,304
4	Miscellaneous Revenue	89,771	86,800	86,800	86,800	86,800	86,800
5	Tap Fees	416,436	1,242,734	2,091,558	2,157,607	2,157,607	2,157,607
6	Property Tax Revenue	0	0	0	0	0	0
7	ARPA Funding	0	0	0	0	0	0
8	Bond/Loan Proceeds	2,891,721	0	0	0	0	0
9	Intrafund Loan	6,000,000	0	0	0	0	0
10	Transfer From General Fund	600,000	659,000	0	0	0	0
11	Investment Income	652,000	151,606	46,435	14,235	12,400	41,300
12	**Total Sources**	**15,608,672**	**7,355,196**	**7,781,120**	**8,209,594**	**8,630,497**	**8,797,011**
	Uses of Funds						
13	Operation and Maintenance Expense	4,866,770	5,473,313	5,679,424	5,893,331	6,115,329	6,345,727
	Debt Service						
14	Existing - Bonds/Loans	1,464,694	1,462,016	1,463,001	1,462,818	1,465,794	1,464,178
15	Intrafund Loan	0	600,000	600,000	600,000	600,000	600,000
16	Proposed - Bonds/Loans	0	0	0	0	0	0
17	Total Debt Service	1,464,694	2,062,016	2,063,001	2,062,818	2,065,794	2,064,178
18	Total Capital	13,789,818	1,615,000	2,689,500	2,672,500	773,060	931,909
19	**Total Uses**	**20,121,282**	**9,150,329**	**10,431,925**	**10,628,649**	**8,954,183**	**9,341,814**
20	Annual Surplus (Deficiency)	(4,512,610)	(1,795,133)	(2,650,805)	(2,419,054)	(323,686)	(544,803)
21	**Beginning Balance**	8,442,291	3,929,681	2,134,548	(516,257)	(2,935,311)	(3,258,998)
22	**Ending Balance**	**3,929,681**	**2,134,548**	**(516,257)**	**(2,935,311)**	**(3,258,998)**	**(3,803,801)**
	Proposed Target Reserves						
23	*Operations and Maintenance (90 Days O&M)*	*1,220,000*	*1,370,000*	*1,420,000*	*1,470,000*	*1,530,000*	*1,590,000*
24	*Capital Reserve (1-year Depreciation Expense)*	*373,403*	*560,105*	*746,806*	*933,508*	*961,513*	*990,358*
25	***Total Proposed Target Reserves***	***1,593,403***	***1,930,105***	***2,166,806***	***2,403,508***	***2,491,513***	***2,580,358***
26	Over/(Under) Proposed Reserve Target	2,336,278	204,443	(2,683,063)	(5,338,819)	(5,750,511)	(6,384,159)

Town of Wellington, CO **Table B-3**

Wastewater Utility

Combined Wastewater Enterprise Fund

Line No.	Description	*Expected* 2024	*Budget* 2025	*Projected* 2026	*Projected* 2027	*Projected* 2028	*Projected* 2029
		$	$	$	$	$	$
	Sources of Funds						
1	Revenue from Existing Wastewater Rates	2,131,213	2,172,981	2,251,188	2,350,256	2,450,885	2,551,514
2	Additional Revenue Required	106,561	222,731	354,844	506,495	677,134	704,936
3	Total Wastewater Service Rate Revenue	2,237,774	2,395,711	2,606,032	2,856,751	3,128,019	3,256,450
4	Tap Fees	388,702	1,159,969	2,142,720	2,210,385	2,210,385	2,210,385
5	State Loan Proceeds	18,500,000	1,130,005	0	0	0	0
6	Grant Funding	0	137,500	470,500	0	0	0
7	ARPA Funding	0	0	0	0	0	0
8	Transfer From General Fund	300,000	390,000	0	0	0	0
9	2022 GPR Loan	0	0	0	0	0	0
10	Investment Income	485,839	250,000	138,039	128,613	128,397	134,057
11	**Total Sources**	**21,912,315**	**5,463,185**	**5,357,290**	**5,195,749**	**5,466,801**	**5,600,892**
	Uses of Funds						
12	Operation and Maintenance Expense	1,674,774	2,176,898	2,249,239	2,327,963	2,409,442	2,493,772
	Debt Service						
13	Existing	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
14	Proposed	0	0	0	0	0	0
15	**Total Debt Service**	2,468,119	2,469,649	2,470,492	2,466,884	2,466,884	2,471,194
	Debt Service Reserve and Issuance Expense	0	0	0	0	0	0
16	Total Capital	19,345,000	2,177,500	1,457,920	560,130	517,280	517,520
17	**Total Uses**	**23,487,893**	**6,824,047**	**6,177,651**	**5,354,977**	**5,393,605**	**5,482,486**
18	Annual Surplus (Deficiency)	(1,575,578)	(1,360,862)	(820,361)	(159,228)	73,196	118,406
19	**Beginning Balance**	3,897,465	2,321,887	961,025	140,665	(18,563)	54,632
20	**Ending Balance**	**2,321,887**	**961,025**	**140,665**	**(18,563)**	**54,632**	**173,038**
	Proposed Target Reserves						
21	*Operations and Maintenance (90 Days O&M)*	*410,000*	*540,000*	*550,000*	*570,000*	*590,000*	*610,000*
22	*Capital Reserve (1-year Depreciation Expense)*	*269,879*	*404,818*	*539,757*	*674,697*	*694,938*	*715,786*
23	***Total Proposed Target Reserves***	***679,879***	***944,818***	***1,089,757***	***1,244,697***	***1,284,938***	***1,325,786***
24	Over/(Under) Proposed Reserve Target	1,642,009	16,207	(949,093)	(1,263,260)	(1,230,305)	(1,152,747)

Board of Trustees Meeting

Date: **October 22, 2024**
Subject: **2025 Draft Budget and CIP Presentation (with Public Comment)**

- **Presentation: Nic Redavid, Finance Director/Treasurer**

BACKGROUND / DISCUSSION

The Town Administrator, per Sec. 4-3-10 of the Municipal Code, shall submit the annual budget to the Board of Trustees no later than the first regular meeting of October of each year. Projected revenues and expenditures for 2025 were provided to the Board of Trustees by email on Friday, October 4, 2024. The draft Town of Wellington Fiscal Year 2025 Budget was released Wednesday, October 9, 2024. The Board of Trustees participated in a Budget Workshop on Friday, October 11, 2024.

The following is an updated draft of the Town of Wellington Budget for the 2025 fiscal year. Revenue projections for 2025 total $28.23 million, including transfers. Expenditure projections, including operations and capital expenses, are anticipated to total $39.79 million.

This updated draft of the budget for 2025 estimates that all Town fund balances will meet Board adopted reserve requirements at year-end.

The table below provides an overview of the impact this draft of the budget for 2025 will have on the estimated fund balances for all Town funds. Town staff consistently applies a cautious methodology when estimating revenue sources, ensuring projections are both realistic and conservative. Similarly, when estimating expenditures, a conservative approach is taken to budget for the highest potential impact of certain expenses to ensure the Town is adequately prepared. For instance, deductibles for property and casualty insurance are included in each fund to cover potential claims. Budget for vacant positions assumes the highest possible employee health benefit costs, ensuring adequate coverage for this expense should the new employee choose those benefits.

2025 Estimated Fund Balances

2025 Estimated Fund Balance

	General Fund	Street Fund	Water Fund	Sewer Fund	Drainage Fund	Park Fund	Trust Funds	Total
Beg Fund Balance	$ 8,005,869	$ 4,401,951	$ 9,216,355	$ 2,322,409	$ 1,474,234	$ 2,102,374	$ 1,616,676	**$ 29,139,869**
Operations								
Revenue	6,660,680	2,234,414	10,047,427	3,805,631	812,637	1,668,915	51,500	**25,281,204**
Transfers In	1,904,774	-	659,000	390,000	-	-	-	**2,953,774**
Total Revenue	8,565,454	2,234,414	10,706,427	4,195,631	812,637	1,668,915	51,500	**28,234,977**
Expenditures	8,868,123	1,060,084	4,906,756	1,610,798	529,999	1,545,127	-	**18,520,887**
Debt Service	-	-	2,062,016	2,469,649	-	269,500	-	**4,801,165**
Transfers Out - Other	1,049,000	285,865	566,557	566,067	219,896	266,389	-	**2,953,774**
Total Expenditures	9,917,123	1,345,949	7,535,329	4,646,513	749,895	2,081,016	-	**26,275,825**
Net Operations	(1,351,669)	888,464	3,171,098	(450,882)	62,742	(412,101)	51,500	**1,959,152**
Capital								
Loan Proceeds	-	-	-	1,130,005	-	-	-	**1,130,005**
Capital Grants	29,700	875,000	-	137,500	646,000	-	-	**1,688,200**
Capital Projects	311,000	5,479,000	4,115,000	2,177,500	1,173,534	260,000	-	**13,516,034**
Net Capital	(281,300)	(4,604,000)	(4,115,000)	(909,995)	(527,534)	(260,000)	-	**(10,697,829)**
Rev over Exp & Trans	(1,632,969)	(3,715,536)	(943,902)	(1,360,877)	(464,792)	(672,101)	51,500	**(8,738,677)**
End Fund Balance	**$ 6,372,900**	**$ 686,415**	**$ 8,272,453**	**$ 961,532**	**$ 1,009,442**	**$ 1,430,272**	**$ 1,668,176**	**$ 20,401,191**
Reserve Requirement	*2,926,481*	*349,828*	*1,226,689*	*402,699*	*132,500*	*509,892*		
	33% Operating Expenditures		*90 Days Operating Expenditures**					

**1+ year's depreciation expense required by 2027 not currently included*

While additional capital grants of $1.69 million are expected, please note that projected amounts do not include grant opportunities that Town staff is currently, or will in the future, seek as potential funding sources. This approach ensures the draft of the budget for 2025 being presented remains conservative, particularly for programs or capital projects that could receive future grant funding.

There are, however, challenges facing the Town's Water and Sewer Funds in that these two enterprise funds do not currently generate enough operating revenue to adequately cover debt service covenants. This is the case despite the fact that these projections include **the recommended 5% utility rate increase and a 5% increase in capital investment fees.**

Guidance from the Board to continue subsidizing the Water and Sewer Funds by transferring the maximum allowable amount from the General Fund has been included in this draft of the budget for 2025. Under the Taxpayer Bill of Rights (TABOR), enterprise funds can receive up to 10% of their revenue from taxpayer transfers through the General Fund. While this practice has provided crucial short-term support, it also directly affects the General Fund's balance. Since 2022, transfers from the General Fund to the Water and Sewer Funds exceed $3.87 million including budgeted transfers in the 2025 fiscal year.

Operating expenditures, such as the contract with the Larimer County Sheriff's Office, planning services, public works administration, fund transfers, and all Town administrative services currently exceed revenue projections by $1.35 million in the General Fund.

The current projections reflect a conservative approach, and further feedback from both the Board of Trustees and the public is essential to guide decisions making moving forward.

STAFF RECOMMENDATION

Staff is seeking input on the expenditures outlined in this updated draft of the budget for the 2025 fiscal year.

ATTACHMENTS

1. 2025 Draft Budget and CIP
2. 2025 Draft Budget & CIP Presentation

2025

TOWN OF
WELLINGTON



Town of Wellington, Colorado

Draft Budget

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Distinguished Budget Presentation Award

PRESENTED TO

Town of Wellington
Colorado

For the Fiscal Year Beginning

January 01, 2024

Christopher P. Morrill

Executive Director

TOWN OF WELLINGTON

BOARD OF TRUSTEES


Shirrell Tietz
Trustee


Ed Cannon
Trustee


Brian Mason
Mayor-Pro Tem


Calar Chaussee
Mayor


David Wiegand
Trustee


Rebekka Dailey
Trustee


Lowrey Moyer
Trustee

Calar Chaussee, Mayor
ChausseeC@WellingtonColorado.gov
Term expires: April 2026

Brian Mason, Mayor Pro Tem
MasonB@WellingtonColorado.gov
Term expires: April 2026

Ed Cannon, Trustee
CannonEd@WellingtonColorado.gov
Term expires: April 2028

Rebekka Dailey, Trustee
DaileyRm@WellingtonColorado.gov
Term expires: April 2028

Lowrey Moyer, Trustee
MoyerLo@WellingtonColorado.gov
Term expires: April 2028

Shirrell Tietz, Trustee
tietzs@wellingtoncolorado.gov
Term expires: April 2026

David Wiegand, Trustee
wiegandd@wellingtoncolorado.gov
Term expires: April 2026

Town Leadership Team & Budget Preparation Team

Town Leadership Team

- Patti Garcia - Town Administrator
- Kelly Houghteling - Deputy Town Administrator
- Bob Gowing - Public Works Director
- Meagan Smith - Deputy Public Works Director
- Nathan Ewert - Deputy Public Works Director
- Cody Bird - Planning Director
- Nic Redavid - Finance Director & Town Treasurer
- Stephanie Anderson - Human Resources Director
- Hannah Hill - Town Clerk
- Billy Cooksey - Parks & Recreation Manager
- Ross LaGenese - Library Director

Budget Prepared By

- Nic Redavid - Finance Director & Town Treasurer
- Kelly Houghteling - Deputy Town Administrator
- Jerry Martin - Senior Communications Specialist

2025 Organizational Chart

TOWN OF WELLINGTON

Residents of Wellington

Board of Trustees
Calar Chaussee, Mayor; Brian Mason, Mayor Pro Tem; Rebekka Dailey, Trustee; Lowrey Moyer, Trustee; Shirrell Tietz, Trustee; David Wiegand, Trustee; Ed Cannon, Trustee.

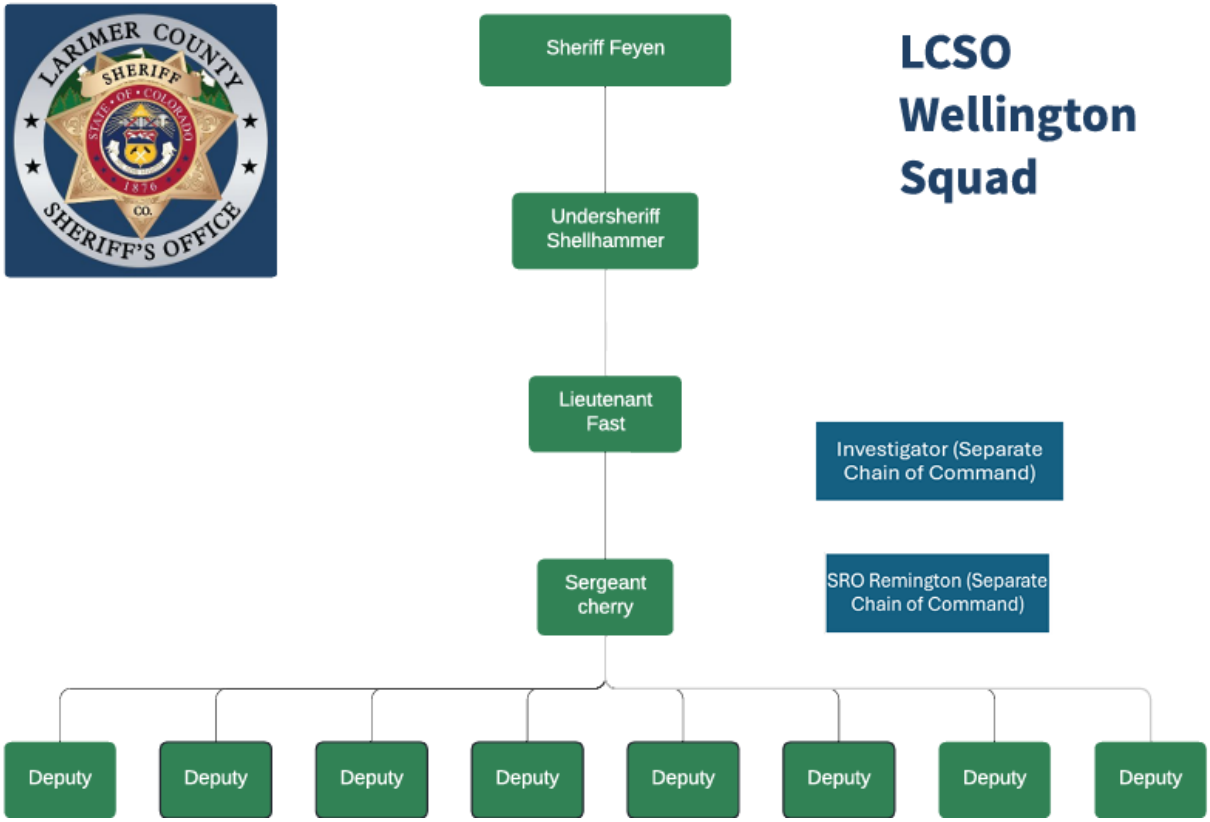
- Municipal Judge
- Town Attorney
- Advisory Boards

Town Administrator 1.0 FTE

- **Public Works Director 1.0 FTE**
  - **Deputy Public Works Director - Utilities 1.0 FTE**
    - Distribution & Collections Operations Supervisor 1.0 FTE
      - Distributions & Collections Operator I-III 2.0 FTE
    - Water Treatment Superintendent 1.0 FTE
      - Lead Water Treatment Operator 1.0 FTE
      - Water Treatment Operator I-III 4.0 FTE
    - Water Reclamation Facility Superintendent 1.0 FTE
      - Lead Water Reclamation Facility Operator 1.0 FTE
      - Water Reclamation Facility Operator I-III 3.0 FTE
  - **Deputy Public Works Director - Engineering 1.0 FTE**
    - Public Works Program Administrator 1.0 FTE
      - Fleet and Safety Coordinator 1.0 FTE
    - Public Works Superintendent 1.0 FTE
      - Streets Maintenance Operator I-III 5.0 FTE
      - Fleet Mechanic/ Streets Maintenance 1.0 FTE
    - Civil Engineer I-III 3.0 FTE
- **Town Clerk 1.0 FTE**
  - Administrative Assistant II + Court Clerk 1.0 FTE
- **Finance Director / Town Treasurer 1.0 FTE**
  - Controller 1.0 FTE
  - Finance Clerk 1.0 FTE
  - Utility Services Coordinator 1.0 FTE
- **Planning Director 1.0 FTE**
  - Building Official 1.0 FTE
  - Building Permit Technician 1.0 FTE
  - Neighborhood Services Officer 1.0 FTE
  - Business Resource Manager 1.0 FTE
  - Planner I-III 2.0 FTE
- **Deputy Town Administrator 1.0 FTE**
  - **Parks & Recreation Manager 1.0 FTE**
    - Parks & Rec Operations Supervisor 1.0 FTE
      - Recreation Coordinator 2.0 FTE
      - Assistant Recreation Coordinator 1.0 FTE
      - Parks Technician I - III 3.0 FTE
  - **Library Director 1.0 FTE**
    - Library Technology Specialist 1.0 FTE
    - Library Program Administrator 0.75 FTE
    - Library Clerk I 3.0 FTE
  - **Human Resources Director 1.0 FTE**
    - Human Resources Generalist 1.0 FTE
    - IT Manager 1.0 FTE
  - Senior Communications Specialist 1.0 FTE
    - Main Street & Events Coordinator 1.0 FTE
    - Management Analyst 1.0 FTE

Updated: October 10, 2024

Organizational Chart | Larimer County Sheriff's Office



Staffing by Department

Department	2023	2024	2025
Administration	5.00	5.00	5.0
Finance	5.00	4.00	4.0
Human Resources	1.50	2.00	2.0
IT	1.00	1.00	1.0
Library	5.00	5.75	5.75
Parks & Recreation	7.00	8.00	8.0
Planning	6.00	7.00	7.0
Public Works	16.50	18.00	18.0
Sewer	5.00	5.00	5.0
Town Clerk	2.00	2.00	2.0
Water	6.00	6.00	6.0
TOTAL	60	63.75	63.75

Staffing History: Navigating Wellington's Growth and Organizational Development
Recognizing the history of an organization is crucial in understanding its evolution and growth. Wellington, like numerous communities in Colorado, has undergone remarkable growth over the past two decades. According to data from the U.S. Census Bureau, the town's population surged from 2,672 in 2000 to 11,047 in 2020, representing a staggering 313% increase within a span of 20 years.

This population growth has created an evolution of various departments within the town. Notably, several key departments were only recently established. For instance, in November 2017, the organization marked a significant milestone by appointing its first Town Planner, marking a transition from a prior absence of a dedicated professional in this role. The outsourcing of engineering services to an external firm persisted until May 2018, when the Town achieved another milestone of hiring its first Public Works Director/Town Engineer.

In the Spring of 2020, the Town Board separated the Town Administration/Town Clerk joint positions and created a professional Town Clerk position. In September 2020, recognizing the growing need of transparent communication, the town brought on board its first in-house Communications position. Further strides were made in May 2021, when the Town took an important step by consolidating the Parks & Recreation Department and appointing its first Parks & Recreation Manager. In 2021, we expanded support for Public Works by hiring a Deputy Public Works Director to oversee water and wastewater utilities and prioritize source water diversification. The year 2021 also witnessed the recruitment of the first Human Resources professional, while the position of Human Resources Director was solidified in 2023. This historical awareness forms the foundation for supporting and guiding the community toward a future aligned with its evolving needs and aspirations. No new positions are being requested in 2025.

Historical Staffing by Position

Staffing by Position	2023	2024	2025	Notes
Town Administrator	1	1	1	
Deputy Town Administrator	1	1	1	
Main Street & Events Coordinator	1	1	1	The previous title was Community & Business Liaison.
Senior Communications Specialist	1	1	1	
Management Analyst	1	1	1	
Court Clerk/Admin Assistant II	1	1	1	
Town Clerk	1	1	1	
Finance Admin Assistant	1	0	0	Position vacant & recommended to divide into 0.5 to PW & 0.5 to HR.
Finance Clerk	1	1	1	The previous title was Accounts Payable/Purchasing Clerk
Utility Services Coordinator	1	1	1	
Controller	1	1	1	In 2022, this position was an Assistant Finance Director and in 2023 the title was Budget & Accounting Analyst.
Finance Director/ Town Treasurer	1	1	1	
HR Generalist	0.5	1	1	Added 0.5 FTE in 2024 from absorbed position in finance.
Fleet & Safety Coordinator	0.5	1	1	Added 0.5 FTE in 2024 from absorbed position in finance.
Human Resources Director	1	1	1	
IT Manager	1	1	1	This position has been vacant and was previously title IT Specialist.
Library Clerk I	2.25	3	3	
Library Technology Specialist	1	1	1	
Library Program Manager	0.75	0.75	0.75	
Library Director	1	1	1	
Parks Maintenance Tech I-III	3	3	3	
Assistant Recreation Coordinator	2	2	1	
Recreation Coordinator	1	1	2	

Parks & Recreation Manager	1	1	1	
Parks & Rec Ops Supervisor	0	1	1	
Building Permit Technician	1	1	1	
Neighborhood Services Officer	1	1	1	
Business Resource Manager	1	1	1	This previous position was title Planning Analyst, but due to a vacant the position was reevaluated.
Planner I-III	1	2	2	
Building Official	1	1	1	
Planning Director	1	1	1	
Street Maintenance Operator I-III	5	5	5	
Fleet Mechanic	1	1	1	
PW Program Administrator	1	1	1	
Streets Superintendent	1	1	1	
Civil Engineer I-III	3	4	3	
Deputy Director Public Works (Utilities)	1	1	1	
Deputy Director Public Works (Engineering)	0	0	1	Reduce 1 FTE in Engineering
Public Works Director	1	1	1	
D/C Operations Supervisor	1	1	1	
D/C Operator I-III	2	2	2	
WTP Superintendent	1	1	1	
WTP Lead	1	1	1	
WTP Operator I-III	4	4	4	
WRF Superintendent	1	1	1	
WRF Lead	1	1	1	
WRF Operator I-III	3	3	3	
TOTAL	**60**	**63.75**	**63.75**	No new positions are being proposed in 2025.

Mission and Vision

Vision Statement

Welcome to Wellington, where deep-rooted values and a rich heritage unite to forge paths that honor our past, ignite a legacy of unity, and create a welcoming community for all.

Mission Statement

Our mission is to provide outstanding municipal services for our community of today and tomorrow.

What is a Strategic Plan and how does the process work?

Strategic planning is the process by which a Town determines what it intends to achieve in the future and how it will get there. This process involves developing a vision for the Town's future and determining the necessary goals, priorities, and action steps to achieve that vision.

Strategic Plan

A strategic plan serves as the community's roadmap and it is used to prioritize initiatives, goals, projects, resources, and department operations. The strategic plan is a big-picture document directing efforts and resources toward a clearly defined vision.

Town staff will be responsible for prioritizing and planning specific projects and operations based on the overall goals and themes specified by the Strategic Plan.

Prior to the Board of Trustees gathering to create a Strategic, Town Staff hold a community engagement session to get feedback on community goals.

Every two years, the Board of Trustees meets to discuss the Strategic Plan and update the goals for the next two-year period. The goals are given to Department Heads for feedback to determine how the goals will be achieved and given an estimated completion date.



Throughout the budget process, Board of Trustees and staff have used the Strategic Plan to ensure adequate resources are available to implement each task. The full strategic plan, including progress may be found on the following pages, with subsequent quarterly updates found at WellingtonColorado.gov/480/Strategic-Plan.

TOWN OF WELLINGTON STRATEGIC PLAN SUMMARY 2025 - 2029



- Proactively maintain & improve utilities, streets, and built environment.
- Improve housing diversity.
- Advance cohesive & holistic new developments.
- Reinforce & align plans for corridors and jurisdiction boundaries.
- Explore financing options for development.

- Retain & expand current local businesses.
- Recruit new businesses.
- Identify funding opportunities for economic development.
- Align & develop visions related to economic development.

- Align needs & vision for community spaces.
- Explore creating a community center.
- Retain, revitalize & invest in meeting & gathering spaces.
- Increase revenues for town facilities.

- Communicate strategically to community audiences.
- Invest in, retain & hire skilled staff.
- Cultivate effective staff & trustee interactions.
- Ensure safety & security, such as emergency response.
- Improve physical spaces & systems for staff efficiency & collaboration.
- Leverage & expand external relationships.

Strategic Goals and Objectives Tracking

The Wellington Board of Trustees unanimously approved the Strategic Plan for 2025-2029 at its Aug. 27 Regular Meeting. Town staff is still in the process of establishing a method for tracking the goals and objectives of the new plan. Once that method has been established, tracking can be monitored at WellingtonColorado.gov/480/Strategic-Plan.

How Community Plans Inform Our Work

Tree Branch: Town Masterplans to support & inform the work



Tree Trunk: Comprehensive Plan to guide the vision

Water: Town Staff to Accomplish the Work

Fertilizer: Budget directs resources

Health of the Lawn: Community Survey Feedback

Our Roots: Guiding Princples

This graphic was created during the Board of Trustees Strategic Planning process.

Community Survey

The Town of Wellington partnered with the National Research Center at Polco to conduct a Community Survey. This effort aims to establish a performance baseline and highlight areas of opportunity for overall community improvement.

The statistically valid survey gathered opinions from residents on ten key aspects, including economy, mobility, safety, and inclusivity. The survey response rate for the 2023 survey was 18%. Results are weighted from a representative sample of 502 residents so that the demographic profile of respondents reflects the demographic profile of adults in Wellington. The report highlights comparisons to benchmarks from over 500+ communities, indicating Wellington's performance as "higher," "lower," or "similar" to the average. The survey spanned from April 12 to May 24, 2023.

Polco noted the pandemic's influence may affect the comparisons to past years' data. The Community Survey is a tool used to help the Town monitor trends in resident opinions, measure government performance, inform budget and strategic planning decision, and is a benchmark to other communities.



Key Findings

1. Wellington Residents generally feel safe and experience a high quality of life.
2. The economy and general affordability are priorities for residents
3. Residents value Wellington's natural environment and parks system but support additional investment in recreational opportunities.

Balancing Performance and Importance

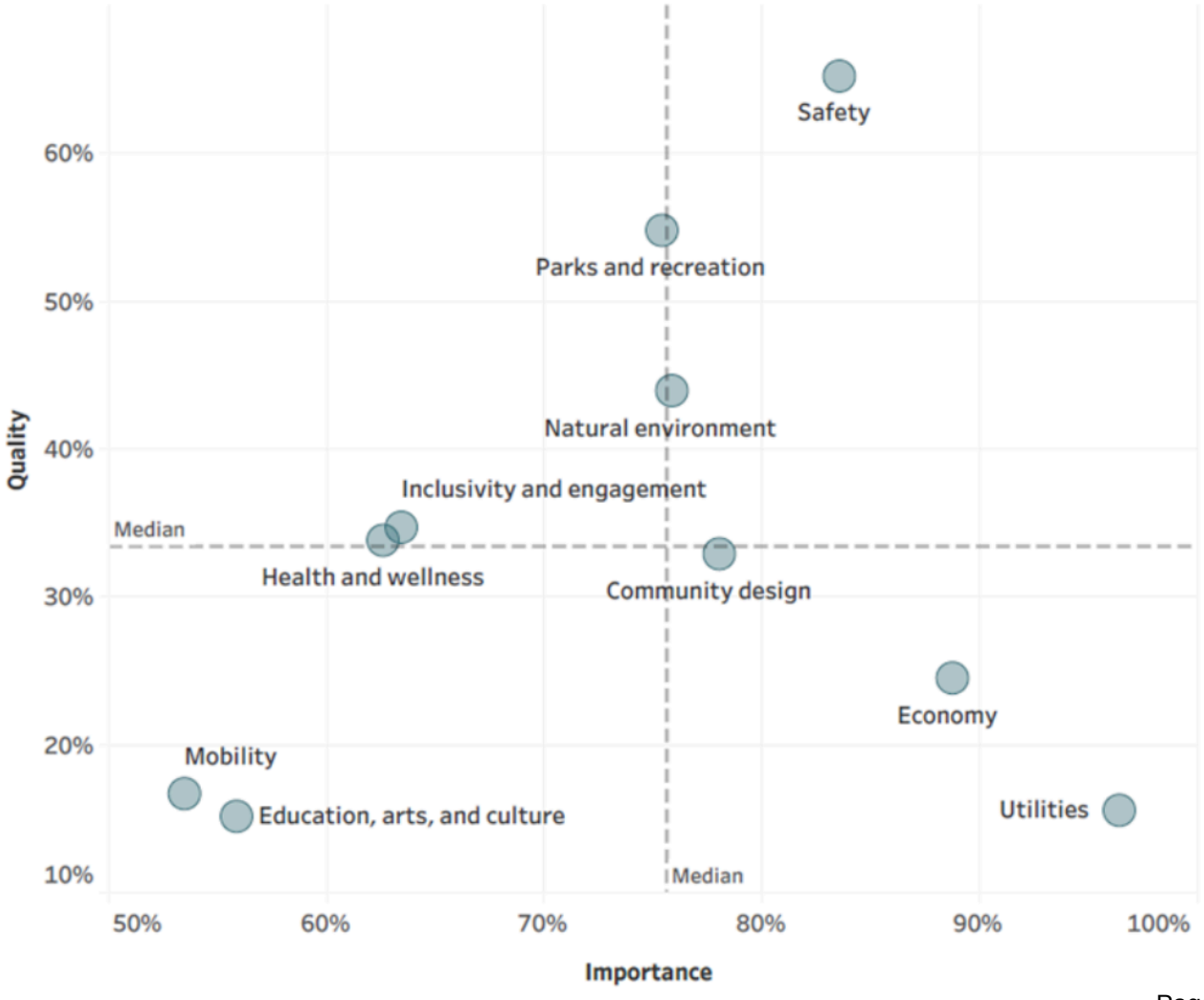
The quadrants in the figure below show which community facets were given higher or lower importance ratings (right-left) and which had higher or lower quality ratings (up-down).

Facets of livability falling closer to a diagonal line from the lower left to the upper right are those where performance ratings are more commensurate with resident priorities.

Facets scoring closest to the lower right hand corner of the matrix (higher in importance and lower in quality) are those that may warrant further investigation to see if changes to their delivery are necessary to improve their performance.

This is the key part of this chart on which to focus. Facets falling in the top left hand corner of the chart (lower in importance but higher in quality) are areas where performance may outscore resident priorities, and may be a consideration for lower resource allocation.

Community Survey Matrix



Wellington at a Glance

Wellington is a charming town nestled in the northern part of Colorado, with a rich historical background that spans more than a century. From its early days as a small agricultural community to its growth as a thriving town, Wellington's identity has been shaped by significant milestones and transformations.

Acknowledging this land is the traditional and ancestral homelands of the Arapaho, Cheyenne, and Ute Nations and peoples. Wellington was also a site of trade, gathering, and healing for numerous other Native tribes.

The tale of Wellington as a town finds its roots in the 1870s, after settlers arrived in the area attracted to the vast open prairies and fertile lands of northern Colorado. They established small homesteads and began farming the land, cultivating crops such as wheat, corn and sugar beets. The agricultural industry quickly flourished, laying the foundation for Wellington's early prosperity.

The advent of the Colorado Central Railroad in 1877 played a crucial role in the development of Wellington. The railroad brought increased connectivity and facilitated the transportation of goods, transforming the local economy. As a result, the settlement expanded, and in 1905, the Town of Wellington was formally incorporated and named after C.L. Wellington, an employee of the Colorado and Southern Railroad.

Throughout the early 20th century, Wellington experienced steady growth. The town's economy diversified with the establishment of various industries and services. The sugar beet industry played a significant role as Wellington became home to sugar beet farming.

Other businesses, including general stores, blacksmith shops and schools, emerged to support the growing community.

Like many towns, Wellington faced challenges throughout the years. The Great Depression of the 1930s brought economic hardships, but the town remained resilient.

The community banded together, supporting one another through difficult times. After World War II, Wellington experienced renewed growth and prosperity, as returning soldiers sought opportunities and a peaceful life in the Town.

In the latter half of the 20th century, Wellington embraced modernization while preserving its small-town charm. Improved transportation infrastructure, including the construction of Interstate 25, further enhanced the town's connectivity with neighboring cities and fueled economic growth.

Wellington continued to evolve with the addition of new residential neighborhoods, schools, parks and community facilities.

As of 2024, approximately 12,000 residents call Wellington home. The town retains its agricultural heritage, with many residents still engaged in farming activities. Wellington offers a range of amenities, including shopping, recreational areas and cultural events, making it an attractive place to live and visit.

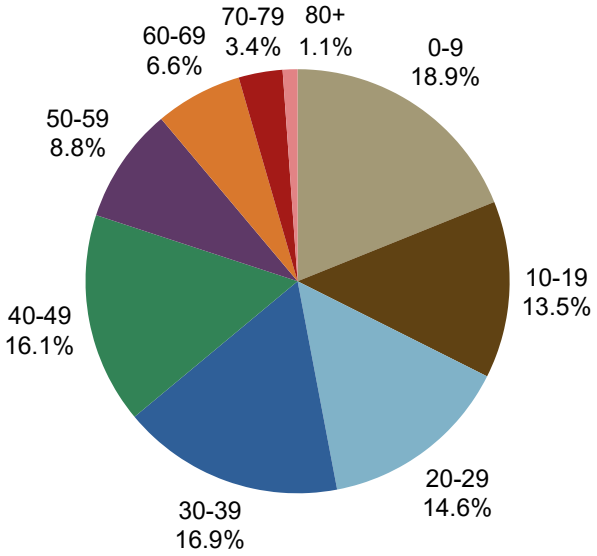
Wellington's history is a testament to the resilience and spirit of the community. From humble agricultural beginnings to a vibrant town, it has transformed over time while preserving its unique character.



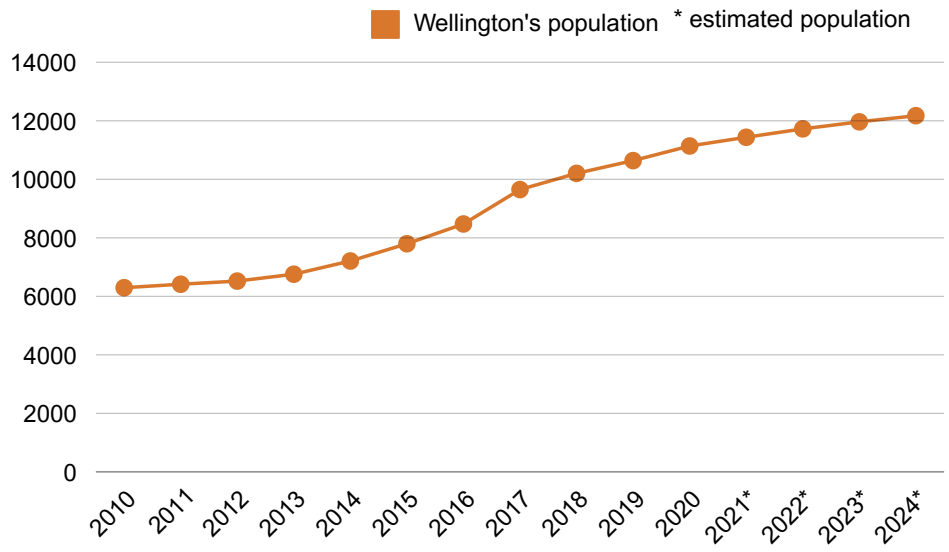
Demographics

Information taken from most current U.S. Census Bureau & internal data

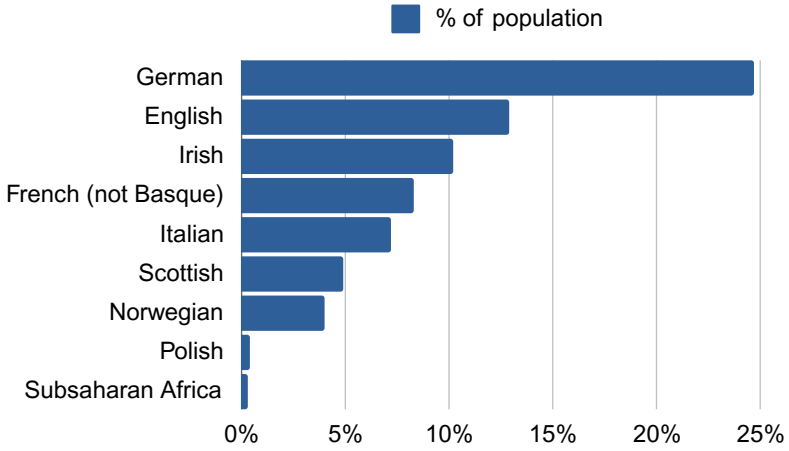
12,174	3	$101,259	66.3%	33
Population (Estimated)	Land area in Square Miles	Median Household Income	Employment Rate	Median Age



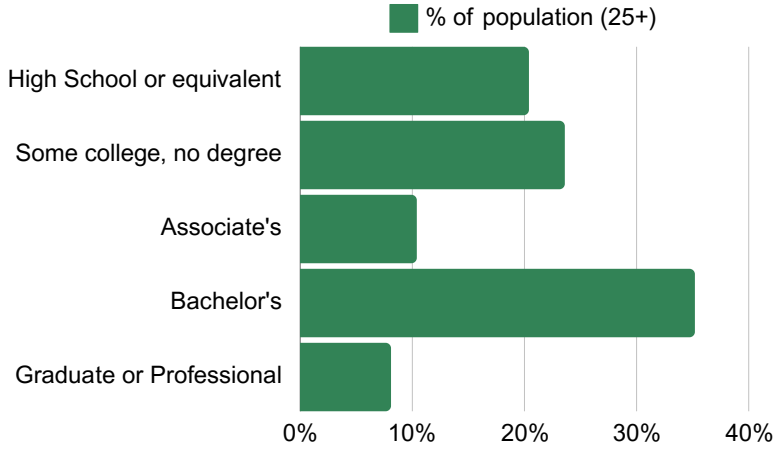
Population by age



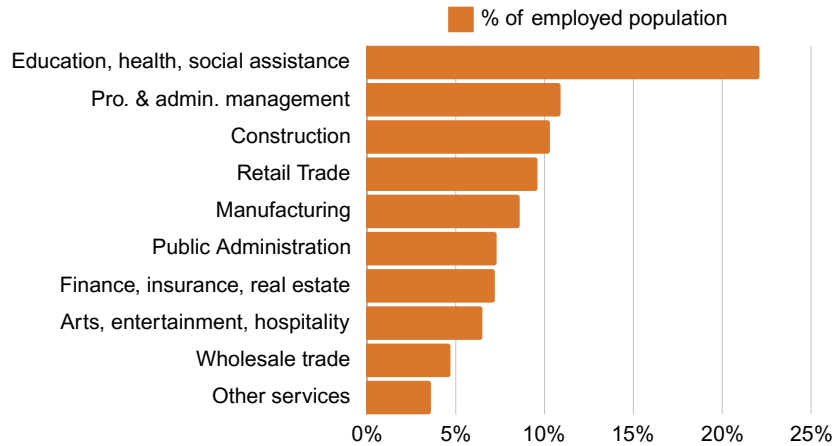
Historic population growth



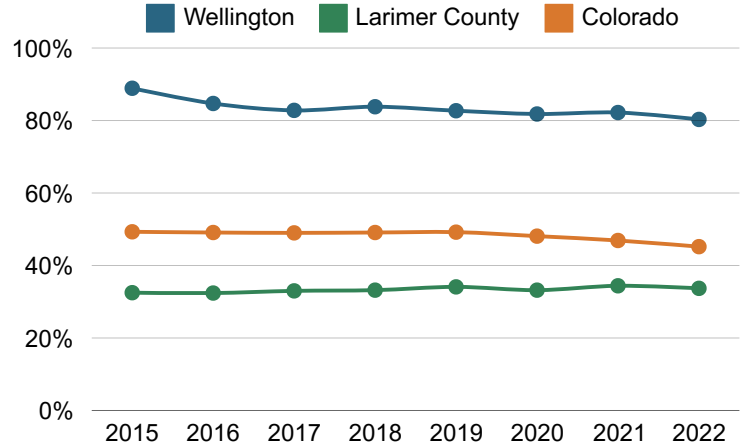
Ancestry among population



Education attainment



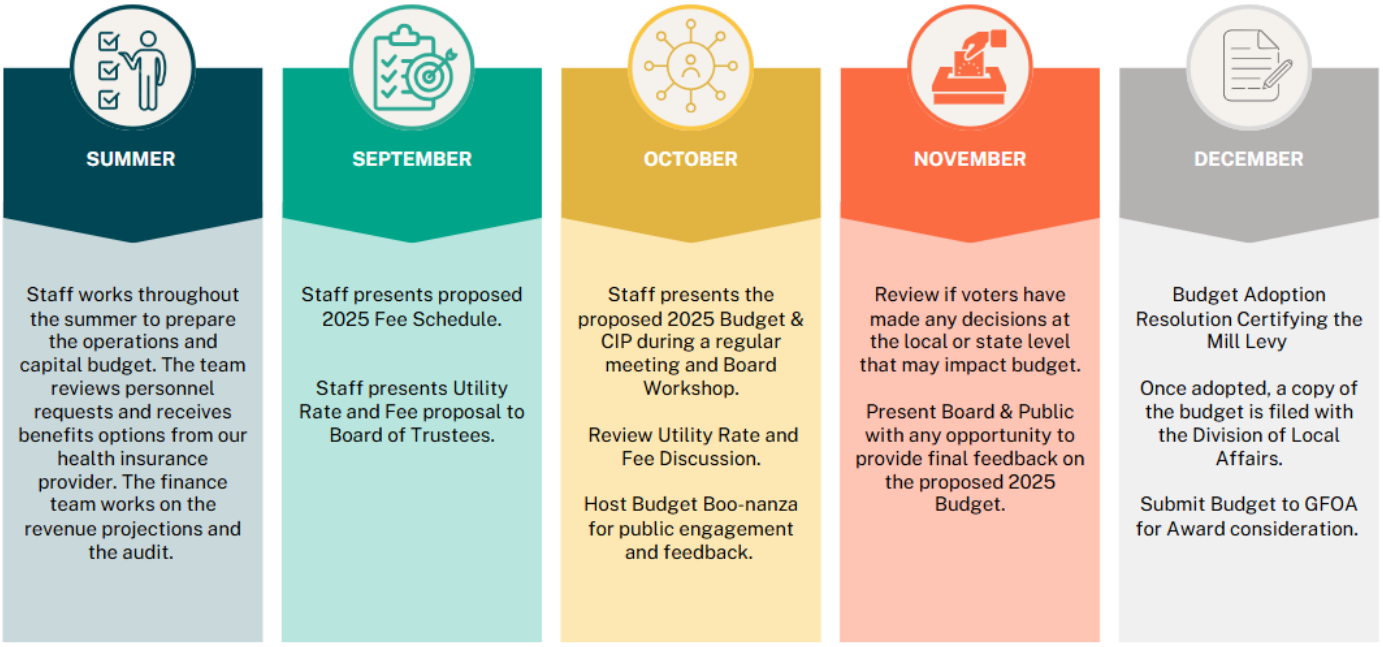
Top industries among employed population



Employed residents who work out of town

TOWN OF WELLINGTON
2025 BUDGET

TIMELINE



MEETING SCHEDULE

OCTOBER 11	BUDGET WORKSHOP WITH BOARD OF TRUSTEES
OCTOBER 15	BUDGET BOO-NANZA
OCTOBER 22	BOARD OF TRUSTEES REGULAR MEETING
NOVEMBER 12	BOARD OF TRUSTEES REGULAR MEETING
NOVEMBER 19	BOARD OF TRUSTEES REGULAR MEETING - BUDGET ADOPTION
DECEMBER	AFTER ADOPTION SUBMIT TO STATE OF COLORADO
JANUARY	SUBMIT TO GFOA BUDGET AWARD CONSIDERATION

Budget BOO-nanza

Creative Community Engagement

The Budget BOO-nanza is an engaging event hosted by the Town of Wellington aimed at demystify the budget process and gathering feedback on the proposed 2025 budget.

Despite perceptions of budget talks being dull, the event attracted 92 enthusiastic attendees, offering an informal, come-and-go environment that suited families and individuals alike.





This event cleverly blends fun and serious discussions by offering free pumpkins and encouraging interactions with Trustees and Department Directors. Attendees eagerly asked questions, gaining insights into how budget decisions impact infrastructure such as parks, road repairs, and more. The setup included stations focusing on different budget components, allowing participants to delve into areas of personal interest, facilitating in-depth discussions and opportunities to answer questions.

Feedback garnered during the event promises to shape Wellington's future plans and budget execution. By promoting community involvement and open dialogue, the Budget BOO-nanza empowers residents, demonstrating the significance of resident engagement in local governance. It transforms the perception of budget discussions, illustrating how understanding and participating in budgeting profoundly impacts the community.



Budget Procedure

The budget procedure begins with the finance department distributing budget packets to the Department Directors. The budget packets include instructions for the upcoming budget, personnel schedules, previous 3 years actual expenditures, and current year's operating expenditures for the year elapsed to date. The Department Directors, with guidance from finance, prepare and submit their operating and capital requests.

In September, the preliminary budget for the fiscal year commencing the following January 1st is submitted by the Town Administrator to the Town Board. The preliminary budget must be balanced: the means of financing expenditures must be equal to or greater than expenditures. Surplus fund and fund balance are considered a financing source.

During October and November, the Town holds public budget meetings with the Board of Trustees and the Finance Committee to discuss budget recommendations. A public hearing is held to allow for input from the residents. Prior to December 15, Finance staff finalizes a balanced budget pursuant to Board direction. The budget is adopted, funding is appropriated, and the mill levies are certified.

Finance staff prepares the published budget document. The budget document comprehensively covers the financial plan for the year and serves as an operations guide and communications tool. The budget document provides fiscal information for the past two years, as well as a description of each department. It contains summaries and detailed fund budgets including a schedule of the approved staffing levels and the capital expenditure plan. The five-year capital expenditure budget and plan is presented with the amounts for the 2025 budget legally appropriated funds. The years 2026-2029 are presented as a plan and represent no legal spending authority of any Town office or department.

Once the budget is adopted, a copy of the budget must be filed with the Division of Local Government by January 31.

It can be anticipated that budget amendments may occur in the year ahead. A budget amendment which will increase a fund's adopted budget, such as to expend unanticipated revenues or to transfer appropriated monies to another fund, requires Board approval at a duly noticed public meeting.

Basis of Budgeting

Basis of Presentation – Fund Accounting

The activities of the Town are organized into separate funds including the General Fund and other funds that are designated for a specific purpose. Each fund is considered a separate accounting entity with a set of self-balancing accounts that comprise its revenues, expenses, assets, liabilities, and fund equity as appropriate. The number and variety of funds used by the Town promotes transparency and accountability but can also make municipal budgeting and finance complex. Therefore, understanding the fund structure is an important part of understanding the Town's finances. The following is a description of the fund types that contain the Town's various funds.

Fund Structure

The Town of Wellington has (8) eight funds, each serving a unique purpose as described below.

General Fund

Purpose of Fund

The General Fund is the main operating fund for the town. It accounts for sources and uses of resources that (primarily) are discretionary to the Board of Trustees in the provision of activities, programs, and services deemed necessary and desirable by the community. It accounts for all general revenues of the town not specifically levied or collected for other town funds, and the related expenditures. The major revenue sources for this fund are sales taxes, property taxes, use tax, investment earnings, building inspection, and franchise fees.

Services Provided

The General Fund provides the following direct services to the community:

- Board of Trustees
- Municipal Court
- Administration
- Finance
- Town Clerk
- Human Resources
- Information Technology
- Building & Planning
- Public Work Administration
- Larimer County Sheriff's Office
- Cemetery
- Administrative Facilities
- Library
- Economic Development

Enterprise Funds

Purpose of Funds

The Town operates (3) three Enterprise funds for operations that are self-supporting and financed and operated in a manner similar to private business. This requires that the expense of providing goods and services to the general public on a continuing basis be financed and recovered primarily through user charges.

Services Provided

The Enterprise Funds provides the following direct services to the community:

- Water
- Sewer
- Storm Drainage

Special Revenue Funds

Purpose of Funds

Special Revenue funds account for activities supported primarily by taxes or other revenues that are required to be spent on specific programs. These funds sometimes also collect fees related to their programs that are included in the revenues of the fund but are not the primary funding source.

Services Provided

The Special Revenue Funds provides the following direct services to the community:

- Streets
- Parks
- Conservation Trust
- Library Trust

Basis of Budgeting

Basis of budgeting refers to the methodology used to include revenues and expenditures in the budget. The Town of Wellington primarily budgets on a cash basis. Using this assumption, the current year revenues are compared to expenditures to ensure that each fund has sufficient revenues to cover expenditures during the budget year, or that there are sufficient cash reserves in the fund to cover any anticipated revenue shortfall.

Basis of Accounting

Basis of accounting refers to the point at which revenues or expenditures are recognized in the accounts and reported in the financial statements. The government-wide and enterprise fund financial statements are reported using the economic resource measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of when the cash is received.

Governmental fund financial statements are reported using current financial resources measurement focus and the modified accrual basis of accounting. Under modified accrual basis of accounting, revenues are recognized as soon as they become both measurable and available, and expenditures are recorded in the periods that the expenditure occurs and becomes a liability.

Basis of Budgeting vs. Basis of Accounting

The basis of budgeting differs from the basis of accounting only by the assumptions that are made in regard to the timing of the recognition of revenues and expenditures. The budget assumes that all revenues and expenditures, as well as the associated cash, will be expended or received during the budget period. Conversely, the basis of accounting only recognizes revenues when they become both measurable and available, and expenditures incurred. Cash is not necessarily received or expended at the same time.

Revenue Overview

Taxes and Impact Fees
The Town of Wellington relies on sales and property taxes for its revenue, with a 3% sales tax rate imposed on retail/food. Sales tax revenue is divided, with 2% allocated to the general fund and the remaining 1% split between the street and parks funds. The 2024 tax levy for General Fund operating expenditures is 12.439 mills. Sales tax projections are based on trend analysis and evaluating the businesses in the community that may begin or cease generating revenue in the upcoming year.

Marijuana Tax
In 2021 voters approved the sale of retail and medical marijuana. The first store opened in 2024. The retail marijuana products are assessed at a 3.5% sales tax, in addition to any other assessed state, county, or municipal sales tax. The new sales tax can be used for general operating expenses.

Street Fund
The Street Fund's primary revenue sources are taxes and impact fees, encompassing sales tax, motor vehicle tax, highway user tax, and road impact fees. Sales tax, set at 3%, is distributed with 2% to the general fund and 1% divided 55% to streets fund and 45% to parks funds. Motor vehicle tax includes fees from vehicle-related transactions. Projections consider business trends and vehicle use tax relies on past forecasts, while road impact fees hinge on future growth predictions.

Park Fund
Major revenues for the Park Fund include building use tax, motor vehicle use tax, open space tax, and trail/park impact fees. With a 3% sales tax rate, 2% goes to the general fund, and the remaining 1% is split 55% to streets fund and 45% to parks funds. Building use tax is assessed on building supplies in Wellington, and impact fees are collected on new development. Both building use tax and impact fees are based on future growth forecasts.

Water Fund
Operating as an enterprise fund, the Water Fund collects user charges and fees on water sales. A 5% increase was approved in November 2023, with rates based on tap size and volume usage. The utility rate study enables ten years' rate projections, ensuring proper funding for increased water costs, capital improvements, and ongoing debt service.

Sewer Fund
As an enterprise fund, the Sewer Fund's revenue comes from sewer user fees for water reclamation services. Charges are calculated annually based on water consumption. Residential sewer rates include a $14.65 base rate and an $8.42 usage fee.

Drainage Fund
Functioning as an enterprise fund, the Drainage Fund's major revenue comes from drainage user fees, collected monthly. Residential customers pay a $5 monthly charge, and commercial customers pay $9.25. Additional charges for the Stormwater Authority are $6.33 for residential and variable for commercial based on impervious surface.

Grants
The Town of Wellington continues to pursue grants to support priorities identified by the Board of Trustees. Since 2020, the Town has applied for and been awarded $7.3 million to support various projects, including the Comprehensive Plan, water infrastructure, downtown facade improvements, and more. Town staff will continue to seek grant funding in alignment with the board’s direction to offset costs and reduce debts as part of the overall commitment to fiscal responsibility.

Town Fee Schedule
A town fee schedule is a comprehensive list that outlines the various fees and charges associated with services, permits, licenses, and other activities provided by the Town.

Financial Policies

Town Code Sec. 4-3-10. - Annual budget.

Not later than the first regular meeting of the Board of Trustees in October of each year, the Budget Committee or other duly authorized person designated by the Board of Trustees shall submit to the Board the itemized annual budget for the ensuing fiscal year. The budget as approved by the Board of Trustees shall be adopted and administered in accordance with the provisions of Section 29-1-103 et seq., C.R.S. (Prior code 3.01.02; Ord. 11-2007 §1)

Adopted Fund Balance Policy: December 13, 2022

Purpose

The Town of Wellington hereby establishes and will maintain reservations of fund balance as defined herein in accordance with Governmental Accounting Standards Board Statement No. 54 Fund Balance Reporting.

The Board recognizes that the maintenance of a fund balance is essential to the preservation of the financial integrity of the Town and is fiscally advantageous for both the Town and the taxpayer. This policy establishes goals and provides guidance concerning the desired level of fund balance maintained by the Town to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances.

Minimum Level of Unassigned Fund Balance

Unassigned fund balance will be maintained at a level sufficient to provide for the required resources to meet operating cost needs, to allow for unforeseen needs of an emergency nature, and to permit orderly adjustment to changes resulting from fluctuations of revenue sources.

General Fund and Special Revenue Funds (Streets, Parks, and Conservation Trust funds) The Town of Wellington, at a minimum, will maintain unrestricted budgetary fund balance of no less than four month (33%) of regular operating expenditures or 110% of debt service whichever is greater.

Enterprise Funds (Water, Wastewater, and Stormwater) The Town of Wellington, at a minimum, will maintain unrestricted budgetary fund balance of no less than 90 days of regular operating expenditures. In addition, all enterprise funds will build up a capital reserve equal to 1-years' depreciation expense by the end of 2027.

Library Trust Fund the Library Trust fund, a private purpose trust fund, will have no minimum fund balance requirement other than the 3% TABOR reserve.

Adopted Fund Balance Policy Continued
Replenishment Strategy If the unassigned fund balance at fiscal year-end falls below the goal, the Town shall develop a replenishment strategy to achieve and maintain the minimum fund balance within one to three years. Specifically, factors influencing the replenishment time horizon include: the budgetary reasons behind the fund balance targets; recovering from an extreme event; political continuity; financial planning time horizons; long-term forecasts and economic conditions; and external financing expectations. Page 66 of 109 Revenue sources that would typically be looked to for replenishment of fund balance include nonrecurring revenues, budget surplus, excess resources in other funds (if legally permissible and there is a defensible rationale).

Order of Expenditure of Funds When multiple categories of fund balance are available for expenditure (e.g., a project is being funded partly by a grant, funds set aside by the Board, and unassigned fund balance), the Town will start with the most restricted category and spend those funds first before moving down to the next category with available funds.

In accordance with governmental accounting standards the Town's total fund balance is comprised of five components:

1. Non-spendable Fund Balance represents resources that are physically or legally in a non-spendable form such as inventory,

2. Restricted Fund Balance represents resources limited by state law or the provider such as grants or resources reported as "Stabilization by State Statute",

3. Committed Fund Balance represents resources previously committed by the Trustees for a particular purpose such as a project partially funded by grants,

4. Assigned Fund Balance represents resources assigned less formally for a particular purpose such as insurance reserves or subsequent year spending, and

5. Unassigned Fund Balance represents all remaining resources. Annual Review and Determination of Fund Balance Reserve Amounts Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process and amounts of the minimum level of unassigned fund balance shall be determined during this process.

Supersedes: Resolution 45-2020, Adopted December 8th, 2020

Colorado Revised Statutes

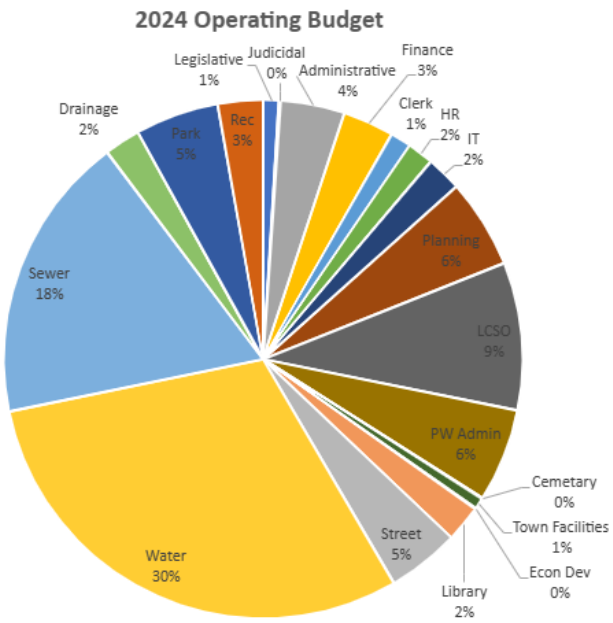
- No budget shall provide for expenditures in excess of available revenues and beginning fund balances. (29-1-103(2), C.R.S.)
- Include a description of the services to be delivered during the budget year. (29-1-103(1)(e), C.R.S.)
- The balance of total resources available for subsequent years’ budgets. (29-1-102 (11), C.R.S.)
- Three Years' Comparable Data must be shown in the budget. (29-1-103(1)(d), C.R.S.)

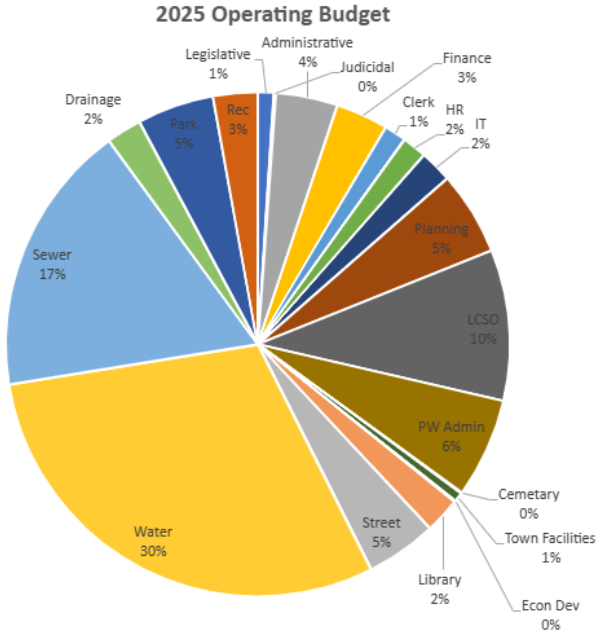


FUND BALANCE



Operations Budget | Visual Summary





Operating Budget				
Department/Division	**2024**	**2025**	**Difference**	**% Change**
Legislative	$206,894	$237,106	$30,212	15%
Judicial	$25,500	$29,350	$3,850	15%
Administrative	$858,725	$929,088	$70,363	8%
Finance	$685,336	$782,978	$97,642	14%
Clerk	$277,364	$329,375	$52,011	19%
HR	$350,915	$367,812	$16,897	5%
IT	$471,899	$488,750	$16,851	4%
Planning	$1,197,157	$1,251,044	$53,887	5%
LCSO	$1,979,620	$2,254,609	$274,989	14%
PW Admin	$1,250,911	$1,492,049	$241,137	19%
Cemetery	$10,000	$17,000	$7,000	70%
Town Facilities	$149,025	$137,300	-$11,725	-8%
Econ Dev	$15,700	$16,700	$1,000	6%
Library	$488,328	$534,963	$46,634	10%
Street	$970,322	$1,060,084	$89,763	9%
Water	$6,488,044	$6,968,772	$480,728	7%
Sewer	$3,857,380	$4,080,446	$223,067	6%
Drainage	$484,053	$529,999	$45,946	9%
Park	$1,120,316	$1,149,017	$28,700	3%
Rec	$603,275	$665,611	$62,335	10%
TOTAL	**$21,490,764**	**$23,322,052**	**$1,831,288**	

2025 Estimated Fund Balance

	General Fund	Street Fund	Water Fund	Sewer Fund	Drainage Fund	Park Fund	Trust Funds	Total
Beg Fund Balance	$ 8,005,869	$ 4,401,951	$ 9,216,355	$ 2,322,409	$ 1,474,234	$ 2,102,374	$ 1,616,676	**$ 29,139,869**
Operations								
Revenue	6,660,680	2,234,414	10,047,427	3,805,631	812,637	1,668,915	51,500	**25,281,204**
Transfers In	1,904,774	-	659,000	390,000	-	-	-	**2,953,774**
Total Revenue	8,565,454	2,234,414	10,706,427	4,195,631	812,637	1,668,915	51,500	**28,234,977**
Expenditures	8,868,123	1,060,084	4,906,756	1,610,798	529,999	1,545,127	-	**18,520,887**
Debt Service	-	-	2,062,016	2,469,649	-	269,500	-	**4,801,165**
Transfers Out - Other	1,049,000	285,865	566,557	566,067	219,896	266,389	-	**2,953,774**
Total Expenditures	9,917,123	1,345,949	7,535,329	4,646,513	749,895	2,081,016	-	**26,275,825**
Net Operations	(1,351,669)	888,464	3,171,098	(450,882)	62,742	(412,101)	51,500	**1,959,152**
Capital								
Loan Proceeds	-	-	-	1,130,005	-	-	-	**1,130,005**
Capital Grants	29,700	875,000	-	137,500	646,000	-	-	**1,688,200**
Capital Projects	311,000	5,479,000	4,115,000	2,177,500	1,173,534	260,000	-	**13,516,034**
Net Capital	(281,300)	(4,604,000)	(4,115,000)	(909,995)	(527,534)	(260,000)	-	**(10,697,829)**
Rev over Exp & Trans	(1,632,969)	(3,715,536)	(943,902)	(1,360,877)	(464,792)	(672,101)	51,500	**(8,738,677)**
End Fund Balance	**$ 6,372,900**	**$ 686,415**	**$ 8,272,453**	**$ 961,532**	**$ 1,009,442**	**$ 1,430,272**	**$ 1,668,176**	**$ 20,401,191**
Reserve Requirement	*2,926,481*	*349,828*	*1,226,689*	*402,699*	*132,500*	*509,892*		
	33% Operating Expenditures		*90 Days Operating Expenditures**					

**1+ year's depreciation expense required by 2027 not currently included*



GENERAL FUND



General Fund

Fund Balance

	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 8,214,756	$ 8,455,848	$ 8,005,869
Operations			
Revenue	6,245,177	6,132,075	6,660,680
Transfers In - Admin Overhead	-	1,689,602	1,904,774
Total Revenue	6,245,177	7,821,677	8,565,454
Expenditures	5,119,998	7,198,656	8,868,123
Debt Service	-	-	-
Transfers Out - Water/Sewer Funds	885,000	900,000	1,049,000
Total Expenditures	6,004,998	8,098,656	9,917,123
Net Operations	240,179	(276,979)	(1,351,669)
Capital			
Loan Proceeds	-	-	-
Capital Grants	2,420	-	29,700
Capital Projects	1,506	173,000	311,000
Net Capital	914	(173,000)	(281,300)
Rev over Exp & Trans	241,092	(449,979)	(1,632,969)
End Fund Balance	**$ 8,455,848**	**$ 8,005,869**	**$ 6,372,900**

Revenues

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
201-01-3110	Property Taxes	1,873,551	2,086,000	2,086,000	2,112,290	1%
201-01-3130	Sales Tax	2,630,741	2,774,000	2,441,619	2,563,700	-8%
201-01-3135	Severance Tax	106,344	108,000	44,445	25,000	-332%
201-01-3140	Use Tax - Building Materials	366,137	461,152	252,832	544,000	15%
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
201-02-3155	Town Plan Review Fees	25,584	55,356	23,000	46,000	-20%
201-02-3430	County Tax Vendors Fee	4,576	3,933	3,542	5,885	33%
201-02-3435	Fire Dept. Vendor Fee	4,689	2,358	1,480	5,920	-100%
201-02-3450	Bldg. Admin. Fee	35,460	43,265	25,000	46,000	6%
201-02-3462	Bldg. Inspection Fees	402,766	326,924	300,000	450,000	27%
201-03-3150	Franchise Fee-Communications	-	-	-	25,000	100%
201-03-3160	Franchise Fee-Electricity	188,943	193,000	173,801	173,801	-11%
201-03-3170	Franchise Fee-Natural Gas	18,333	17,000	20,000	20,000	15%
201-03-3180	Franchise Fee-Telephone	(24,859)	-	26,374	-	0%
201-03-3190	Franchise Fee-Cable Television	24,946	25,000	-	-	-100%
201-04-3210	Liquor License	2,550	-	2,500	-	0%
201-04-3220	Contractor License	20,538	19,000	21,946	20,000	5%
201-05-3420	Land Use Fees	80,216	81,500	23,000	25,000	-226%
201-05-3460	General Charges For Services	4,436	-	15,000	-	0%
201-05-3510	Community Center User Fees	4,783	3,000	3,000	3,000	0%
201-05-3520	Weed / Refuse Removal	3,570	-	1,500	-	0%
201-06-3550	Court Fines & Costs	29,153	20,000	21,397	20,000	0%
201-06-3555	LCSO Administrative Fees	2,004	1,500	1,200	1,200	-25%
201-07-3470	Cemetery-Grave Openings	3,700	-	6,000	-	0%
201-07-3480	Cemetery-Perpetual Care	750	-	2,500	-	0%
201-07-3490	Cemetery-Sale Of Lots	5,700	9,500	11,250	9,500	0%
201-08-3351	Grants - July 4th Celebration	-	-	1,500	-	0%
201-08-3354	Grants - Library	-	-	11,000	11,000	100%
201-08-3355	Investment Earnings - Library	23,136	22,000	23,011	16,500	-33%
201-08-3373	Library Contrib./Fines/Misc.	5,860	3,500	10,496	5,000	30%
201-08-3440	Sale Of Maps & Publications	230	-	-	-	0%
201-08-3506	Main Street DOLA Mini Grant	-	-	-	10,000	100%
201-08-3610	Investment Earnings-General	372,415	356,000	370,504	300,000	-19%
201-08-3620	Carryout Bag Fee	-	-	1,600	2,400	100%

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
201-08-3630	Car Show Revenue	800	-	540	-	0%
201-08-3660	Community Activities Commission	120	-	-	-	0%
201-08-3690	Miscellaneous Revenue	1,114	5,000	7,000	5,000	0%
201-08-3910	Sale of Assets	527	-	150	-	0%
201-08-3913	Sponsorship & Donations	-	-	-	1,000	100%
255-02-3372	Library Impact Fees	15,750	-	9,500	27,000	100%
	TOTAL	**$ 6,245,177**	**$ 6,676,488**	**$ 6,084,650**	**$ 6,660,680**	**0%**
201-08-3350	Grants	2,420	52,500	47,425	29,700	

Legislative (Board of Trustees)

Overview
The Legislative Budget accounts for the needs of the seven-member Board of Trustees. Wellington is a statutory town, operating under the Council-Administrator form of government.

Responsibilities
- The Board of Trustees are elected, at-large, by the public.
- The Mayor and Trustees are elected at large for terms of 4 years; the Town opted out of term limits.
- The Mayor presides at all meetings of the Board of Trustees and has the same voting powers as any member of said board. The public is always welcome to attend these meetings.

2025 Goals
- Continue to listen to the needs and desires of the community.
- Explore policies and procedures to improve the Town of Wellington.

2024 Accomplishments
- The new Board was sworn into office in April 2024.
- Adopted 2025- 2029 Strategic Plan.
- Created formalized process for Board Discretionary Fund.
- Increased Hardship Utility Grant for residents.
- Adopted Board of Trustees Rules and Procedures.

In the News…



The Wellington Board of Trustees established a hardship assistance program to assist Wellington residents with up toward their household water bill.

For the HUG application and information about other payment assistance, visit www.wellingtoncolorado.gov/496/Payment-Assistance. Hard copies of the application may also be picked up at the Municipal Services Building.

The definition of hardship has not been limited in an attempt to include as many people experiencing a difficult time as possible. There are several examples of hardships that may impact someone's ability to pay including workplace or vehicle accidents, reduced income due to job loss or reduction in hours, medical bills, divorce, loss, etc. Applications must be submitted in person to verify hardship documentation. For questions please call (970) 568-3381.

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Legislative						
201-11-5102	Benefits	7,278	910	970	910	0%
201-11-5107	Elected Official Compensation	10,800	10,800	10,800	10,800	0%
201-11-5192	Community Events	34,750	98,820	98,820	115,015	14%
201-11-5214	Office Supplies	-	700	700	700	0%
201-11-5321	Printing Services	-	-	203	300	100%
201-11-5331	Publishing & Legal Notices	3,547	-	-	-	0%
201-11-5335	Dues & Subscriptions	3,819	5,114	5,220	5,381	5%
201-11-5352	Municipal Legal Services	33,258	40,000	40,000	45,000	11%
201-11-5363	R&M Computer/Office Equipment	526	4,000	4,000	1,000	-300%
201-11-5380	Professional Development	8,058	4,550	4,550	11,000	59%
201-11-5950	Board Outreach	51,407	-	-	-	0%
201-11-5951	Board Discretionary Fund	1,138	10,500	30,000	30,000	65%
201-11-5952	Hardship Utility Grant	2,770	31,500	12,000	12,000	-163%
NEW	Insurance Deductible	-	-	-	5,000	100%
	TOTAL	**$ 157,352**	**$ 206,894**	**$ 207,263**	**$ 237,106**	**13%**

Judicial

Overview
Wellington Municipal Court is held on the second Wednesday of every other month at the Leeper Center, presided over by the Honorable Judge Teresa Ablao. The court primarily handles cases involving traffic violations, misdemeanors, and other offenses that violate the Town’s municipal code. As a local court, it addresses issues such as code enforcement and minor criminal matters within the town's jurisdiction. The Municipal Court plays an essential role in upholding local laws and maintaining community standards.

Goals for 2025
- Provide better customer service by increasing the number of hearings with a translator onsite.
- Create system to video record Municipal Court hearings.

Key Accomplishments in 2024
- Increased the number of municipalities court hearings to increase efficiency.

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Judicial						
201-12-5100	Wages & Salaries	8,980	-	-	-	0%
201-12-5102	Benefits	3,693	-	-	-	0%
201-12-5109	Magistrate	4,500	9,000	9,000	12,000	25%
201-12-5214	Office Supplies	68	500	500	500	0%
201-12-5359	Prosecuting Attorney	17,353	12,000	12,000	12,000	0%
201-12-5380	Professional Development	1,203	1,500	1,500	1,850	19%
201-12-5394	Jury Fees	-	1,000	-	1,000	0%
201-12-5498	Court Appointed Counsel	-	1,000	-	1,000	0%
201-12-5499	Translator Fees	-	500	1,500	1,000	50%
	TOTAL	**$ 35,798**	**$ 25,500**	**$ 24,500**	**$ 29,350**	**13%**

Administration Department

Overview
The Board of Trustees appoints the Town Administrator as chief administrative officer of the Town to be ultimately responsible for the enforcement of local laws, and the assurance of sound fiscal and operational practices of the Town.

The Town Administrator oversees various projects of the Town Government to ensure efficient, quality services are delivered to the community and facilitates the flow of information from staff to the Board of Trustees as they review projects and questions brought before them.

The Communications Division serves to provide internal and external stakeholders with essential information about Wellington. Communications develop website content, curate various print and social media messages, create and distribute Town updates through public relations efforts, photograph and promote events. The Town also provides administrative support to the Wellington Main Street Program and support Town-wide events.

Responsibilities
- Day-to-day operations, strategic planning, & creation of annual budget
- Oversee the Town's grant management strategy.
- Provide high-quality programs and services to the Wellington residents.
- Work closely with other government agencies to achieve common goals.
- Curate and maintain content for monthly Town newsletter, social media, and press releases. Serves as media contact for the Town.
- Create and conduct quarterly Town Halls for public engagement and information.
- Plan Town events and provide support to the Wellington Main Street Board.

2025 Goals
- Improve public engagement and outreach on Town's major capital projects.
- Explore new opportunities to reach and engage with Town residents.

2024 Key Accomplishments
- Awarded GFOA Distinguished Budget Award
- Provided monthly reports to the Board of Trustees on key operational accomplishments and published on Town website for great transparency.
- Continue to seeking opportunities with the Colorado Department of Transportation to address the I-25 interchange issues.
- Adoption of Comcast Franchise Agreement to improve community broadband.
- Increased social media engagement, improved town newsletter, and increased number of press releases.
- Continued to strengthen relationships with Main Street Program and work plan.

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Administration						
201-13-5100	Wages & Salaries	310,480	582,961	491,110	568,318	-3%
201-13-5102	Benefits	81,953	125,904	130,850	162,770	23%
201-13-5214	Office Supplies	2,186	1,500	1,495	1,500	0%
201-13-5335	Dues & Subscription	4,673	8,500	8,500	8,500	0%
201-13-5336	Community Outreach	72	-	-	-	0%
201-13-5352	Legal Services	38,167	65,000	65,000	65,000	0%
201-13-5356	Professional Services	21,150	30,000	30,000	40,000	25%
201-13-5363	R&M Computer/Office Equipment	3,722	7,000	7,000	1,000	-600%
201-13-5380	Professional Development	4,607	10,500	10,500	10,500	0%
201-13-5381	Mileage Reimbursement	555	-	-	-	0%
201-13-5496	Communications Division	3,620	16,460	15,000	15,000	-10%
201-13-5903	Grants Program Expenditures	262	-	-	40,000	100%
201-13-5933	Wellington Senior Resource Cen	10,128	10,900	10,900	16,500	34%
201-13-5934	Opioid Settlement Redirection	-	-	6,454	-	0%
	TOTAL	**$ 481,577**	**$ 858,725**	**$ 776,809**	**$ 929,088**	**8%**

Finance Department

Overview
The Finance Department monitors the annual budget, oversees various accounting functions such as accounts receivable, accounts payable, annual audit, payroll, financial reporting, and utility billing.

Responsibilities
- Annual preparation of budget and capital improvement plan
- Preparation of the annual audit and financial report
- Processing of payable and receivable accounts
- Management of the Town's investment portfolio
- Oversee the Utility Billing process and coordination

Goals for 2025
- Review of financial policies; update and create policies that are needed based on Town processes and/or legal requirements.
- Apply for the 2025 GFOA Distinguished Budget Award.
- Develop a long-term financial plan that outlines Wellington's financial goals, priorities, and strategies for the next 3-5 years.

Key Accomplishments in 2024
- Onboarded the new Finance Director and filled two vacant finance positions.
- Completed the 2022 and 2023 Audit by then end of December.
- Created the 2025 Town Budget.
- Improved report and transparency to the Board of Trustees.

In the News…

For the first time in its history, the Town of Wellington earned the Government Finance Officers Association's (GFOA) Distinguished Budget Presentation Award.
The award, which the town earned for the Fiscal Year 2024 budget, recognizes excellence in budget planning and communication and is awarded to state and local governments across the country.



		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Finance						
201-14-5100	Wages & Salaries	57,259	282,245	252,960	343,651	18%
201-14-5102	Benefits	15,967	69,936	79,440	105,750	34%
201-14-5214	Office Supplies	1,362	1,000	500	1,000	0%
201-14-5311	Postage	5,775	1,800	5,321	5,500	67%
201-14-5321	Printing Services	48,015	-	-	600	100%
201-14-5335	Dues and Subscriptions	965	2,000	2,000	2,000	0%
201-14-5338	Bank Service Charge	86	-	-	-	0%
201-14-5353	Accounting & Auditing	5,000	68,300	68,300	45,000	-52%
201-14-5356	Professional Services	158,306	90,000	90,000	45,000	-100%
201-14-5363	R&M Computer/Office Equip	1,490	2,000	2,000	2,000	0%
201-14-5380	Professional Development	-	8,500	8,500	8,500	0%
201-14-5381	Mileage Reimbursement	-	200	200	-	-100%
201-14-5510	Insurance & Bonds	174,873	158,655	156,655	223,176	29%
201-14-5640	Paying Agent Fees	-	500	250	500	0%
201-14-5950	Document Shredding	75	200	150	300	33%
201-14-5960	Over/Short	-	-	(3,000)	-	0%
	TOTAL	**$ 469,172**	**$ 685,336**	**$ 663,277**	**$ 782,978**	**12%**

Town Clerk’s Office

Overview
The Town Clerk plays a key role in managing the town's records, public records requests, elections, liquor/marijuana licensing, cemetery services, and appointments to various boards and commissions. This position is responsible for preserving the recorded history of the town, including minutes, ordinances, and resolutions. In addition, the Town Clerk supports the Mayor, Board of Trustees, Town Administrator, and other town departments. The role also involves overseeing public records requests, managing cemetery operations, coordinating elections, handling liquor licensing & marijuana licensing, and facilitating board and commission appointments.

Goals for 2025
- Onboard new Town Clerk
- Create records management strategy

Key Accomplishments in 2024
- Successfully conducted April 2024 Election
- Onboarded new Board of Trustees
- Processed liquor licensing applications
- Processed marijuana licensing
- Assisted with cemetery plots
- Processed CORA requests

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Clerk						
201-15-5100	Wages & Salaries	103,601	183,380	155,780	189,609	3%
201-15-5102	Benefits	28,291	38,658	43,350	67,790	43%
201-15-5214	Office Supplies	656	1,500	1,500	1,500	0%
201-15-5331	Publishing & Legal Notices	1,053	4,500	4,500	4,500	0%
201-15-5335	Dues & Subscriptions	118	826	826	826	0%
201-15-5356	Professional Services	2,872	4,000	2,500	7,500	47%
201-15-5363	R&M Computer/Office Equip.	606	3,500	1,500	3,500	0%
201-15-5380	Professional Development	1,211	4,000	4,000	4,000	0%
201-15-5381	Mileage Reimbursement	-	-	-	150	100%
201-15-5414	Election Expenses	-	32,000	37,000	45,000	29%
201-15-5530	Code Review & Update	4,274	5,000	5,000	5,000	0%
	TOTAL	**$ 142,683**	**$ 277,364**	**$ 255,956**	**$ 329,375**	**16%**

Human Resources Department

Overview
Human Resources is responsible for the employee lifecycle including; compensation/benefits administration, recruitment, onboarding, employee relations, personnel policy and offboarding.

Responsibilities
- Employee recruitment/hiring
- Policy development
- Employee benefits management
- Payroll management
- Performance management
- Compliance with laws and regulations
- Training and development

2025 Goals
- Manager and employee training focus in 2025
- Employee engagement and retention

2024 Key Accomplishments
- Launched HRIS Software
- Conducted compensation study
- Recruited and hired employees
- Wellness & Safety Committee support

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Human Resources						
201-16-5100	Wages & Salaries	44,373	198,907	186,530	217,392	9%
201-16-5102	Benefits	14,290	48,008	59,530	68,320	30%
201-16-5103	Temp. Employment Services	10,143	10,000	10,000	10,000	0%
201-16-5214	Office Supplies	995	500	250	300	-67%
201-16-5226	Executive Search	-	29,000	29,000	29,000	0%
201-16-5335	Dues & Subscriptions	7,700	8,000	8,144	8,500	6%
201-16-5356	Professional Fees	3,000	21,000	21,000	5,000	-320%
201-16-5363	R&M Computer/Office Equip.	-	1,500	1,100	1,300	-15%
201-16-5380	Professional Development	2,159	7,000	4,500	7,000	0%
201-16-5580	Employee Drug Testing	1,269	2,000	1,000	1,500	-33%
201-16-5582	Employee Relations	6,113	20,000	10,000	15,000	-33%
201-16-5583	Background Check	2,174	2,500	2,000	2,500	0%
201-16-5948	Employee Apparel	611	1,500	850	1,000	-50%
201-16-5949	Employee Advertising	1,561	1,000	550	1,000	0%
	TOTAL	**$ 94,388**	**$ 350,915**	**$ 334,454**	**$ 367,812**	**5%**

Information Technology (IT)

Overview
The Town contracts out IT support with Xerox and in 2025, the Town will hire its first IT Manager. This IT Budget includes organizational-wide budgetary items like phone, internet, copier, network switches and access points and software.

Responsibilities
- Technical support
- Network administration
- Hardware management
- System administration

2025 Goals
- Onboard IT Manager
- Cyber Awareness, training, and testing
- Electronic records consolidation
- Launch help desk

2024 Key Accomplishments
- Bulk water station setup
- Setup new computers
- Setup printers and plotter
- Change internet service providers at multiple locations
- Replaced copiers
- Installation of plotter
- Software license consolidation

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Information Technology						
201-17-5100	Wages & Salaries	21,280	75,000	-	120,000	38%
201-17-5102	Benefits	5,700	19,839	-	39,720	50%
201-17-5214	Office Supplies	1,092	1,000	900	1,000	0%
201-17-5345	Telephone Services	58,513	51,480	51,000	60,000	14%
201-17-5356	Professional Services	15,755	-	-	15,000	100%
201-17-5357	Professional Fees	-	60,000	60,000	-	-100%
201-17-5363	R&M Computer/Office Equip.	-	7,500	3,500	3,000	-150%
201-17-5380	Professional Development	-	750	750	1,000	25%
201-17-5381	Mileage Reimbursement	24	50	50	50	0%
201-17-5384	Internet Services	31,245	50,000	45,000	45,000	-11%
201-17-5579	Software License/Support	143,500	180,800	180,000	175,000	-3%
201-17-5585	Website Maintenance	12,030	15,480	15,000	15,480	0%
201-17-5947	Copier Expense	14,733	10,000	12,000	13,500	26%
	TOTAL	**$ 303,872**	**$ 471,899**	**$ 368,200**	**$ 488,750**	**3%**

Planning & Building Department

Overview
The Planning & Building Department facilitates the development review process for all new and redevelopment activities, ensures compliance with the Comprehensive Plan, and assists customers with applying the Town's plans and regulations. The department also includes a building official and code enforcement services.

Responsibilities
- Assist customers with land use processes.
- Review, prepare and present recommendations regarding land use proposals. Including, but not limited to, annexations, master plans, subdivisions, site plans, zoning, and conditional use grants.
- Administer the building permit function in conjunction with the Customer Service Division.
- Manage the permit-related aspects of business licenses.
- Coordinate the Development Review Committee (DRC) activities and the Town's development review process from initial concept through project implementation.
- Serve as staff liaison to the Planning Commission and Board of Adjustment.
- Prepare and maintain the Comprehensive Plan & Town's Land Use Map
- Prepare analyses and recommendations to the Town Board and Planning Commission based upon the goals and policies of the Comprehensive Plan.
- Coordinate zoning and building code enforcement activities.
- Provide mapping and addressing services.
- Provide code enforcement services.

2025 Goals
- Completion of the Housing Needs Study
- Explore options on the Thimmig Property
- Business Licensing Support & Economic Development

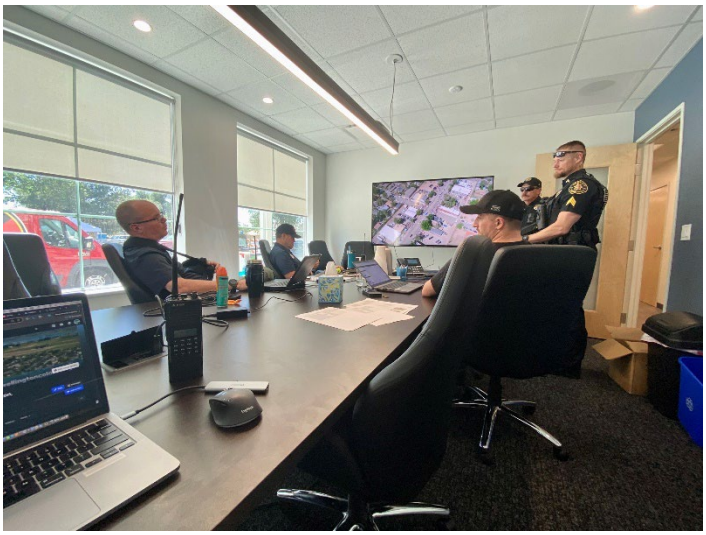
2024 Key Accomplishments
- Onboarded two vacant positions
- Completed Sage Farm Annexation
- Kicked off the Housing Needs Assessment which will identify and evaluate current and future housing demands, trends, and challenges
- Continue to collaborate with regional entities on solid waste initiatives
- Ongoing work with local governmental entities to discuss an Intergovernmental Agreement for our Growth Management Area
- Coordinate development projects through staff meetings, stakeholder meetings and presentations to Planning Commission and Board of Trustees
- Monitor and enforce compliance with building codes, zoning regulations and other ordinances

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Planning						
201-18-5100	Wages & Salaries	374,251	656,544	528,900	686,217	4%
201-18-5102	Benefits	100,330	130,024	131,400	199,070	35%
201-18-5214	Office Supplies	1,115	3,500	3,500	3,000	-17%
201-18-5231	Fuel, Oil, Grease	-	6,500	601	4,875	-33%
201-18-5233	Vehicle R&M	-	3,000	439	2,250	-33%
201-18-5331	Recording & Legal Publishing	1,092	2,500	500	2,000	-25%
201-18-5335	Dues & Subscriptions	1,585	2,158	2,158	2,743	21%
201-18-5350	Building Insp. Fee Remittance	235,675	300,000	150,000	240,000	-25%
201-18-5355	Reimbursable Services	6,997	30,000	5,000	30,000	0%
201-18-5356	Professional Services	4,960	30,000	25,000	30,000	0%
201-18-5363	R&M Computer/Office Equip	-	4,150	3,000	393	-956%
201-18-5370	Safety Supplies & Equipment	-	270	270	270	0%
201-18-5372	Uniforms	426	375	375	525	29%
201-18-5374	NOCO Humane	10,120	19,694	19,694	35,368	44%
201-18-5375	Protective Insp. Equipment	139	200	-	170	-18%
201-18-5380	Professional Development	4,644	8,242	8,242	11,421	28%
201-18-5579	Software License and Support	-	-	-	2,743	100%
	TOTAL	**$ 741,335**	**$ 1,197,157**	**$ 879,079**	**$ 1,251,044**	4%

Larimer County Sheriff's Office (LCSO)

Overview

The Town of Wellington contracts with the Larimer County Sheriff's Office for law enforcement services. The contract provides for a sergeant, a corporal and 8 deputies to provide patrol services for the town. A desk officer is assigned to provide walk-in services Monday through Friday between 8 a.m. and 5 p.m. Additional services are provided to the Town from all other divisions of the Sheriff's Office. One deputy is assigned as the School Resource Officer at Wellington Middle School. When deputies assigned to the town are not on duty or need additional deputies to respond to calls for service, deputies respond from other districts in the county.



Behind the scenes of Unified Command at 4th of July.

Deputies assigned to Wellington focus on establishing a community-oriented police presence within the town. Deputies are responsible for traffic enforcement, criminal law enforcement, and providing limited animal control duties when the Town's Neighborhood Services Officer is unavailable. They enforce Wellington's Municipal Ordinances in addition to applicable county, state and federal laws.

Deputies in Wellington conduct their patrol duties using marked patrol cars, bicycles and foot patrols. The School Resource Officer instructs safety programs at the 3 schools located in Wellington, investigates criminal activity on school grounds and attends school activities.

Responsibilities

- Law enforcement
- Crime prevention
- Emergency response
- Criminal investigations
- Community policing
- Patrolling

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Larimer County Sheriff's Office						
	Salary	1,315,270	1,418,431	1,418,431	1,604,481	12%
	Overtime	47,500	50,500	50,500	53,000	5%
	Vehicle - Full equipped w/o radio	-	-	-	35,000	100%
	Vehicle Lease (fuel, maintenance)	97,079	116,154	116,154	137,709	16%
	Equipment/Clothing	-	-	-	19,812	100%
	Equipment Replacement Cost	43,818	52,591	52,591	58,576	10%
	Admin Cost	39,222	55,654	55,654	64,319	13%
	LCSO Overhead Cost	49,828	56,593	56,593	59,025	4%
	LCSO Insurance	46,585	58,057	58,057	39,735	-46%
	Office Space - trash	480	8,580	8,580	572	-1400%
	Copy Machine Rental	2,480	1,910	1,910	1,911	0%
	Bicycle Maintenance	300	300	300	300	0%
	Larimer County Indirect Cost	142,576	160,850	160,850	180,168	11%
	TOTAL	1,785,138	1,979,620	1,979,620	2,254,608	12%
201-21-5364	LCSO Contract	1,785,138	1,979,620	1,979,620	2,254,609	12%
201-21-5377	LCSO - Community Activities	-	-	-	-	
201-21-5378	LCSO - Office Rental/Maint.	15,403	-	-	-	
	TOTAL	**$ 1,800,541**	**$ 1,979,620**	**$ 1,979,620**	**$ 2,254,609**	**12%**

Public Works Administration

Overview
The Public Works Administration team provides leadership, oversight, and administrative services for the Public Works Department, which consists of four divisions: Public Works Administration/Engineering, Water Treatment/Distribution, Water Reclamation Treatment/Collection, and Streets/Drainage. This team also manages five funds: Public Works Administration, Water, Sewer, Streets, and Drainage.

Responsibilities
- CIP program management
- Infrastructure master planning
- Project management
- Engineering
- Development review
- Construction management/inspection
- Floodplain administration
- And purchasing, grant administration assistance, budget preparation, and budget oversight.

2025 Goals
- Wrap up the expansion of the Water Treatment Plant & Water Reclamation Facility.
- Begin construction of the Cleveland Ave. Construction Project.

2024 Key Accomplishments
- Served as project managers for the Town's largest capital project in history for the expansion of the Water Treatment Plant & Water Reclamation Facility.
- Kickoff to the design phase of the Cleveland Ave. Construction Project.
- Engaged with stakeholders and worked on design for the Cleveland Avenue Improvements project which includes sidewalk, drainage and ADA improvements.
- Provided day-to-day oversight of physical assets including all public safety infrastructure and provide the personnel to sustain the structures and services essential to the welfare of the residents.
- Led Town's engineering review efforts through the Development Review Process.

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Public Works Administration						
201-34-5100	Wages & Salaries	163,245	858,466	709,100	994,170	14%
201-34-5101	Seasonals	-	-	-	-	0%
201-34-5102	Benefits	81,160	154,967	180,300	267,600	42%
201-34-5231	Fuel, Oil & Grease	30,191	24,000	24,500	28,000	14%
201-34-5233	R&M- Machinery & Equip. Parts	43,207	40,000	40,000	59,914	33%
201-34-5241	Shop Supplies	(130)	2,000	2,500	2,500	20%
201-34-5329	HOA Fees	708	1,000	-	-	-100%
201-34-5335	Dues & Subscriptions	5,163	4,500	5,000	5,500	18%
201-34-5356	Professional Services	20,447	40,000	33,500	30,000	-33%
201-34-5363	R&M Computer/Office Equip.	6,783	7,500	8,160	7,500	0%
201-34-5370	Safety Workwear & Equipment	(66)	1,400	1,943	2,000	30%
201-34-5372	Uniforms	20,253	15,000	18,307	16,500	9%
201-34-5380	Professional Development	9,242	15,310	5,000	10,500	-46%
201-34-5398	Trash	3,892	-	-	-	0%
201-34-5422	Small Tools	-	1,000	1,000	1,000	0%
201-34-5456	Mosquito Control	12,375	25,300	13,000	25,300	0%
201-34-5512	Insurance-Property Related	(31,969)	31,969	26,128	13,064	-145%
201-34-5533	Equipment Rental	-	-	259	-	0%
201-34-5579	Software Subscriptions	-	15,000	6,000	15,000	0%
201-34-5941	PW office Supplies	11,263	10,000	10,000	10,000	0%
201-34-5947	Copier Expense	3,000	3,500	3,000	3,500	0%
	TOTAL	**$ 378,764**	**$ 1,250,911**	**$ 1,087,697**	**$ 1,492,049**	**16%**

Highland Cemetery

Overview
Founded in 1906, the Wellington Cemetery is a timeless resting place for generations of residents, preserving their memory and history for over a century. The cemetery is administratively supported by the Court Clerk and maintained by Public Works.

Responsibilities
- The Public Works Department provides perpetual care for the cemetery.
- The Clerk's Office provides administrative assistance to the public needing help with grave space coordination.

2025 Goals
- Conduct a survey to prepare and process the subdivision plat, creating new cemetery plots.

2024 Key Accomplishments
- The Town has evaluated the cost recovery model for fees at Highland Cemetery, with new rates set to take effect in January 2025. Notably, the Board of Trustees approved a 20% discount for veterans and will extend residential pricing to historic Wellington residents who have since relocated.

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Cemetery						
201-42-5382	Grounds Maintenance Service	2,680	5,000	5,000	5,000	0%
201-42-5423	Sand & Gravel & Road Base	126	5,000	5,000	5,000	0%
201-42-5454	Survey	-	-	-	7,000	100%
	TOTAL	**2,806**	**10,000**	**10,000**	**17,000**	**41%**

Town Community Administrative Facilities

Overview
This budget accounts for needs for town owned facilities like the Leeper Center, Public Work Administrative building, and the Municipal Services Building.

Responsibilities
- Maintenance and repair funding
- Utility expense management

2025 Goals
- Assess the cost of trash services at Town facilities and explored opportunities for cost savings or renegotiating a more favorable service contract.

2024 Key Accomplishments
- Developed and issued a Request for Quote (RFQ) for janitorial services for Town facilities, resulting in a new contract that will reduce costs by 50%.

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Town Community & Administrative Facilities						
201-49-5341	Electricity	1,219	2,100	2,100	2,100	0%
201-49-5342	Water	4,713	4,000	4,000	4,000	0%
201-49-5343	Sewer	2,584	2,000	2,000	2,000	0%
201-49-5344	Natural Gas - Heat	29,130	30,000	30,000	30,000	0%
201-49-5346	Storm Drainage	3,339	3,000	3,000	3,000	0%
201-49-5367	R&M Serv./Supplies - Buildings	14,486	40,000	40,000	40,000	0%
201-49-5368	Cleaning Supplies	1,990	-	-	-	0%
201-49-5369	Janitorial Service	52,777	45,000	40,000	25,000	-80%
201-49-5370	General Building Supplies	-	11,700	11,700	11,700	0%
201-49-5398	Trash	-	11,225	10,688	10,500	-7%
NEW	Insurance Deductible	-	-	-	5,000	100%
NEW	Senior Center Supplies	-	-	-	1,500	100%
NEW	HOA Fees	-	-	-	2,500	100%
	TOTAL	**$ 110,238**	**$ 149,025**	**$ 62,710**	**$ 143,488**	**-4%**

Economic Development

Overview

The Town of Wellington will be exploring economic development opportunities in 2025. With a vacant position in the planning department, the Town will be recreating a position to focus on business development. As this is a new area, we will continue to build on our strategy and efforts into this area.

Responsibilities

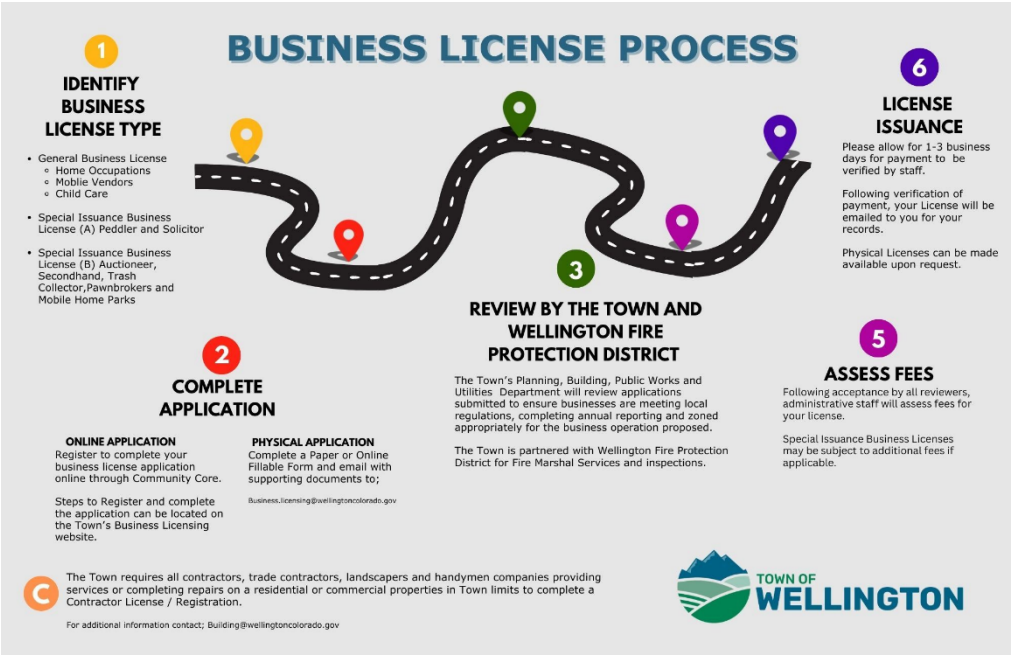
- The Town recognizes and appreciates the economic impact that our existing businesses contribute to the community and works to ensure our businesses can grow and prosper.
- The Planning & Development Department is committed to assisting new businesses as they navigate the development review process, offering valuable insights into the Wellington market to support their success.

2025 Goals

- Onboard a staff position to support business development services.

2024 Key Accomplishments

- The Town launched a streamlined process for business license renewal and registration, utilizing Community Core, a new web-based software for processing 2025 business license applications. This online platform enables the Town's departments and the Wellington Fire Protection District to collaborate seamlessly by collecting and reviewing application information more efficiently. Business owners can now communicate directly with staff, pay fees online, and track the real-time status of their applications, all through the simplified and user-friendly Community Core platform.



		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Economic Development						
201-51-5154	Economic Development	-	10,500	-	-	-100%
201-51-5214	Office Supplies	-	400	64	400	0%
201-51-5214	Professional Services	-	-	-	10,500	100%
201-51-5379	Professional Development	(262)	3,800	1,125	3,800	0%
201-51-5401	Marketing Services	-	1,000	-	2,000	50%
	TOTAL	**$ (262)**	**$ 15,700**	**$ 1,189**	**$ 16,700**	**6%**

Wellington Public Library

Overview
The Wellington Public Library operates out of the Leeper Center and is open six days a week. The library has a collection of materials for children and adults. Staff programs activities and educational contents for adults, teens, and children.

Responsibilities
- Provide access to books, media, and information
- Promote and support literacy and learning
- Offer digital resources
- Curate and support community programming
- Ensure equal access to all
- Preserve local history
- Provide a safe and inclusive space
- Facilitate lifelong learning

2025 Goals
- Continue to increase patronage
- Create operational efficiencies
- Continue to build upon programming and increase event participation
- Seek additional collaboration opportunities with businesses, Colorado State University, Larimer County entities
- Plan to increase programming throughout the year
- Increase in story time participation

2024 Key Accomplishments
- Increase community events and outreach to all residents
- Expanded ADA accommodations
- Formed partnership with The Arc of Larimer County to provide monthly office hours in the library to assist the community
- Created transparent reporting on patron numbers
- Created outdoor community space for programming and patrons
- Onboarded a full-time Clerk I position to promote circulation efficiency and continuity
- Made the Summer Reading Program accessible to all
- Increased collaboration with local businesses, Colorado State University, and additional partners
- Launched library/program/event app
- Made ADA improvements to the library with desk space

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Library						
201-55-5100	Wages & Salaries	283,722	334,556	307,700	360,268	7%
201-55-5101	Seasonal	7,567	20,000	20,000	20,000	0%
201-55-5102	Benefits	64,284	60,447	66,800	78,670	23%
201-55-5214	Office Supplies	14,146	9,000	9,000	9,000	0%
201-55-5311	Postage	8	200	200	200	0%
201-55-5321	Printing Services	656	1,000	1,000	1,000	0%
201-55-5331	Publishing & Legal Notices	-	700	-	-	-100%
201-55-5333	Dues	120	200	200	200	0%
201-55-5337	Programs	5,877	6,000	6,000	7,000	14%
201-55-5345	Telephone Services	80	-	-	-	0%
201-55-5347	Story Time Supplies	92	500	500	500	0%
201-55-5363	R&M Computer/Office Equip.	-	750	750	750	0%
201-55-5380	Professional Development	408	1,600	1,600	2,500	36%
201-55-5384	Internet Service	-	2,000	2,000	2,000	0%
201-55-5387	Special Event Supplies	448	375	375	375	0%
201-55-5579	Software License/Support	6,809	8,500	8,500	10,000	15%
201-55-5792	Multi Media	2,542	3,500	3,500	3,500	0%
201-55-5793	E-Books - Subscription/Misc.	4,550	5,500	5,500	5,500	0%
201-55-5900	Library Books	19,309	18,000	18,000	18,000	0%
201-55-5901	Library Shelving & Furnishings	493	2,000	2,000	2,000	0%
201-55-5902	Courier Service	1,323	2,500	2,500	2,500	0%
201-55-5903	Grants Program Expenditures	(10,698)	11,000	11,000	11,000	0%
	TOTAL	**$ 401,736**	**$ 488,328**	**$ 467,125**	**$ 534,963**	**9%**

STREET FUND



Street Fund

Overview
The Streets team provides a wide range of services to the community, including Street maintenance (paving, curb/gutter, sidewalk, signals and signage), snow and weather response, drainage maintenance (stormwater piping, inlets, manholes, swales, and ponds), fleet maintenance (equipment, mowers, and vehicles), general facility maintenance, cemetery operations such as maintenance and interments, as well as miscellaneous in-house construction projects, such as concrete trails, street striping, asphalt paving, and piping projects.

Responsibilities
- Street maintenance
- Snow removal
- Drainage maintenance
- Fleet maintenance

2025 Goals
- Cleveland Ave. Construction Project
- Pavement Condition Assessment
- Additional sidewalk safety improvements
- Transportation Master Plan
- Small tool conversion to electric

2024 Key Accomplishments
- Old Town Street program completion (multi-year program to repair aging)
- Built salt storage shed for snow/ice management
- Partnership with School Routes to Parks/School event programming and education

In the News…
The Town held a community Town Hall in May 2024 to gather feedback on the redesign of Cleveland Avenue, also known as Main Street, which lies at the heart of downtown. This much-needed project will address critical upgrades to street infrastructure, drainage systems, pedestrian amenities, and safety measures, with the goal of revitalizing our downtown core. Construction is slated to begin in 2025, made possible by significant grant funding.



Residents at the community Town Hall.

Street Fund

Fund Balance

	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 4,448,140	$ 5,090,292	$ 4,401,951
Operations			
Revenue	2,011,676	1,993,294	2,234,414
Transfers In	-	-	-
Total Revenue	2,011,676	1,993,294	2,234,414
Expenditures	946,926	909,164	1,060,084
Debt Service	-	-	-
Transfers Out - Admin Overhead	-	355,982	285,865
Total Expenditures	946,926	1,265,146	1,345,949
Net Operations	1,064,750	728,148	888,464
Capital			
Loan Proceeds	-	-	-
Capital Grants	-	-	875,000
Capital Projects	422,597	1,416,489	5,479,000
Net Capital	(422,597)	(1,416,489)	(4,604,000)
Rev over Exp & Trans	642,152	(688,341)	(3,715,536)
End Fund Balance	**$ 5,090,292**	**$ 4,401,951**	**$ 686,415**

Revenues

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
203-01-3130	Sales Tax	723,283	762,850	671,290	704,854	-8%
203-01-3315	Motor Vehicle Use Tax	847,807	990,900	846,102	888,407	-12%
203-01-3335	Highway Users Tax	349,311	399,600	358,621	376,552	-6%
203-04-3343	Street Cut Permits	1,500	-	14,000	15,000	100%
203-04-3350	Developer Road Fee Escrow	(195,004)	-	22,800	24,000	100%
203-04-3376	BP Road Impact Fee	193,757	85,000	-	159,600	47%
203-08-3610	Investment Earnings	87,633	53,000	79,381	65,000	18%
203-08-3910	Sale of Assets	3,389	1,000	1,100	1,000	0%
	TOTAL	**$ 2,011,676**	**$ 3,142,350**	**$ 1,993,294**	**$ 2,234,414**	**-41%**
203-08-3350	Grants	-	850,000	-	875,000	

Expenditures

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
203-15-5100	Wages & Salaries	224,280	-	-	-	0%
203-15-5102	Benefits	60,252	-	-	-	0%
203-15-5345	Telephone Services	107	-	-	-	0%
203-34-5100	Wages & Salaries	312,840	469,215	427,900	482,745	3%
203-34-5102	Benefits	91,062	126,706	160,150	184,272	31%
203-34-5110	On-Call Stipend	-	10,400	8,600	8,600	-21%
203-34-5233	R&M- Machinery & Equip. Parts	(1,868)	-	-	3,567	100%
203-34-5240	Street Paint, Signs, & Parts	22,241	45,000	30,000	40,000	-13%
203-34-5241	Shop Supplies	(132)	-	-	-	0%
203-34-5341	Electricity for Street Lights	169,933	210,000	184,614	210,000	0%
203-34-5342	Water	13,302	6,000	14,000	15,000	60%
203-34-5370	Safety Workwear & Equipment	3,395	5,000	5,000	5,000	0%
203-34-5397	Weed Control	1,344	6,000	6,000	6,000	0%
203-34-5422	Small Tools	2,701	4,000	4,000	9,000	56%
203-34-5423	Sand & Gravel & Roadbase	7,414	-	-	-	0%
203-34-5424	Street Construction Material	2,141	10,000	11,000	10,000	0%
203-34-5425	Street Maint.-Crack Seal, etc.	-	-	-	-	0%
203-34-5426	Weather Response Mgmt.	15,678	8,000	5,000	8,000	0%
203-34-5427	Snow Mgmt. Materials	6,094	30,000	10,000	30,000	0%
203-34-5428	Street Maintenance	-	35,000	35,000	35,000	0%
203-34-5453	R&M Supplies - Street Sweeper	550	-	-	-	0%

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
203-34-5456	Mosquito Control	3,800	-	-	-	0%
203-34-5512	Insurance-Property Related	-	-	-	-	0%
203-34-5533	Equipment Rental	9,876	3,000	3,000	3,000	0%
203-34-5941	Safety & First Aid Kits	1,917	2,000	4,900	4,900	59%
NEW	R&M Landscape	-	-	-	5,000	100%
	TOTAL	**$ 946,926**	**$ 970,322**	**$ 909,164**	**$ 1,060,084**	**8%**



WATER FUND



Water Fund

Overview
The Water Treatment team ensures the annual treatment and distribution of over 300 million gallons of safe and clean drinking water through the operation and maintenance of a surface water treatment facility and a groundwater filtration unit.

Responsibilities
- Water Treatment
- Water Quality Testing
- Infrastructure Maintenance
- Monitoring Water Supply
- Regulatory Compliance
- Maintain strong working relationship with North Poudre Irrigation Company

2025 Goals
- Conduct a utility rate and fee study
- Kickoff installation Automated Metering Infrastructure
- Begin Distribution System Master Plan
- Explore and pursue opportunities to water portfolio diversification
- Continue to monitor and evaluate the operational cost and monitor new regulatory standards of the expanded Water Treatment Plant.

2024 Key Accomplishments
- The Water Treatment Plant expansion was completed in 2024. This multi-year project will improve the taste, odor, and expand capacity
- Continued pursuing negotiation of the Town's 1983 agreement with North Poudre Irrigation Company
- Launched the Water Source Development Plan.
- Presented Utility Rate Review
- Applied for grant funding to install Automated Metering Infrastructure

In the News…
After breaking ground in September 2022, the Wellington Water Treatment Plant (WTP) expansion project reached substantial completion in summer 2024 and final completion in fall 2024. The multimillion-dollar project more than doubles the Town's capacity to treat drinking water, ensuring the ability to serve a population of as many as 24,000 along with accompanying business growth. The project also updates aging infrastructure while ensuring better efficiency, adhering to new state and federal regulations, and improving water quality. The WTP is one of very few water treatment facilities in Colorado to utilize Pureflow ozone treatment technology, which allows for rapid neutralization of compounds that can cause taste and odor issues is the Town's drinking water during warm weather.

Water Fund

Working Capital

	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 15,014,333	$ 18,995,109	$ 9,216,355
Operations			
Revenue	6,055,404	7,050,807	10,047,427
Transfers In - From General Fund	573,000	600,000	659,000
Total Revenue	6,628,404	7,650,807	10,706,427
Expenses	3,496,148	4,405,341	4,906,756
Debt Service	1,491,099	1,464,694	2,062,016
Transfers Out - Admin Overhead	-	461,429	566,557
Total Expenditures	4,987,247	6,331,464	7,535,329
Net Operations	1,641,157	1,319,343	3,171,098
Capital			
Loan Proceeds	18,760,304	2,891,721	-
Capital Grants	-	-	-
Capital Projects	16,420,686	13,989,818	4,115,000
Net Capital	2,339,619	(11,098,097)	(4,115,000)
Rev over Exp & Trans	3,980,776	(9,778,754)	(943,902)
End Fund Balance	**$ 18,995,109**	**$ 9,216,355**	**$ 8,272,453**

Reserves 2025

	Impact Fee	Raw Water	Operations	Fund Balance
Beginning Fund Balance	$ 2,031,614	$ 5,285,198	$ 1,899,543	$ 9,216,355
Revenue	1,324,861	3,350,000	5,372,566	10,047,427
Transfers In - From General Fund	-	-	659,000	659,000
Intrafund Loans	-	-	-	-
Capital Grants	-	-	-	-
Total Revenue	1,324,861	3,350,000	6,031,566	10,706,427
Expenditures	-	-	4,906,756	4,906,756
Debt Service	1,462,016	-	600,000	2,062,016
Transfers Out to Capital Projects	641,000	2,500,000	974,000	4,115,000
Transfers Out - Admin Overhead	-	-	566,557	566,557
Total Expenditures	2,103,016	2,500,000	7,047,313	11,650,329
Rev over Exp & Trans	(778,155)	850,000	(1,015,747)	(943,902)
End Fund Balance	**$ 1,253,459**	**$ 6,135,198**	**$ 883,796**	**$ 8,272,453**

Revenues

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
204-02-3444	BP Raw Water Fee	213,548	310,250	932,550	3,350,000	91%
204-02-3446	Tap Fees	700,271	550,410	416,442	1,242,734	56%
204-03-3441	Water Sales	4,272,837	5,350,482	4,958,744	5,215,057	-3%
204-03-3442	Shut-Off/Recon./Late/NSF/Trans	31,995	25,553	52,812	51,800	51%
204-03-3443	Hydrant Water Sales	128	-	-	-	0%
204-03-3445	Raw Water Leases	12,060	-	11,160	10,000	0%
204-03-3447	Bulk Water Sales	27,310	25,477	25,799	25,000	-2%
204-03-3448	Water Meter Fee	450	-	-	-	0%
204-04-3610	Investment Earnings	796,643	652,000	652,000	151,836	-329%
204-04-3690	Miscellaneous Revenue	-	-	200	-	0%
204-04-3910	Sale of Assets	163	-	1,100	1,000	100%
	TOTAL	**$ 6,055,404**	**$ 6,914,172**	**$ 7,050,807**	**$ 10,047,427**	**31%**
204-09-3380	Trans in from General Fund	573,000	691,000	600,000	659,000	
204-04-3650	Loan Proceeds	18,760,304	2,598,641	2,891,721	-	

Expenses

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
204-15-5100	Wages & Salaries	396,596	-	-	-	0%
204-15-5102	Benefits	102,084	-	-	-	0%
204-34-5100	Wages & Salaries	470,737	538,369	441,240	542,834	1%
204-34-5102	Benefits	166,299	149,474	170,800	209,984	29%
204-34-5110	On-Call Stipend	-	15,600	15,600	11,800	-32%
204-34-5221	Chemicals	182,712	350,000	200,000	300,000	-17%
204-34-5227	Propane	18,368	40,000	35,000	50,000	20%
204-34-5229	Permit and Program Fees	2,430	3,000	3,000	3,000	0%
204-34-5231	Fuel, Oil & Grease	15,841	10,500	6,000	10,500	0%
204-34-5233	R&M- Machinery & Equip. Parts	2,616	10,000	10,000	18,963	47%
204-34-5241	Shop Supplies	1,671	2,500	2,500	2,500	0%
204-34-5321	Utility Billing Printing	-	20,308	24,431	25,000	19%
204-34-5334	Water Testing	64,560	87,000	35,000	90,000	3%
204-34-5339	On-Line Utility Bill Pay-Fees	29,443	28,500	30,471	32,500	12%
204-34-5341	Electricity	70,702	97,500	100,000	120,000	19%
204-34-5345	Telephone Service	984	700	900	925	24%
204-34-5352	Water Resource Legal Services	3,909	25,000	20,000	35,000	29%
204-34-5353	Water Efficiency Program	-	15,000	15,000	15,000	0%
204-34-5356	Professional Services	56,684	40,000	40,000	45,000	11%
204-34-5363	R&M Computer Equipment	-	2,500	6,500	7,000	64%
204-34-5370	Safety Workwear & Equipment	17,963	28,000	8,000	10,000	-180%
204-34-5380	Professional Development	7,346	11,500	5,000	12,000	4%
204-34-5384	Internet Service	1,308	19,000	2,000	2,000	-850%
204-34-5422	Small Tools	4,849	9,500	4,000	7,000	-36%
204-34-5423	Construction Material	-	3,000	-	3,000	0%
204-34-5430	Distribution Sys Emr Repair	-	15,000	-	15,000	0%
204-34-5433	R&M Plant	107,763	100,000	45,000	70,000	-43%
204-34-5434	R&M Distribution	48,452	80,000	40,000	70,000	-14%
204-34-5437	R&M SCADA	27,999	25,000	20,000	50,000	50%
204-34-5440	Sludge Removal	115,265	125,000	135,000	125,000	0%
204-34-5455	Lab Supplies	14,993	14,500	15,000	17,000	15%
204-34-5512	Insurance-Property Related	(25,649)	25,649	25,649	-	-100%
204-34-5533	Equipment Rental	-	2,500	-	2,500	0%
204-34-5579	Software Subscriptions	-	20,500	20,000	25,000	18%
204-34-5593	NPIC Water Lease Agreement	1,517,556	3,035,000	2,873,000	2,909,000	-4%
204-34-5597	Raw Water Fees & Assessments	16,093	30,000	16,000	20,000	-50%
204-34-5903	Water Meters - New Homes	30,000	20,000	17,000	16,000	-25%
204-34-5941	Safety & First Aid Kits	1,907	3,250	3,250	3,250	0%
204-34-5969	Lab Equipment	24,666	20,000	20,000	25,000	20%
NEW	Insurance Deductible	-	-	-	5,000	100%
	TOTAL	**$ 3,496,148**	**$ 5,023,350**	**$ 4,405,341**	**$ 4,906,756**	**-2%**

Debt Service

		2023 Actual	2024 Budget	2024 Projected	2025 Budget
204-90-5612	Berkadia - Bond Principal	28,000	-	-	-
204-90-5622	Berkadia - Bond Interest	1,400	-	-	-
204-90-5630	2019 SRF Loan D19AX116-Princip	1,068,483	1,091,978	1,091,978	1,109,550
204-90-5631	2019 SRF Loan D19AX116-Inter.	393,216	372,716	372,716	352,466



SEWER FUND



Sewer Fund

Overview
The Water Reclamation team treats over 200 million gallons of wastewater annually, protecting the environment and public health by safely processing and disposing of the wastewater generated within the community. This team also ensures compliance with very rigorous health and environmental requirements related to wastewater treatment.

Responsibilities
- Wastewater Treatment
- Water quality testing
- Sludge management
- Biological treatment
- Equipment maintenance
- Regulatory compliance

2025 Goals
- Conduct Water Reclamation Facility Risk & Resiliency Assessment and Emergency Response Plan
- Project management of the Viewpoint Lift Station, a grant awarded by Congressional Direct Funding
- Update Sewer Utilities Rate and Fees
- Continue to monitor and evaluate the operational cost and monitor new regulatory standards of the expanded Water Reclamation Facility

2024 Key Accomplishments
- Completion of the Water Reclamation Facility in 2024, marking a major milestone in expanding the Town's capacity to sustainably meet both current and future water treatment and environmental needs.
- Purchased budgeted gator with plow to improve safety at plant

In the News…



The Water Reclamation Facility (WRF) broke ground in June 2022 and reached substantial completion in fall 2024. Final completion is expected in spring/summer 2025. This expansion will more than double the Town's capacity to treat wastewater, ensuring the ability to serve a population of as many as 24,000 as well as business growth. The project will increase the capacity of the WRF from 0.9 million Gallons per Day (MGD) to 1.75 MGD, allowing the Town to remain in compliance with state and federal regulations and continue to treat everything that goes down the drain before returning the water into Boxelder Creek. The environmental and public health benefits that result from the equipment and process improvements provided by the project include higher effluent quality such as lower effluent biological oxygen demand, nitrogen, and phosphorus.

Sewer Fund

Working Capital

	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 721,809	$ 3,897,978	$ 2,322,409
Operations			
Revenue	3,239,223	3,112,315	3,805,631
Transfers In - From General Fund	312,000	300,000	390,000
Total Revenue	3,551,223	3,412,315	4,195,631
Expenses	1,547,818	1,211,773	1,610,798
Debt Service	1,914,587	2,468,119	2,469,649
Transfers Out - Admin Overhead	-	462,992	566,067
Total Expenditures	3,462,405	4,142,884	4,646,513
Net Operations	88,818	(730,569)	(450,882)
Capital			
Loan Proceeds	19,526,926	18,500,000	1,130,005
Capital Grants	-	-	137,500
Capital Projects	16,439,575	19,345,000	2,177,500
Net Capital	3,087,351	(845,000)	(909,995)
Rev over Exp & Trans	3,176,169	(1,575,569)	(1,360,877)
End Fund Balance	**$ 3,897,978**	**$ 2,322,409**	**$ 961,532**

Revenues

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
205-02-3350	Developer Sewer Fee Escrow	-	-	28,994	30,520	100%
205-02-3446	Tap Fees	648,817	511,455	359,708	1,129,400	55%
205-03-3445	Sewer User Fees	2,187,139	2,637,019	2,237,774	2,395,711	-10%
205-04-3610	Investment Earnings	403,259	377,000	485,839	250,000	-51%
205-04-3910	Sale of Assets	8	-	-	-	0%
	TOTAL	**$ 3,239,223**	**$ 3,585,474**	**$ 3,112,315**	**$ 3,805,631**	**6%**
205-09-3380	Trans in from General Fund	312,000	358,000	300,000	390,000	
205-04-3650	Bond/Loan Proceeds	19,526,926	17,365,002	18,500,000	1,130,005	
205-04-3675	Intergovernmental Grants/Loans	-	60,000	-	137,500	

Expenses

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
205-15-5100	Wages & Salaries	396,439	-	-	-	0%
205-15-5102	Benefits	101,936	-	-	-	0%
205-34-5100	Wages & Salaries	427,974	471,037	477,810	503,809	7%
205-34-5102	Benefits	165,215	138,957	176,610	176,201	21%
205-34-5110	On-Call Stipend	-	15,600	15,600	11,800	-32%
205-34-5221	Chemicals	18,792	60,000	21,350	50,000	-20%
205-34-5228	Permit and Program Fees	3,464	5,000	3,730	5,000	0%
205-34-5231	Fuel, Oil & Grease	8,532	10,000	3,000	10,000	0%
205-34-5233	R&M- Machinery & Equip. Parts	(11,548)	30,000	15,000	52,118	42%
205-34-5241	Shop Supplies	412	1,500	1,000	1,500	0%
205-34-5321	Utility Billing Printing	-	14,464	17,439	18,000	20%
205-34-5339	On-Line Utility Bill Pay Fees	21,045	20,400	21,702	22,500	9%
205-34-5341	Electricity	161,946	226,700	225,000	350,000	35%
205-34-5342	Water	2,776	2,000	7,695	8,500	76%
205-34-5344	Natural Gas	15,066	16,000	10,000	20,000	20%
205-34-5356	Professional Services	27,732	20,000	10,000	25,000	20%
205-34-5363	R&M Computer Equipment	-	5,000	5,000	5,000	0%
205-34-5370	Safety Workwear & Equipment	5,849	10,000	12,000	20,000	50%
205-34-5380	Professional Development	9,063	11,500	6,500	11,500	0%
205-34-5384	Internet Service	1,766	19,000	6,500	6,500	-192%
205-34-5422	Small Tools	391	7,500	6,500	10,000	25%
205-34-5423	Construction Material	-	3,000	-	3,000	0%

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
205-34-5431	R&M Pumps	24,920	25,000	8,000	25,000	0%
205-34-5432	R&M SCADA	14,416	25,000	10,000	25,000	0%
205-34-5433	R&M Plant	57,829	65,000	45,000	60,000	-8%
205-34-5434	R&M Collections	11,852	15,000	12,000	15,000	0%
205-34-5440	Sludge Disposal	41,268	55,000	38,000	50,000	-10%
205-34-5455	Lab Supplies	7,840	6,500	2,850	12,000	46%
205-34-5512	Insurance-Property Related	(7,603)	7,603	3,488	5,870	-30%
205-34-5533	Equipment Rental	-	2,500	-	2,500	0%
205-34-5554	Sewer Testing	37,031	45,000	30,000	45,000	0%
205-34-5579	Software Subscriptions & Supp.	-	45,000	15,000	45,000	0%
205-34-5941	Safety & First Aid Kits	2,090	3,000	1,000	3,000	0%
205-34-5969	Lab Equipment	1,324	7,000	4,000	7,000	0%
NEW	Insurance Deductible	-	-	-	5,000	100%
	TOTAL	**$ 1,547,818**	**$ 1,389,261**	**$ 1,211,773**	**$ 1,610,798**	**14%**

Debt Service

		2023 Actual	2024 Budget	2024 Projected	2025 Budget
205-90-5616	2014 WWTP Bonds - Principal	500	-	-	-
205-90-5618	2022 LOAN W22AX116 - Principal	447,699	936,944	936,944	968,724
205-90-5619	2022 LOAN W22AX116 - Interest	1,393,037	1,405,230	1,405,230	1,374,980
205-90-5621	2022 GPR Loan Principal	47,151	81,958	81,958	83,192
205-90-5622	2022 GPR Loan Interest	26,200	43,987	43,987	42,753

DRAINAGE FUND



Drainage Fund

Overview
The Drainage Fund supports the operation and maintenance of stormwater facilities such as storm drains, manholes, swales and detention ponds. The staff directly providing these services reside in the Streets Division of Public Works.

Responsibilities
- Stormwater management
- Flood prevention
- Floodplain management
- Partnership the Box Elder Stormwater Authority

2025 Goals
- Improve NRCS Dams B2, B3, and B4 based on the high-risk dam classification established by the State of Colorado. This project is a regional effort and partnership.
- Fix the draining issue near Rice Elementary

2024 Key Accomplishments
- Complete the implementation of the stormwater management

In the News…



Did you know the Town offers discounts to Wellington Water Utility customers for a Garden in a Box?

Garden In A Box from Resource Central makes it easy to have a professionally designed, waterwise yard of your own. Orders placed late summer season are ready for pickup in August and September. All discounts, if applicable, are applied during checkout and claimed on a first-come, first-served basis.

Visit ResourceCentral.org/Gardens to claim your discount.

Drainage Fund

Working Capital

	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 1,311,277	$ 1,558,468	$ 1,474,234
	-	-	-
Operations	-	-	-
Revenue	851,438	769,440	812,637
Transfers In - From General Fund	-	-	-
Total Revenue	851,438	769,440	812,637
	-	-	-
Expenses	599,205	499,278	529,999
Debt Service	-	-	-
Transfers Out - Admin Overhead	-	179,861	219,896
Total Expenditures	599,205	679,139	749,895
	-	-	-
Net Operations	252,233	90,301	62,742
	-	-	-
Capital	-	-	-
Loan Proceeds	-	-	-
Capital Grants	97,679	-	646,000
Capital Projects	102,721	174,534	1,173,534
Net Capital	(5,043)	(174,534)	(527,534)
	-	-	-
Rev over Exp & Trans	247,191	(84,233)	(464,792)
	-	-	-
End Fund Balance	**$ 1,558,468**	**$ 1,474,234**	**$ 1,009,442**

Revenues

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
207-02-3451	TOW Strm Drn BP Impact	44,654	20,000	15,200	43,200	54%
207-02-3453	AUTH Storm Drn BP Impact	66,628	22,000	16,720	47,520	54%
207-03-3449	TOW Storm Drain Utility fees	273,783	270,400	275,487	273,138	1%
207-03-3452	AUTH Storm Drain Utility Fees	414,088	403,322	418,630	413,779	3%
207-08-3610	Investment Earnings	52,269	45,300	43,403	35,000	-29%
207-08-3690	Miscellaneous Revenue	17	-	-	-	0%
	TOTAL	**$ 851,438**	**$ 761,022**	**$ 769,440**	**$ 812,637**	**6%**
207-08-3364	Grant	97,679	646,000	-	646,000	

Expenses

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
207-15-5100	Wages & Salaries	91,473	-	-	-	0%
207-15-5102	Benefits	24,373	-	-	-	0%
207-34-5100	Wages & Salaries	41,147	-	-	-	0%
207-34-5102	Benefits	15,870	-	-	-	0%
207-34-5231	Fuel, Oil & Grease	2,420	2,000	2,000	2,600	23%
207-34-5321	Utility Billing Printing Serv.	-	5,228	6,037	6,500	20%
207-34-5339	On-Line Utility Bill Pay-Fee	7,667	7,500	7,844	8,000	6%
207-34-5341	Electricity	772	750	500	600	-25%
207-34-5356	Professional Services	-	20,000	-	20,000	0%
207-34-5522	Authority Utilities Payments	378,082	411,468	414,973	413,779	1%
207-34-5524	Authority Impact Fees	37,400	36,107	66,628	47,520	24%
207-34-5533	Equipment Rental	-	1,000	1,296	1,000	0%
NEW	R&M Drainage Facilities	-	-	-	30,000	100%
	TOTAL	**$ 599,205**	**$ 484,053**	**$ 499,278**	**$ 529,999**	**9%**

PARK FUND



Park Fund

Overview
The Parks team primarily focuses on maintaining and enhancing public green spaces, playgrounds, and recreational areas to provide the community with safe and enjoyable outdoor spaces.

Responsibilities
- Maintains and enhances nine parks
- Maintain two dog parks
- Maintains 3.5 miles of trails in town
- Maintains 86 acres in town
- Monitors and maintains irrigation systems throughout Town. Both domestic and non-potable
- Maintains hardscape, trees, and landscaping
- Ensure safety of our park and trails system
- 24/7 on-call services for parks
- Snow removal

2025 Goals
- Conduct a Parks & Trails Master Plan with community input.
- Compliance with Colorado Clean Air Act and change small tools to electric under 10 horsepower.
- Proper and timely tree trimming will be a priority.
- Continue to prioritize safety improvements required by CIRSA.
- Smart Irrigation Controls will be installed within our Parks. This will allow us to see irrigation usage in a timely manner and catch leaks earlier.
- Installation of rain sensor for irrigation.
- Creation of infrastructure replacement program.
- Will continue to promote the Veterans Memorial Plaza.

2024 Key Accomplishments
- Hired & onboarded Parks & Recreation Operations Supervisor.
- Town staff successfully tracked vandalism cost for transparency and cost of materials for things like graffiti.
- Made required safety improvements required by CIRSA within our parks & playground.
- Raised height of handrails at skate park per ADA requirements.
- Successfully applied for and awarded fishing dock at Wellville Ponds.
- Change all port-a-potties to ADA.
- Installation of new dog park at Wellville Park.
- Construction of new disc golf amenities.
- Launch funding of Veterans Memorial Plaza.

Recreation Department

Overview
The Recreation team's primary role is to organize and manage various leisure activities, sports programs, and cultural events to promote physical and social wellbeing among residents.

Responsibilities
- Sports and activities programming
- Support Town events
- Community engagement
- Parks ‘N Play Days
- Develop new programming based on resident requires.
- Partner with outside agencies to improve engagement and programming.

2025 Goals
- Conduct cost recovery analysis for programming that we are subsidizing like the batting cages.
- Continue to build out adaptive recreation programming.
- Increase programming for the community to meet needs.
- Discuss providing grants for City of Fort Collins recreation programs not offered in Wellington, like swimming lessons and adaptive recreation.

2024 Key Accomplishments
- Hosted first adaptive recreation events: A Night Beyond Limits in February 2024 and Voices of Strength BBQ.
- Restarted youth softball programming.
- In-house CPR Training for staff to save on costs.
- Launched new software to create an effective way to conduct background checks and required training for volunteers and coaches.
- Hosted six Park ‘N Play Days.
- Co-hosted events with Boys & Girls Club, Poudre School District, Safe Routes to School, the Arc of Larimer County, and Main Street Markets.
- Started “Try it out” Family Nights and kickball, dodgeball, ultimate frisbee.

Park Fund

Fund Balance

	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 2,304,447	$ 2,556,208	$ 2,102,374
Operations			
Revenue	1,770,249	1,501,913	1,668,915
Transfers In	-	-	-
Total Revenue	1,770,249	1,501,913	1,668,915
Expenditures	1,236,596	1,309,277	1,545,127
Debt Service	269,460	269,460	269,500
Transfers Out - Admin Overhead	-	229,338	266,389
Total Expenditures	1,506,056	1,808,075	2,081,016
Net Operations	264,194	(306,161)	(412,101)
Capital			
Loan Proceeds	-	-	-
Capital Grants	9,248	40,215	-
Capital Projects	21,681	187,888	260,000
Net Capital	(12,433)	(147,673)	(260,000)
Rev over Exp & Trans	251,761	(453,834)	(672,101)
End Fund Balance	**$ 2,556,208**	**$ 2,102,374**	**$ 1,430,272**

Revenues

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
210-01-3130	Sales Tax	591,885	624,150	549,337	576,804	5%
210-01-3140	Use Tax Building Materials	244,091	-	50,566	136,000	63%
210-01-3315	Motor Vehicle Use Tax	193,214	218,500	173,298	181,963	5%
210-01-3700	Open Space Sales Tax	447,701	422,300	394,236	413,948	5%
210-02-3381	Trail Impact Fee	28,350	22,500	17,100	48,600	65%
210-02-3620	BP Park Impact Fee	63,000	50,000	38,000	108,000	65%
210-05-3174	Field Rentals	-	-	3,002	-	0%
210-05-3175	Recreation Fees	63,716	63,800	160,000	108,600	-47%
210-05-3177	Batting Cages Fees/Sales	1,979	-	-	-	0%
210-08-3610	Investment Earnings	136,303	116,700	114,639	95,000	-21%
210-08-3910	Sale of Assets	11	-	1,735	-	0%
	TOTAL	**$ 1,770,249**	**$ 1,517,950**	**$ 1,501,913**	**$ 1,668,915**	**9%**
210-08-3505	Misc. Grants / Contributions	9,248	-	40,215	-	

Expenditures

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
Parks						
210-15-5100	Wages & Salaries	152,574	-	-	-	0%
210-15-5102	Benefits	40,333	-	-	-	0%
210-15-5335	Dues & Subscriptions	25	-	-	-	0%
210-34-5100	Wages & Salaries	210,105	269,764	211,125	277,156	24%
210-34-5101	Seasonals	16,647	33,000	33,000	33,000	0%
210-34-5102	Benefits	67,809	54,485	75,920	100,690	25%
210-34-5110	On-Call Stipend	-	5,200	5,200	5,200	0%
210-34-5111	Vandalism	-	1,000	500	1,000	50%
210-34-5112	Horticulture	-	5,000	3,500	3,000	-17%
210-34-5214	Office Supplies	40	-	-	-	0%
210-34-5221	Pond Chemicals	4,737	5,200	3,000	3,000	0%
210-34-5231	Fuel, Oil & Grease	15,409	6,200	8,700	9,000	3%
210-34-5233	R&M- Machinery & Equip. Parts	15,230	18,500	18,500	23,813	22%
210-34-5234	Irrig. Water Assessments	1,140	-	-	-	0%
210-34-5237	Irrig. Sys. Supplies/Repairs	13,851	40,000	42,000	40,000	-5%
210-34-5239	Wells & Well Houses	8,540	11,000	10,000	8,000	-25%
210-34-5241	Shop Supplies	1,244	2,300	2,100	2,100	0%

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
210-34-5252	Tree Replacement & Trimming	15,029	36,000	32,000	32,000	0%
210-34-5253	Tree Spraying	5,428	30,300	20,000	25,000	20%
210-34-5254	Parks Playground & General R&M	25,409	35,000	32,000	32,000	0%
210-34-5256	Splash Pad Chemicals	-	1,100	1,400	1,100	-27%
210-34-5341	Irrigation Electricity	2,596	8,900	4,500	4,500	0%
210-34-5342	Water	37,169	38,000	60,000	50,000	-20%
210-34-5343	Sewer	1,519	1,600	900	1,000	10%
210-34-5344	Natural Gas	1,901	2,000	800	1,000	20%
210-34-5346	Storm Drainage	3,557	2,800	1,250	1,250	0%
210-34-5356	Professional Services	520	3,500	1,500	2,000	25%
210-34-5365	Toilet Rental	18,296	20,000	22,375	27,730	19%
210-34-5366	Services - Parks & Lawn Care	66,697	82,000	65,000	70,000	7%
210-34-5370	Safety Workwear & Equipment	1,595	1,600	1,100	1,200	8%
210-34-5372	Uniforms	1,354	2,750	2,350	2,500	6%
210-34-5380	Professional Development	2,937	5,000	5,000	5,000	0%
210-34-5397	Weed Control	-	250	250	250	0%
210-34-5420	Small Parks Equipment	(4)	-	-	-	0%
210-34-5422	Small Tools	2,548	4,650	4,700	10,000	53%
210-34-5423	Sand, Gravel, Mulch	7,294	13,000	13,000	10,000	-30%
210-34-5512	Insurance-Property Related	(25,757)	25,757	14,054	20,028	30%
210-34-5533	Equipment Rental	572	3,000	2,400	3,000	20%
210-34-5562	County Clerk Fees	-	7,000	-	-	-100%
210-34-5941	Safety Supplies & Equipment	916	10,000	9,500	4,000	-138%
210-34-5942	Minor Park Improvements	24,484	65,000	50,000	65,000	23%
NEW	Insurance Deductible	-	-	-	5,000	100%
	TOTAL	**$ 741,742**	**$ 850,856**	**$ 757,624**	**$ 879,517**	**14%**
Recreation						
210-51-5100	Wages & Salaries	220,514	241,942	223,190	275,846	19%
210-51-5101	Seasonals	59,696	91,000	89,000	85,000	-5%
210-51-5102	Benefits	83,948	62,039	85,945	106,100	19%
210-51-5110	On-Call Stipend	-	5,200	5,200	5,200	0%
210-51-5130	Start Smart Baseball	800	800	800	800	0%
210-51-5131	Start Smart Basketball	640	640	600	640	6%
210-51-5132	Start Smart Flag Football	912	960	950	960	1%
210-51-5133	Start Smart Soccer	1,424	1,800	1,600	1,800	11%
210-51-5135	Youth Sports Apparel	4,558	5,100	4,700	5,100	8%
210-51-5140	Youth Soccer	1,884	4,470	3,500	3,500	0%
210-51-5142	Youth Football	1,845	1,500	1,601	1,500	-7%
210-51-5144	Youth Baseball	8,225	12,850	3,200	7,000	54%
210-51-5145	Youth Softball	1,045	2,900	3,200	3,500	9%
210-51-5146	Youth Basketball	471	1,025	800	1,025	22%
210-51-5148	Youth Volleyball	620	1,800	1,000	1,500	33%
210-51-5149	Youth Tennis	1,068	500	300	500	40%
210-51-5157	Adult Basketball	-	800	800	800	0%
210-51-5158	Adult Kickball	-	500	100	500	80%
210-51-5161	Adult Tennis	1,107	500	200	500	60%
210-51-5162	Adult Softball	8,450	5,950	2,000	3,500	43%
210-51-5164	Adult Volleyball	140	1,350	750	1,000	25%
NEW	Senior Programs	-	-	-	2,000	100%
210-51-5165	NCSO Referees Admin Fee	8,110	8,000	8,900	8,000	-11%
210-51-5166	Instructor/Official Fees	18,476	32,000	24,000	30,000	20%
210-51-5168	Computer Equip./Software	13,195	21,000	16,000	18,000	11%
210-51-5181	Rec. Prog. Supplies/Exp.	6,642	16,000	13,000	15,000	13%
210-51-5183	Batting Cages - Maint. & Oper.	6,387	11,000	13,000	11,000	-18%
210-51-5185	Ball Field/Cage Electricity	12,390	15,000	15,677	17,500	10%
210-51-5186	Infield Mix	4,802	13,500	5,000	11,000	55%
210-51-5190	Yoga Classes	-	500	300	500	40%
210-51-5223	Operating Supplies	380	3,100	2,000	2,000	0%
210-51-5335	Dues & Subscriptions	-	1,800	2,590	2,590	0%
210-51-5372	Staff Uniforms	1,940	2,750	2,750	2,750	0%
210-51-5380	Professional Development	3,153	5,000	5,000	5,000	0%
210-51-5392	Gym Rental	9,623	15,000	9,000	15,000	40%
210-51-5401	Marketing Services	12,409	15,000	5,000	10,000	50%

		2023 Actual	2024 Budget	2024 Projected	2025 Budget	Change
NEW	Life Saving/Quality of Life External Program	-	-	-	4,000	100%
NEW	Insurance Deductible	-	-	-	5,000	100%
	TOTAL	**$ 494,853**	**$ 603,275**	**$ 551,653**	**$ 665,611**	**17%**

Debt Service

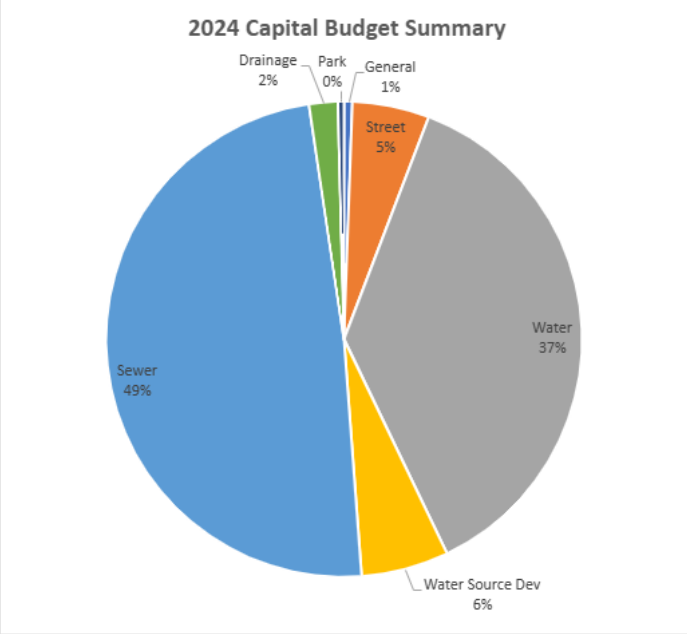
		2023 Actual	2024 Budget	2024 Projected	2025 Budget
210-90-5630	WCP - Principal	253,902	252,000	252,000	253,000
210-90-5632	WCP - Interest	15,557	17,460	17,460	16,500

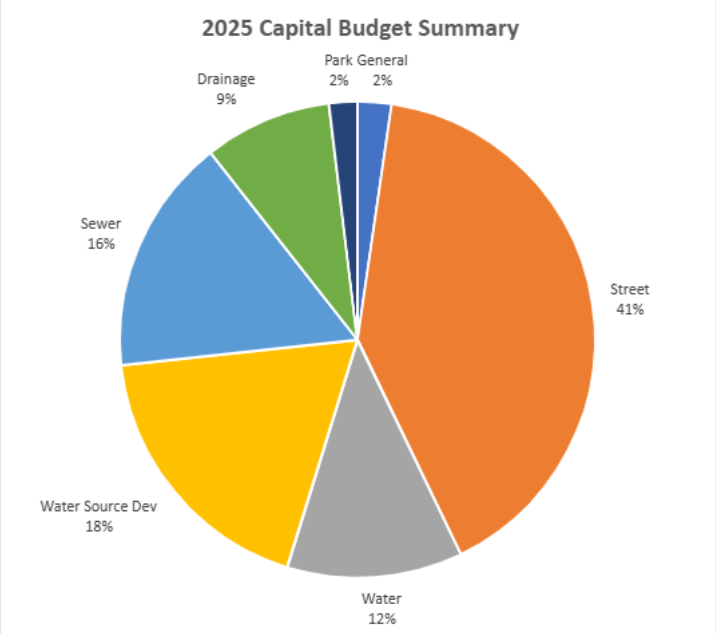


CIP
CAPITAL IMPROVEMENT PLAN

Capital Improvement Plan | Visual Summary

In 2024, the Town's primary capital investments were directed towards the Water and Sewer Funds, driven by the expansion of the Water Treatment Plant and Water Reclamation Facility, both of which are now nearing substantial completion. For 2025, the focus will shift to the Cleveland Avenue Construction Project, with construction anticipated to begin that year. This project has been made possible by securing a total of $4,476,822 in grant funding through three distinct programs administered by the Colorado Department of Transportation (CDOT). By leveraging these state and federal grants, alongside support from the Wellington Main Street Program and the Safe Routes to School initiative, the Town has been able to significantly reduce its financial contribution to the project.





FUNDS	2024 Budget	2024 Unexpended	2025 Budget
General	$250,000	$57,000	$254,000
Street	$2,328,595	$172,456	$5,306,544
Water	$16,504,459	$65,000	$1,550,000
Water Source Dev	$2,650,000	$2,500,000	$-
Sewer	$21,730,457	$1,523,337	$654,163
Drainage	$874,082	$21,933	$1,151,601
Park	$175,000	$10,000	$250,000
TOTAL	**$44,512,593**	**$4,349,726**	**$9,166,308**

Capital Improvement Plan

The five-year Capital Improvement Plan (CIP) budget is used to account for financial resources that are used to construct/acquire major, long-lived general capital assets. These projects have been identified in the Capital Improvement Plan and are consistent with the Town's long-term goals. The CIP is a comprehensive five-year program that focuses on achieving the Town of Wellington's Strategic Plan priorities of Grow Responsibly, Cultivate and Nurture Community Spaces, Foster Economic Vibrancy, and Ensure Strong Town Operations.

Capital expenditures are the acquisition of capital assets. Capital items must cost more than $10,000 and have an expected life of greater than one year.

Funding in 2025 is budgeted and adopted by the Board of Trustees. Funding in 2026-2029 is earmarked for project completion. This ensures the Town does not over allocate funds on multi-year projects. However, due to the Town's code requirements, the budget can only be officially appropriated on a year-to-year basis.

CAPITAL IMPROVEMENT FUNDING & ONGOING OPERATION IMPACTS

Resources for both ongoing operations and capital projects are not without limits and the capital planning must work in conjunction with the annual budget process. After a capital project is completed, the ongoing operation and maintenance appears in the operating budget for years to come and must be considered in the context of overall community needs. The decision to embark on a capital project or purchase capital equipment must be balanced with the demands of existing services.

Below is a listing of revenue sources available for funding capital improvements. While some of these funds are earmarked for only capital improvement, others are available for general operations as well.

- 3% sales tax rate imposed on retail/food. Sales tax revenue is divided, with 2% allocated to the general fund and the remaining 1% split between the street and parks funds.
- Streets Sales Tax
- Parks Sales Tax
- Grants – Revenues from grants are recorded in the Park Improvement, Conservation Trust, Capital Improvement and Utility Funds to be used for specific capital projects within those funds.
- Impact Fees – These fees on new construction are recorded in the three enterprise funds and have been updated to reflect rising costs of providing utilities to new growth.
- Lottery Funds – These revenues are recorded in the Conservation Trust Fund to be used for the acquisition, development, and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site. The Town uses these funds to expand and maintain the trail system.

- Larimer County Open Space Tax – Revenues from this tax are recorded in the Park Improvement Fund to be used for capital acquisition and maintenance of open space projects in Larimer County only.

Process to Identify Project Funding

Priority I: IMPERATIVE
Projects that cannot reasonably be postponed in order to avoid harmful or otherwise undesirable consequences.

- Corrects a condition dangerous to public health or safety
- Satisfies a legal obligation
- Alleviates an emergency service disruption or deficiency
- Prevents irreparable damage to a valuable public facility

Priority II: ESSENTIAL
Projects that address clearly demonstrated needs or objectives.

- Rehabilitates or replaces an obsolete public facility or attachment thereto
- Stimulates economic growth and private capital investment
- Reduces future operating and maintenance costs
- Leverages available state or federal funding

Priority III: IMPORTANT
Projects that benefit the community but may be delayed without detrimental effects to basic services.

- Provides a new or expanded level of service
- Promotes intergovernmental cooperation
- Reduces energy consumption
- Enhances cultural or natural resources

Priority IV: DESIRABLE

- Desirable projects that are not included within five-year program because of funding limitations.

Capital Projects | General Fund
Five Year Summary

GL	Project Name	Unexpended 2024 CIP	2025	2026	2027	2028	2029
211-80-4000	Downtown Masterplan			25,000	60,000		
211-80-5050	Elevator in Municipal Building	85,000					
211-80-5051	Housing Needs Assessment and Strategy Development	37,000	16,500				
210-80-4054	Tract F	20,000					
211-80-5052	ADA Community Improvements		10,000	10,000	20,000	20,000	20,000
	ADA Self-Evaluation & Transition Plan: Facilities/Parks/Programming/Events		80,000				
	ADA Self-Evaluation & Transition Plan: Right-of-way			95,000			
	6th Street Undergrounding/Lights Bonfire Subdivision DA			75,000			
	Cemetery Mapping				20,000		
	Library Outdoor Event Space Shade Structure		27,500				
	Parks and Public Works Admin Facility at Wellington Community Park		120,000	780,000			
	Town Facility Development and Property Acquisition Fund			880,000			
	TOTAL:	$ 142,000	$ 254,000	**$ 1,865,000**	**$ 100,000**	**$ 20,000**	**$ 20,000**
			$ 396,000				

2025 Capital Projects Details | General Fund

Project Title:	Elevator in Municipal Building
Duration:	2025
Strategic Plan:	Grow Responsibly: Proactively maintain & improve utilities, streets, and built environment.
Description:	Installation of ADA Lift in Municipal Services Building.
Ongoing Operating Impacts:	Annual inspection & maintenance.

Project Title:	Housing Needs Assessment and Strategy Development
Duration:	2024-2025
Strategic Plan:	Grow Responsibly: Improve Housing Diversity
Description:	Detailed analysis that identifies and evaluates the current and future housing demands, trends, and challenges. The effort includes developing code or policy strategies to increase opportunities for affordable housing.
Ongoing Operating Impacts:	This study will not have ongoing operations impacts.

Project Title:	Tract F
Duration:	2024-2025
Strategic Plan:	Ensure Strong Town Operations.
Description:	Stormwater retention pond improvements on 12.5 parcel along I-25 frontage road.
Ongoing Operating Impacts:	With final acceptance of the pond, the Town will be respoisible for general maintenance.

Project Title:	ADA Community Improvements
Duration:	Ongoing
Strategic Plan:	Grow Responsibly: Proactively maintain improve utilities, streets, and built environment.
Description:	As needed funding source to make ADA infrastructure improvements.
Ongoing Operating Impacts:	This project does not have ongoing operations impacts.

Project Title:	ADA Self-Evaluation & Transition Plan: Facilities/Parks/Programming/Events
Duration:	2026
Strategic Plan:	Cultivate and nurture community spaces.
Description:	The self-evaluation reviews the town's public facilities, programs, services, activities and events to determine compliance with the ADA and identify any barriers to accessibility. The Transition Plan is a rolling fluid document that prioritizes the identified barriers and how they will be corrected.
Ongoing Operating Impacts:	This plan helps inform future improvements required.

Project Title:	Library Outdoor Event Space Shade Structure
Duration:	2025
Strategic Plan:	Cultivate and nurture community spaces: Retain, revitalize, and invest in meeting and gathering spaces.
Description:	Replacement for shade formerly provided by large tree in Library Park that was removed during 2022 due to disease and safety concerns. This is a community space for outdoor events organized by the Library for all residents of Wellington. Grant funds provided by AARP for seating purchased in 2023, including ADA compliant tables with benches. ADA accessible concrete stage pad poured in 2024. The Friends of the Library would like to provide funding for this project.
Ongoing Operating Impacts:	This project does not have ongoing operations impacts, but future maintenace and repair will be budgeted in the Minor Park Improvement Fund.

Project Title:	Parks and Public Works Admin Facility at Wellington Community Park
Duration:	2025-2026
Strategic Plan:	Ensure strong town operations: Improve physical spaces and systems for staff efficiency and collaboration.
Description:	Design and construction of new Parks and Public Works Admin facilities on the far north portion of Wellington Community Park. This project enlarges the existing water booster station site.
Ongoing Operating Impacts:	Once completed, this building will have ongoing operating impact that will be accounted Town Community Administrative Facilities.

2026-2029 Capital Projects Overview | General Fund

Project Title:	Downtown Masterplan
Duration:	2026-2027
Description:	Strategy that outlines vision/guidelines for development and revitalization in downtown.

Project Title:	ADA Self-Evaluation & Transition Plan: Right-of-way
Duration:	2027
Description:	The self-evaluation reviews the town's public facilities, programs, services, activities and events to determine compliance with the ADA and identify any barriers to accessibility. The Transition Plan is a rolling fluid document that prioritizes the identified barriers and how they will be corrected.

Project Title:	6th Street Undergrounding/Lights Bonfire Subdivision DA
Duration:	2026
Description:	Reimbursement outlined in the development agreement (DA).

Project Title:	Cemetery Mapping
Duration:	2027
Description:	Cemetery mapping refers to the act of understanding the layout of grave sites and other elements within a cemetery and documenting those locations. Cemetery maps can be important for visitors who are seeking specific memorials or grave sites.

Project Title:	Town Facility Development and Property Acquisition Fund
Duration:	As needed only.
Strategic Plan:	Cultivate and nurture community spaces: Align needs and vision for community spaces.
Description:	This proactive approach allows the town to shape its future by securing land for strategic projects that align with the Board's vision.
Ongoing Operating Impacts:	This item does not have ongoing operations impacts.

Capital Projects | Street Fund
Five Year Summary

GL	Project Name	Unexpended 2024 CIP	2025	2026	2027	2028	2029
211-80-4007	Pavement Preventive Maintenance	12,456	137,544	157,500	165,375	173,644	182,326
211-80-4009	Pavement Condition Assessment		35,000				
211-80-4070	HWY 1 Intersection Improvements			50,000			
211-80-5022	Cleveland Ave Improvements - Design Phase Services		268,914	100,000			
211-80-5023	Street/Sidewalk Safety Improvements - Construction		324,086				
211-80-5024	Transportation Masterplan	160,000					
Future	Street Rehabilitation			1,500,000	1,575,000	1,653,750	1,736,438
Future	Road Off-site Improvement/Saddleback			12,000	60,000	86,400	87,600
New CIP	Old Town Sidewalk Pedestrian Improvements				500,000	525,000	551,250
211-80-5046	Vehicle Replacement			64,000		68,000	
New Equip.	Street Striping Equipment		60,000				
New Equip.	Air Conditioner Recharge System		16,000				
	Cleveland Avenue Improvements - Construction		4,000,000	1,322,000			
	Transportation Grants Matching Funds		400,000				
	Main Street Alley North Paving		65,000				
	TOTAL:	$ 172,456	$ 5,306,544	**$ 3,205,500**	**$ 2,300,375**	**$ 2,506,794**	**$ 2,557,613**
			$ 5,479,000				

2025 Capital Projects Details | Street Fund

Project Title:	Pavement Preventive Maintenance
Duration:	2025
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	On-going preventive maintenance for town streets, including crack seal, overlays, chipseal, and other measures to lengthen lifespan of existing pavements.
Ongoing Operating Impacts:	This project is part of the Town's ongoing costs to ongoing road maintenance.

Project Title:	Pavement Condition Assessment
Duration:	2025
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	The Pavement Condition Assessment will evaluate Wellington streets and provide conceptual long-range planning information to prioritize, schedule and budget on-going street maintenance and repair.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Cleveland Ave Improvements - Design Phase Services
Duration:	2024-2025
Strategic Plan:	Cultivate and nurture community spaces: Retain, revitalize, and invest in meeting and gathering spaces.
Description:	Design and construction phase services for street improvements including curb/gutter, storm drainage, paving, sidewalks, ADA accessibility, lighting and landscaping along Cleveland Ave.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Street/Sidewalk Safety Improvements - Construction
Duration:	2025
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	Construction of various sidewalk and accessibility improvements as funded with the HSIP grant.
Ongoing Operating Impacts:	This project is part of the Town's ongoing costs to ongoing road maintenance.

Project Title:	Transportation Masterplan
Duration:	2024-2025
Strategic Plan:	Cultivate and nurture community spaces.
Description:	Strategic document that outlines goals, policies, and projects aimed at improving the town's transportation system and infrastructure.
Ongoing Operating Impacts:	This plan will inform future improvements needed for the community.

Project Title:	Street Striping Equipment
Duration:	2025
Strategic Plan:	Ensure strong town operations: Ensure safety and security, including emergency response.
Description:	New truck mounted pavement striping equipment to replace existing striper and enable more efficient production.
Ongoing Operating Impacts:	Routine maintenance is required with any piece of town equipment.

Project Title:	Air Conditioner Recharge System
Duration:	2025
Strategic Plan:	Ensure strong town operations: Ensure safety and security, including emergency response.
Description:	New fleet shop equipment to create costing saving by bringing this maintenance function in house.
Ongoing Operating Impacts:	This item has no new impacts on ongoing operations.

Project Title:	Cleveland Avenue Improvements - Construction
Duration:	2024-2025
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	Estimated preliminary construction cost for street and drainage improvements including paving, hardscape, ADA accessibility, safety lighting, and drainage along Cleveland Ave. Total cost, from the 30% cost estimate, is $7,000,000. Additional funding of $1,300,000 is included in the $1,300,000 located in the Drainage Fund. Total grant funding for the project is $4.44 million.
Ongoing Operating Impacts:	This project will have ongoing maintenance and repairs. There will also be operational costs for lighting, street cleaning, and snow removal.

Project Title:	Transportation Grants Matching Funds
Duration:	2025
Strategic Plan:	Grow responsibly: Explore financing options for development.
Description:	Estimated grant matching funds for a maximum grant award of $2,000,000 through the Reconnecting Communities Program, for planning and preliminary design of the overpass at I-25 and Cleveland Avenue.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Main Street Alley North Paving
Duration:	2025
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	New paving for the alley between Cleveland and Harrison, between 2nd and 3rd.
Ongoing Operating Impacts:	Ongoing pavement repairs in the future to be expected.

2026-2029 Capital Projects Overview | Street Fund

Project Title:	HWY 1 Intersection Improvements
Duration:	2026
Description:	An allowance for added town-funded improvements for CDOT's project at Hwy1/LCR62E, such as sidewalk connections, town signage, and landscaping.

Project Title:	Street Rehabilitation
Duration:	2026-2029
Description:	Multi-year rehabilitation plan for streets throughout town, as informed by the Paving Condition Assessment.

Project Title:	Road Off-site Improvement/Saddleback
Duration:	2026-2029
Description:	Reimbursements as required by the Development Agreement for the Saddleback Subdivision as amended in 2024, totaling no more than $246,000.

Project Title:	Old Town Sidewalk Pedestrian Improvements
Duration:	2027-2029
Description:	Ongoing program to install missing sidewalk throughout the old town area.

Project Title:	Vehicle Replacement
Duration:	2026, 2028
Description:	The goal of the vehicle replacement plan is to remove older vehicles in poor condition from the Town’s fleet and replace those with more reliable new vehicles. These are anticipated to cost approximately $60,000 in 2024 with price increases in future years.

Capital Projects | Water Fund
Five Year Summary

GL	Project Name	Unexpended 2024 CIP	2025	2026	2027	2028	2029
211-80-4014	Wilson Wellhouses Improvements	45,000					
211-80-4019	Distribution System Masterplan		125,000				
211-80-4020	Buffalo Creek Booster Station				75,000		
211-80-4079	Reservoir Management Project			100,000			
211-80-5013	Automated Metering Infrastructure		990,000				
211-80-5032	Source Water Intake Facility Fencing		50,000				
Future	Water Treatment Plant Covered Equipment Storage			70,000			
Future	Water Treatment Plant Admin Building Design Alternatives		200,000				
Future	Water Treatment Plant Admin Building Construction			1,800,000			
Future	Water Oversizing Reimbursement Saddleback Subdivision			19,500	97,500	140,400	142,350
211-80-4022	Nano Plant Expansion	20,000					
New Equip.	Skid Steer			120,000			
	Utilities Rate and Fee Update - Water		35,000				
	Source Water Redundancy - Engineering			200,000			
	Source Water Redundancy - Construction				2,500,000		
	Source Water Pump Station Automatic Transfer Switch			250,000			
	Electrical Equipment Replacement			100,000			
	Fluoride / Caustic Injection Automation		150,000				
	Legacy Valve Replacement			30,000			
	Distribution System rehabilitation and Upgrades					500,000	600,000
	New Potable Water Tank						2,500,000
	TOTAL:	$ 65,000	$ 1,550,000 **$ 1,615,000**	**$ 2,689,500**	**$ 2,672,500**	**$ 640,400**	**$ 3,242,350**

2025 Capital Projects Details | Water Fund

Project Title:	Wilson Wellhouses Improvements
Duration:	2024-2025
Strategic Plan:	Grow Responsibly
Description:	Variety of infrastructure improvements to address the well system, safety concerns, access hatches, fencing etc.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Distribution System Masterplan
Duration:	2025
Strategic Plan:	Grow Responsibly
Description:	The current distribution masterplan is incomplete and was based on a modeling system that is no longer supported. The master plan includes a new distribution system model, identification of water main and/or pumping improvements, and alternative analysis.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Automated Metering Infrastructure
Duration:	2025
Strategic Plan:	Grow Responsibly
Description:	This project will upgrade 1,300 residential meters to Smart Meters and install the required networking infrastructure and software needed to move to a fully Automated Metering Infrastructure (AMI), to include a customer facing portal.
Ongoing Operating Impacts:	With the installation of AMI, the Town can potentially reduce operational costs, as staff will no longer need to drive to collect data.

Project Title:	Source Water Intake Facility Fencing
Duration:	2025
Strategic Plan:	Ensure strong town operations
Description:	The Town needs to secure the property purchased from NPIC around the Source Water Intake Station. This project will include an improved access gate.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Water Treatment Plant Admin Building Design Alternatives
Duration:	2025
Strategic Plan:	Grow Responsibly
Description:	Planning and design of Plant Administration building with laboratory. The design has been moved up to 2025.
Ongoing Operating Impacts:	Although the design phase has no ongoing operational impacts, the building’s construction will lead to additional operational effects once completed.

Project Title:	Nano Plant Expansion
Duration:	2024-2025
Strategic Plan:	Grow Responsibly
Description:	Continued improvements to safety, process, and automation
Ongoing Operating Impacts:	

Project Title:	Utilities Rate and Fee Update - Water
Duration:	2025
Strategic Plan:	Grow Responsibly
Description:	Three year update to the 2022 Utility Rate and Fee Study, funded between Water, Wastewater, and Drainage Funds.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Fluoride / Caustic Injection Automation
Duration:	2025
Strategic Plan:	Ensure strong town operations
Description:	Current pH control and fluoride injection are manual operations. This project will upgrade both systems to be flow controlled and SCADA managed.
Ongoing Operating Impacts:	Upgrading these systems will improve operational efficiency, reduce manual labor intervention, improve precision and control, and improve safety. Overall, while there may be some added operational costs (energy and maintenance), the benefits of efficiency, safety, and compliance with regulatory standards generally outweigh these costs.

2026-2029 Capital Projects Overview | Water Fund

Project Title:	Buffalo Creek Booster Station
Duration:	2027
Description:	The Buffalo Creek Booster Station provides flow and pressure to the northwest area of town, such as Buffalo Creek and planned future developments. The station was not constructed with VFDs or adequate control systems, which impacts operation and consistent performance.

Project Title:	Reservoir Management Project
Duration:	2026
Description:	This project is the starting point for a Reservoir Management Program. With the new plant coming online in 2024, Staff is looking to operate the plant for more than a year to determine the best multi-barrier approach to treating and delivering the highest quality drinking water possible. Needs may include additional water quality testing, data collection, and/or in-situ chemical or physical treatment.

Project Title:	Water Treatment Plant Covered Equipment Storage
Duration:	2026
Description:	This storage facility will provide a secure, climate-protected place to store equipment.

Project Title:	Water Treatment Plant Admin Building Construction
Duration:	2026
Description:	Construction of Plant Administration building, with laboratory. The construction has been moved up to 2026.

Project Title:	Water Oversizing Reimbursement Saddleback Subdivision
Duration:	2026-2029
Description:	Required by the Development Agreement for Saddleback, as amended in 2024, totaling to no more than $399,750.

Project Title:	Skid Steer
Duration:	2025
Description:	Bobcat with tracks, to be purchased on rollout system. Expense reduced and timing pushed from 2024 CIP of $225,000 for Front End Loader in 2025.

Project Title:	Source Water Redundancy - Engineering
Duration:	2026
Description:	NPIC has identified O&M needs on Reservoir 3 with planned execution winter 2027/2028. The Town needs to coordinate our own O&M needs and source water redundancy.

Project Title:	Source Water Redundancy - Construction
Duration:	2027
Description:	This number will be refined through the engineering planning and design process in 2026.

Project Title:	Source Water Pump Station Automatic Transfer Switch
Duration:	2026
Description:	Automatic Transfer Switch - Allows an automatic transition from grid power to generator power during an outage.

Project Title:	Electrical Equipment Replacement
Duration:	2026
Description:	An electrical risk assessment is planned for completion in 2024. Findings will prioritize future replacement and upgrade needs for the older portions of our treatment system.

Project Title:	Legacy Valve Replacement
Duration:	2026
Description:	Replacement of original influent and effluent tank valve for 2 MG tank. Will be done with the 23 month tank inspection process as part of the warranty for the Tank Rehab and Recoating work completed in 2024.

Project Title:	Distribution System rehabilitation and Upgrades
Duration:	2028-2029
Description:	Programmed construction dollars for projects identified through the Distribution System Master Plan

Project Title:	New Potable Water Tank
Duration:	2029
Description:	Additional potable water storage to meet future demands and replace aging infrastructure

Capital Projects | Water Source Development
Five Year Summary

GL	Project Name	Unexpended 2024 CIP	2025	2026	2027	2028	2029
211-80-5036	Water Purchase	2,500,000					
	TOTAL:	$ 2,500,000	$ -	**$ -**	**$ -**	**$ -**	**$ -**
			$ 2,500,000				

2025 Capital Projects Details | Water Source Development

Project Title:	Water Purchase
Duration:	Ongoing
Strategic Plan:	Grow Responsibly
Description:	Purchase of water shares.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Capital Projects | Sewer Fund
Five Year Summary

GL	Project Name	Unexpended 2024 CIP	2025	2026	2027	2028	2029
211-80-4061	Water Reclamation Facility | Engineering	164,326	90,674				
211-80-4062	Collection System Improvements				500,000	500,000	500,000
211-80-4083	Water Reclamation Facility | Construction	1,259,011	340,989				
211-80-4084	Water Reclamation Facility Risk & Resiliency Assessment and Emergency Response Plan			85,000			
211-80-4089	Viewpoint Lift Station	30,000	107,500	1,250,000			
211-80-4091	Sewer Oversizing Reimbursement | Sage Meadows 1st Development Agreement			30,520	48,130		
Future	Sewer Oversizing Reimbursement | Saddleback Development Agreement			2,400	12,000	17,280	17,520
211-80-5044	Roof Replacement for Existing Buildings	70,000	80,000	90,000			
	Utilities Rate and Fee Update - Sewer		35,000				
	TOTAL:	$ 1,523,337	$ 654,163	**$ 1,457,920**	**$ 560,130**	**$ 517,280**	**$ 517,520**
			$ 2,177,500				

2025 Capital Projects Details | Sewer Fund

Project Title:	Water Reclamation Facility | Engineering
Duration:	2022-2025
Strategic Plan:	Ensure strong town operations & grow responsibly.
Description:	Engineering cost associated with the expansion of the Water Reclamation Facility.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Water Reclamation Facility | Construction
Duration:	2022-2025
Strategic Plan:	Ensure strong town operations & grow responsibly
Description:	Construction cost associated with the expansion of the Water Reclamation Facility.
Ongoing Operating Impacts:	Ongoing maintenance is anticipated with an expanded Water Reclamation Facility. Staff rolled out an asset tracking tool to predict and budget ongoing maintenance and replacement needs that will be budgeted in the 5-year CIP as appropriate.

Project Title:	Viewpoint Lift Station
Duration:	2024-2026
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	Improvements needed at the lift station to increase capacity, operational efficiency, and reliability. Project partially funded by a grant award in the amount of $608,000.
Ongoing Operating Impacts:	Improvement to the Viewpoint Lift Station will require ongoing maintenace needs.

Project Title:	Roof Replacement for Existing Buildings
Duration:	2024-2026
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	Address failing roof systems for the RAS/WAS, Lab, and Dewatering buildings.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Utilities Rate and Fee Update - Sewer
Duration:	2025
Strategic Plan:	Grow responsibly
Description:	Three year update to the 2022 Utility Rate and Fee Study, funded between Water, Wastewater, and Drainage Funds.
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

2026-2029 Capital Projects Overview | Sewer Fund

Project Title:	Collection System Improvements
Duration:	2027-2029
Description:	Programmed funding for wastewater collection system improvements as per the Collection Masterplan

Project Title:	Water Reclamation Facility Risk & Resiliency Assessment and Emergency Response Plan
Duration:	2025
Description:	Evaluate the town's wastewater system for risk and create an updated emergency response plan.

Project Title:	Sewer Oversizing Reimbursement | Sage Meadows 1st Development Agreement
Duration:	2026-2027
Description:	The Town required the developer to oversize a sanitary sewer line within the project to accommodate future development.

Project Title:	Sewer Oversizing Reimbursement | Saddleback Development Agreement
Duration:	2026-2029
Description:	Required by the Development Agreement for Saddleback, as amended in 2024, totaling no more than $49,200.

Capital Projects | Drainage Fund
Five Year Summary

GL	Project Name	Unexpended 2024 CIP	2025	2026	2027	2028	2029
211-80-4039	Storm Drain & Pan Replacement	21,933	23,067	47,250	49,613	52,093	54,698
211-80-4065	B-Dams Improvements		93,534	93,534	93,534	93,534	12,403
SDF231	Regional Drainage Improvements			450,000	2,110,000	1,570,000	1,350,000
211-80-5028	Outfall for Cleveland Ave Improvements		1,000,000	300,000			
Future	Utilities Rate and Fee Update - Drainage		35,000				
Future	Street Rehabilitation			90,000	94,500	99,225	104,186
Future	Stormwater Off-site Reimbursement - Saddleback			4,000	20,000	28,800	29,200
Future	Clark Reservoir Dredging						2,000,000
	TOTAL:	$ 21,933	$ 1,151,601	**$ 984,784**	**$ 2,367,647**	**$ 1,843,652**	**$ 3,550,487**
			$ 1,173,534				

2025 Capital Projects Details | Drainage Fund

Project Title:	Storm Drain & Pan Replacement
Duration:	Ongoing
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	On-going program to re-construct failed storm drainage pans.
Ongoing Operating Impacts:	This project is part of ongoing maintenance and repair to our infrastructure.

Project Title:	B-Dams Improvements
Duration:	Ongoing
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	Wellington's cost share of flood early warning system, emergency response plan, and ongoing maintenance for the B-Dams.
Ongoing Operating Impacts:	This project is part of the ongoing maintenance cost associated with the B-Dams which is regional watershed management collaboration effort. The B-Dams are three dams above Wellington that 17 years ago were rated as "high hazard" with potential for loss of life and property if breached — but too expensive to improve to new standards — are forcing the creation of a regional early flood warning system and emergency action plan.

Project Title:	Outfall for Cleveland Ave Improvements
Duration:	2025
Strategic Plan:	Grow responsibly: Proactively maintain and improve utilities, streets, and built environment.
Description:	Funding for certain elements of the Cleveland Avenue Improvement Project, including the Cleveland and 5th Street Outfall projects, as recommended by the Stormwater Management Masterplan. See overall project line item in the Street Fund for more information.
Ongoing Operating Impacts:	The project may result in increased maintenance costs for stormwater infrastructure, such as regular cleaning of outfalls, culverts, and drains to ensure proper function.

Project Title:	Utilities Rate and Fee Update - Drainage
Duration:	2025
Strategic Plan:	Grow responsibly
Description:	Three year update to the 2022 Utility Rate and Fee Study, funded between Water, Wastewater, and Drainage Funds.
Ongoing Operating Impacts:	This study does not have ongoing operating impacts.

2026-2029 Capital Projects Overview | Drainage Fund

Project Title:	Regional Drainage Improvements
Duration:	2026-2029
Description:	Future projects as informed by the Stormwater Masterplan.

Project Title:	Street Rehabilitation
Duration:	2026-2029
Description:	Various street repair and rehabilitation projects throughout town.

Project Title:	Stormwater Off-site Reimbursement -Saddleback
Duration:	2026-2029
Description:	Reimbursements as required by the Development Agreement for the Saddleback Subdivision as amended in 2024, totaling to no more than $82,000.

Project Title:	Clark Reservoir Dredging
Duration:	2029
Description:	Project required as part of the agreements associated with the Boxelder Basin Regional Stormwater Authority. The exact timing for when this project will be required is unknown.

Capital Projects | Park Fund
Five Year Summary

GL	Project Name	Unexpended 2024 CIP	2025	2026	2027	2028	2029
211-80-4042	Parks Masterplan and Community Center Feasibility Study		175,000				
211-80-4068	Replace Soft Trails	10,000		10,000	10,000	10,000	10,000
211-80-4077	Playground at Viewpointe Park				300,000		
	Pour & Place | Viewpointe Park				80,000		
	Shade Structure Viewpointe Park				25,000		
Future	ADA Bridge across Boxelder Creek			50,000			
New Equip.	Recreation Truck				60,000		
New Equip.	Wellville Pump			80,000			
211-80-5001	Vehicle Replacement		75,000				
	TOTAL:	$ 10,000	$ 250,000	**$ 140,000**	**$ 475,000**	**$ 10,000**	**$ 10,000**
			$ 260,000				

2025 Capital Projects Details | Park Fund

Project Title:	Parks Masterplan and Community Center Feasibility Study
Duration:	2025
Strategic Plan:	Cultivate and nurture community spaces
Description:	Blueprint that guides the development and management of town's parks and recreational spaces and trails. Potential to also include Community Center Feasibility Study
Ongoing Operating Impacts:	This project has no new impacts on ongoing operations.

Project Title:	Replace Soft Trails
Duration:	2025-2029
Strategic Plan:	Cultivate and nurture community spaces
Description:	Replaces soft trails with concrete trails, move soft trail adjacent to new concrete trails where applicable.
Ongoing Operating Impacts:	This is part of the town's ongoing effort to repair and maintain town trails.

Project Title:	Vehicle Replacement
Duration:	2025
Strategic Plan:	Ensure strong town operations
Description:	New vehicle to be used by Parks/Rec Ops. Supervisor as well as Parks and Recreation Staff
Ongoing Operating Impacts:	A new vehicle will require routine maintenance which is budgeted in the parks fund.

2026-2029 Capital Projects Overview | Park Fund

Project Title:	Playground at Viewpointe Park
Duration:	2027
Description:	Replacement of playground at Viewpointe Park.

Project Title:	Pour & Place | Viewpointe Park
Duration:	2027
Description:	Add pour & place to Viewpointe Playground.

Project Title:	Shade Structure Viewpointe Park
Duration:	2027
Description:	Shade structure at Viewpointe Park

Project Title:	ADA Bridge across Boxelder Creek
Duration:	2026
Description:	ADA access for public use and disc golfers at Griffin Greens.

Project Title:	Recreation Truck
Duration:	2027
Description:	Replacement of aging recreation vehicle.

Project Title:	Wellville Pump
Duration:	2026
Description:	Replacement of irrigation well pump due to aging.



KPI
KEY PERFORMANCE INDICATORS

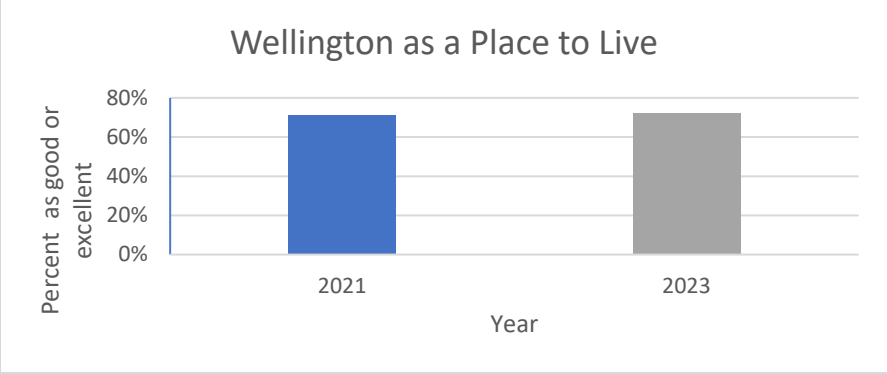


Key Performance Indicators (KPI)

Overview: GFOA recommends that organizations track performance measures to monitor service delivery. In 2024, the Town of Wellington began tracking KPIs for the first time, with limited historical data. Town staff will enhance KPI tracking and expand data collection moving forward.

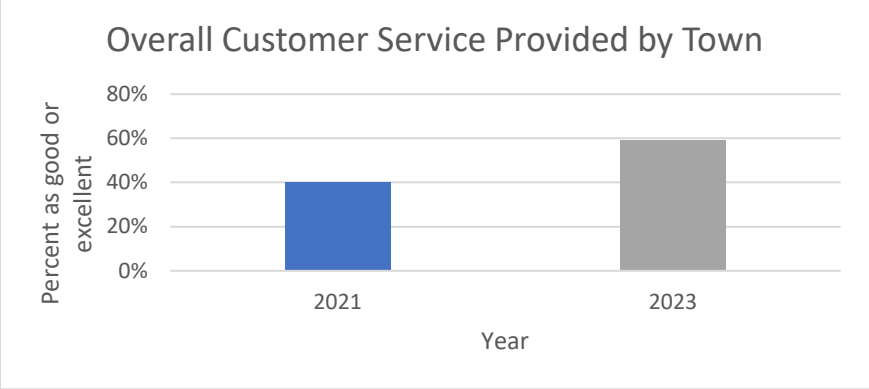
Wellington as a Place to Live

- **Description:** Measuring community livability starts with assessing the quality of life of those who live there, and ensuring that the community is attractive, accessible, and welcoming to all. The charts below present data from the Community Survey.
- **Lead Department:** Board of Trustees & Town Administration
- **Goal**: 75% of residents rate as excellent or good



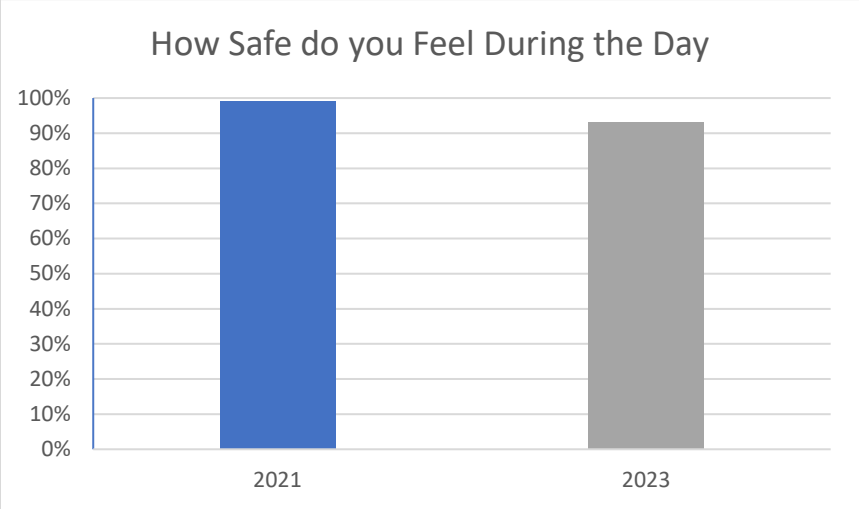
Overall Customer Service Provided by the Town

- **Description**: Residents' satisfaction and trust in local government services, measuring the town's ability to address community needs effectively and foster positive relationships.
- **Lead Department**: All departments
- **Goal**: 65% of residents rate as excellent or good



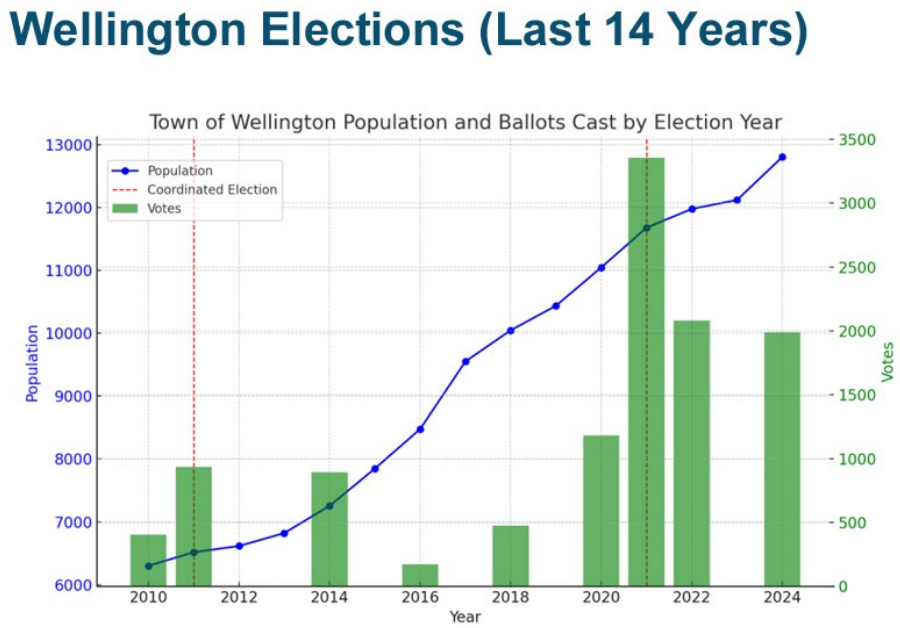
How Safe Do You Feel During the Day

- **Description**: Public safety is often the top priority for local governments, as it ensures that all residents feel secure in their neighborhoods and the broader community. Providing strong safety-related services is crucial for maintaining a high quality of life for citizens.
- **Lead Department**: Larimer County Sheriff's Office
- **Goal**: 100% of residents rate as excellent or good



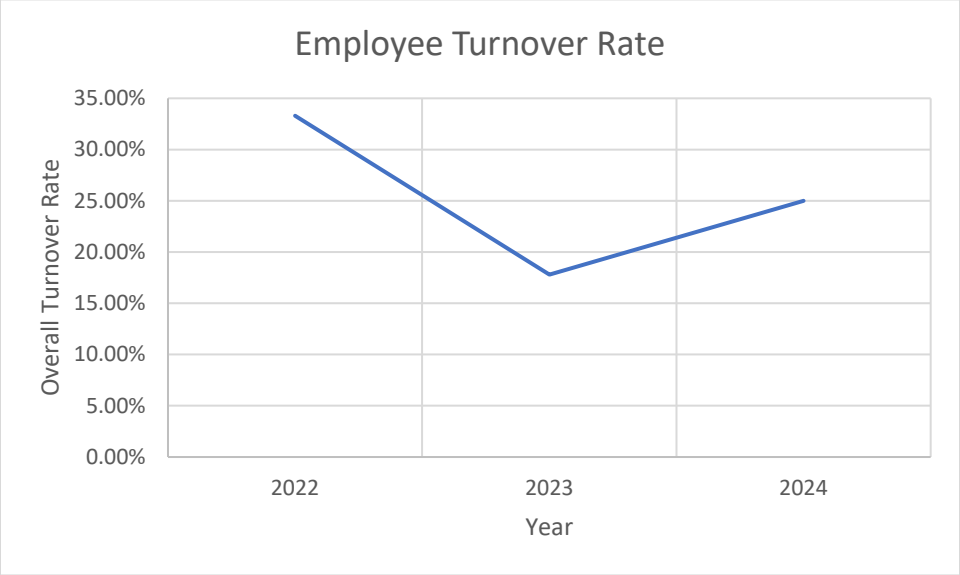
Voter Turnout

- **Description**: Reflects levels of civic engagement in the election process.
- **Lead Department**: Town Clerk's Office
- **Goal**: 50% of population



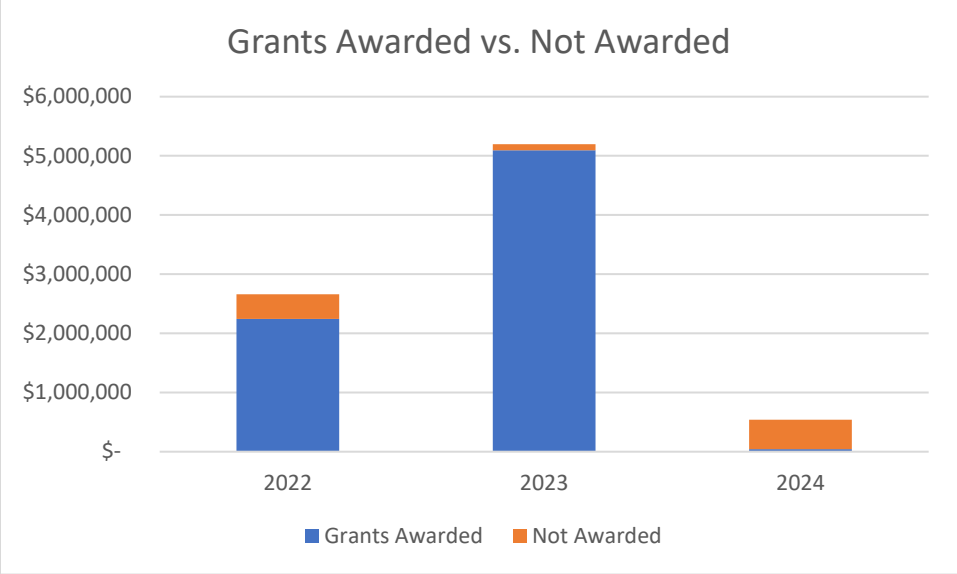
Employee Turnover Rate

- **Description**: Provides insight into job satisfaction and organizational culture.
- **Lead Department**: Human Resources & All Departments
- **Goal**: Less than 20%



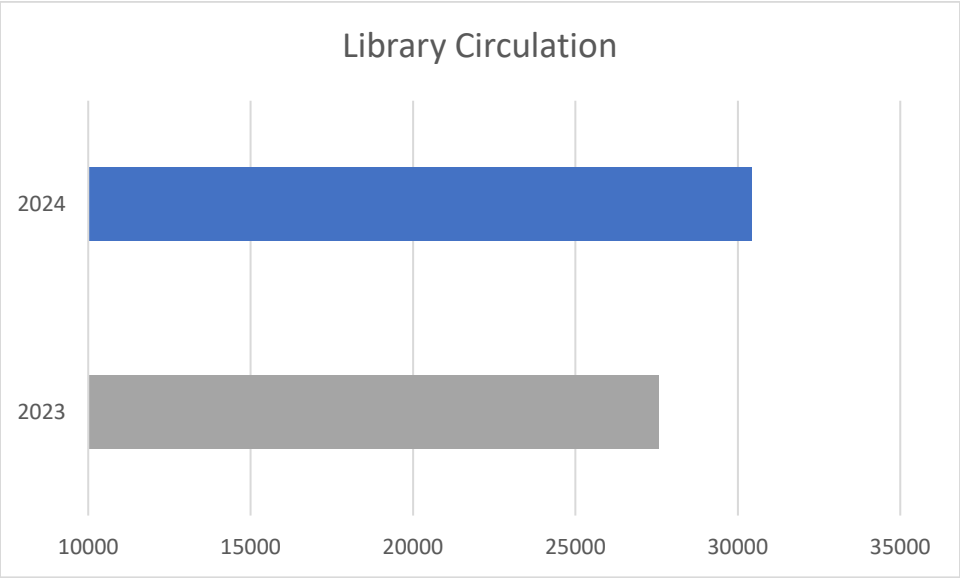
Grants Award

- **Description**: Measures the effectiveness of a town's efforts to secure external funding for key projects and initiatives
- **Lead Department**: Finance Department & Administration
- **Goal**: More than $400,000 in funding annually



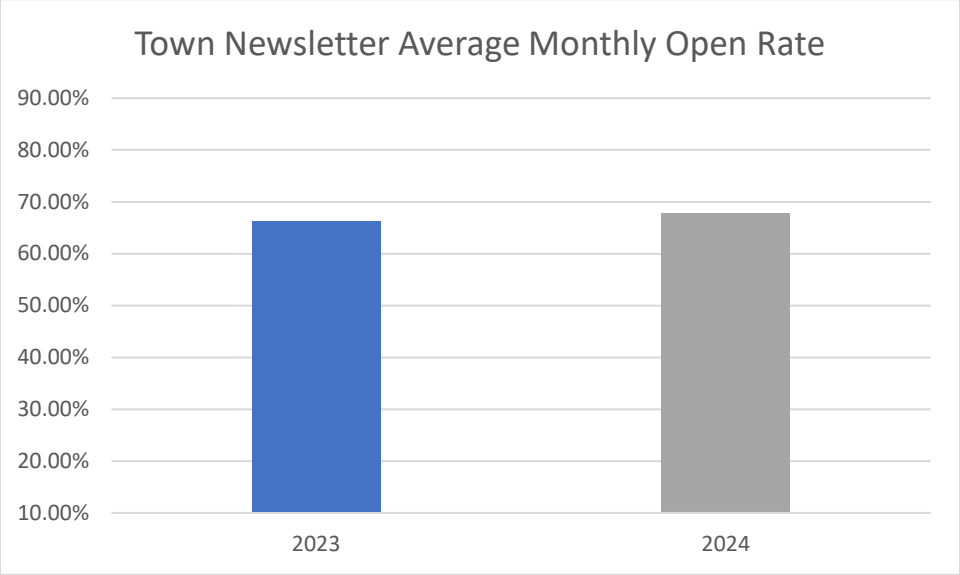
Library Circulation

- **Description**: Circulation reflects engagement with library resources and helps assess the effectiveness of collections and services in meeting patrons' needs.
- **Lead Department**: Wellington Public Library
- **Goal**: Over 25,000



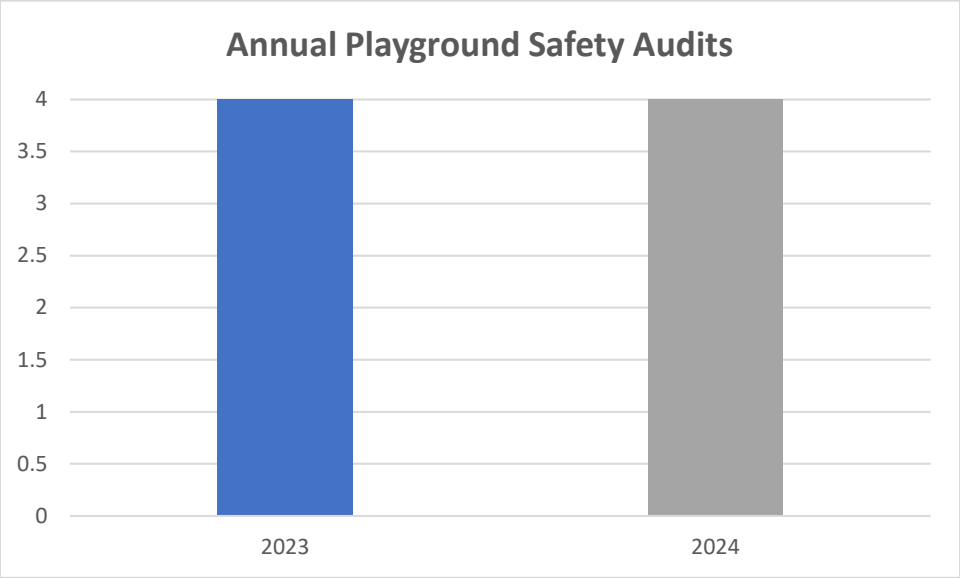
Town Newsletter Average Monthly Open Rate

- **Description**: Circulation reflects engagement with library resources and helps assess the effectiveness of collections and services in meeting patrons' needs.
- **Lead Department**: Administration
- **Goal**: Above 28%



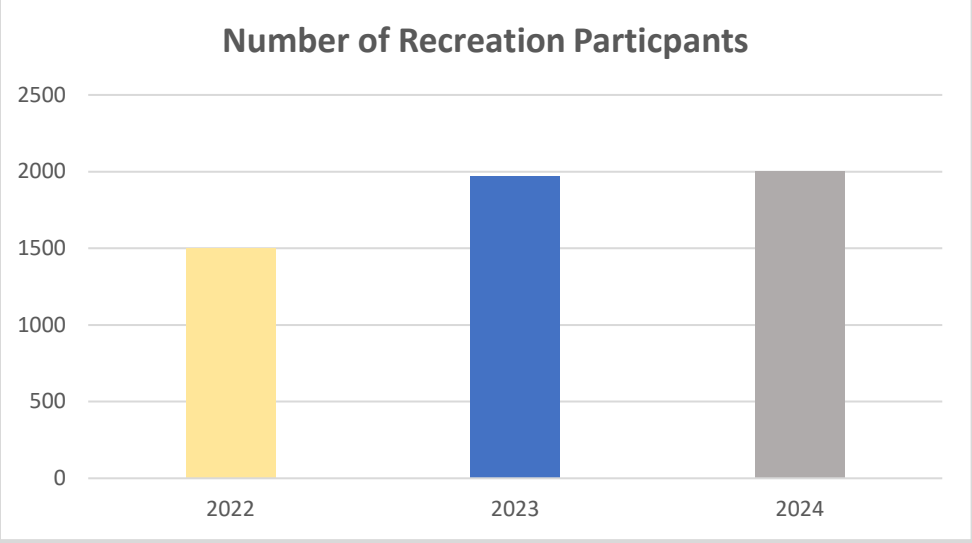
Annual Playground Safety Audits

- **Description**: Assess the condition and safety of the public play areas, ensuring that equipment meets safety standards and minimizes the risk of injuries.
- **Lead Department**: Parks & Recreation
- **Goal**: 4 formal audits per year at all playgrounds



Number of Recreation Participants

- **Description**: Reflects community engagement and the effectiveness of recreational programs.
- **Lead Department**: Parks & Recreation
- **Goal**: 2,100 participants annually.





DEBT SERVICE



Debt Service

The table below outlines the Town's current debt obligations and the impact on ongoing operations.

Current Debt Obligations				
DEBT	**2023 Actual**	**2024 Budget**	**2024 Projected**	**2025 Budget**
2019 SRF LOAN D19AX116	$384,675	$1,464,694	$1,464,694	$1,462,016
2022 LOAN W22AX116	$1,393,037	$2,342,174	$3,865,230	$3,904,629
2022 GPR LOAN	$94,302	$125,945	$125,945	$125,945
WCP – PRINCIPAL	$269,459	$269,460	$269,460	$269,500
TOTAL	**$2,141,473**	**$4,202,273**	**$5,725,329**	**$5,762,090**

The following provides an overview of the Town's current debt obligations, loan terms, and total loan amounts.

Project: Water Treatment Plant Expansion

- **Fund**: Water Fund
- **Loan**: State Revolving Loan (SRF)
- **Original Loan Amount:** $24,020,780
- **Total Repayment (Principal + Interest):** $29,404,188
- **Loan Repayment Schedule:** 8/1/2019 – 8/1/2039
- **Title in Town's Financial Report**: 2019 SRF LOAN D19AX116
- **Description of Loan**: The State of Colorado offers very low-interest rate State Revolving Fund finances the design and construction of Colorado water, wastewater, and stormwater infrastructure. The State administer the fund along with the Department of Local Affairs, and the Colorado Water Resources & Power Development Authority.

Project: Water Reclamation Facility Expansion

- **Fund**: Sewer Fund
- **Loan**: State Revolving Loan (SRF)
- **Original Loan Amount:** $42,653,756
- **Total Repayment (Principal + Interest):** $70,482,944
- **Loan Repayment Schedule:** 5/5/2022 – 8/1/2052
- **Title in Town's Financial Report**: 2022 LOAN W22AX116
- **Description of Loan**: The State of Colorado offers very low-interest rate State Revolving Fund finances the design and construction of Colorado water, wastewater, and stormwater infrastructure. The State administer the fund along with the Department of Local Affairs, and the Colorado Water Resources & Power Development Authority.

Project: Water Reclamation Facility Expansion

- **Fund**: Sewer Fund
- **Loan**: Water Pollution Control Revolving Fund – Green Project Reserve ("GPR") Direct Loan
- **Original Loan Amount:** $3,000,000
- **Total Repayment (Principal + Interest):** $3,725,748
- **Loan Repayment Schedule:** 5/1/2023 – 11/1/2052
- **Title in Town's Financial Report**: 2022 GPR LOAN
- **Description of Loan**: The Colorado Water Resources and Power Development Authority offers reduced interest rates for Green Project Reserve Loans available to address green infrastructure, water efficiency, energy efficiency or other environmentally innovative activities.

Project: Wellington Community Park

- **Fund**: Park Fund
- **Loan**: 2014 First National Bank Loan
- **Original Loan Amount:** $2,400,000
- **Total Repayment (Principal + Interest):** $2,694,598
- **Loan Repayment Schedule:** 1/1/2016 – 12/1/2025
- **Title in Town's Financial Report**: WCP – PRINCIPAL & INTEREST
- **Description of Loan**: Loan provided by First National Bank in 2014 to design and build Wellington Community Park. This loan will be paid off by the end of 2025.

Summary of Outstanding Debt

The following table shows the town's outstanding debt issuance as of January 1, 2025.

Summary of Outstanding Debt (Principal ONLY)		
DEBT	**TOTAL**	**FUND**
2019 SRF LOAN D19AX116	$18,771,073	Water Fund
2022 LOAN W22AX116	$41,056,782	Sewer Fund
2022 GPR LOAN	$2,870,890	Sewer Fund
WCP – PRINCIPAL	$269,460	Park Fund
TOTAL	**$62,968,205**	

The Combined Schedule of Long-Term Debt Payable and the current debt schedules by fund for 2025-2052 present more detailed information about the debt position of the Town. It's important to note that since the Town has not issued any bonds, there is currently no associated bond rating.

Glossary

ANNUAL BUDGET: A budget applicable to a single fiscal year.

APPROPRIATION: A legal authorization made by the Board of Trustees to make expenditures for a specific purpose.

ASSESSED VALUATION: The estimated value placed on real and personal property by the appraiser for the county as the basis for levying property taxes.

ASSETS: Property owned that is regarded as having value.

AUDIT: An official systemic inspection of an organization's accounts and of resource utilization.

BALANCED BUDGET: A balance between total estimated expenditures and total anticipated revenues, including surpluses.

BENEFITS: The Town offers various insurance and retirement benefit plans to eligible employees.

BOND: A debt instrument that is generally used to borrow money for major capital projects, such as the construction of a building.

BUDGET: A financial plan of estimated expenditures for a given period of time and the estimated revenues that will fund them.

CAPITAL EXPENDITURES: Expenditures for the acquisition of capital assets. Capital items must cost more than $10,000 and have an expected life of greater than one year.

PROFESSIONAL SERVICES: Services that are handled through a contract-type arrangement. This includes legal fees, engineering design services, architectural services, infrastructure maintenance services, etc.

DEBT: A financial obligation resulting from borrowed money.

DEBT SERVICE: Payment of interest and principal due on long-term debt.

DEPARTMENT: Major unit of organization in the town.

DEPRECIATION: The decrease in value of physical assets due to wear and tear, deterioration, action of physical elements or obsolescence.

DIVISION: Sub-unit of a department.

DOLA: Department of Local Affairs.

DUES & SUBSCRIPTION: Fees paid in exchange for membership to a professional organization or access to a subscription.

EOY: End-of-Year

ENTERPRISE FUNDS: Funds that are self-supporting with the major revenue coming from user's fees.

EXPENDITURES: Payment for goods or services, including operational expenses that require the current or future use of net current assets, debt and capital projects.

FISCAL YEAR: The 12-month period to which the budget applies. The Town of Wellington's fiscal year begins January 1 and ends December 31.

FULL-TIME EQUIVALENT: Commonly referred to as FTE, an agency generally considers a full-time equivalent employee to be valued at 2,080 annual working hours.

FUND: An independent fiscal and accounting entity with a self-balancing set of accounts recording cash and/or other resources together with all related liabilities, obligations, reserves and equities which are segregated for the purpose of carrying on specific activities or attaining certain objections.

FUND BALANCE: On-hand available cash balances which are realized in prior fiscal years less current liabilities and are available for designation as a funding source for future budget years.

GENERAL FUND: Accounts for resources not accounted for in another fund.

GIS: Geographic information system.

GOVERNMENTAL FINANCE OFFICERS ASSOCIATIONS (GFOA): A professional association of approximately 17,500 state, provincial and local government finance officers in the United States and Canada.

GRANT: Money given by an organization, often a government, to be used for a specific purpose.

IT: Information technology.

KEY PERFORMANCE INDICATOR: A measurable value that demonstrates how effectively an organization is achieving key community objectives.

LCSO: Larimer County Sheriff's Office.

LEVY: To impose taxes, special assessments, or service charges for the support of town activities.

ON-CALL STIPEND: On-call is defined as time spent by a designated position(s)/employee(s) who is required to carry the assigned on-call device (phone, iPad, SCADA alert device or any necessary equipment as defined by department) and who must be available to monitor the status of facilities, correct any issues remotely, or report to work to handle issues and emergencies that occur during off-hours. On-call pay for on-call time is a flat rate stipend of $200 for 1 week of on-call duty.

MILL: A property tax rate which is based on the valuation of property. A tax rate of one mill produces one dollar of taxes on each $1,000 of assessed valuation.

WAGES & SALARIES: Salaries, wages for staff.

WTP: Water Treatment Plant

PROJECTION: Estimation of future revenues and/or expenditures.

PROPERTY TAX: Property taxes are levied on both real and personal property according to the property's assessed valuation and the tax rate applied.

REVENUE: Monies that the town receives as income such as tax payments, fines, grants and interest income.

ROLLOVER: Annual rollover process for capital improvement projects that were budgeted in the prior year budget.

R&M: Repairs and maintenance.

SEASONAL: An employee hired into a work assignment, which has a specified time period, normally less than six (6) months. A seasonal employee will not be eligible for any employee benefits provided by the Town, except as otherwise provided by applicable law or regulation.

SPECIAL REVENUE FUNDS: A fund that is used to account for resources which are restricted for a specific purpose.

SRF: State Revolving Fund Loan

TABOR: The Taxpayers' Bill of Rights is an amendment to the Colorado Constitution enacted by voters in 1992 that limits the amount of revenue that governments in Colorado can retain and spend.

TRANSFERS: Amounts transferred from one fund to another.

DRAFT Fiscal Year 2025 Budget and Capital Improvement Projects Presentation (with public comment)

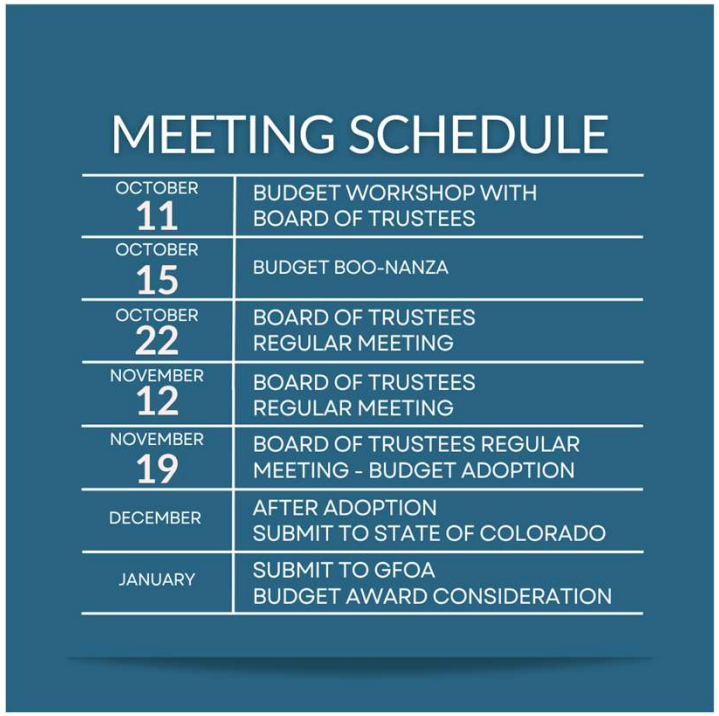
Nic Redavid, Finance Director/Treasurer

TOWN OF WELLINGTON

Overview

- 2025 Budget Calendar
- Updates to Draft Budget & CIP
- Headlines
- Fund Balances
- General Fund
- Street Fund
- Water Fund
- Sewer Fund
- Drainage Fund
- Park Fund
- CIP Overview
- Questions
- Public Comment

2025 Budget Calendar



- October 4: Draft revenue and expense projections provided to Board of Trustees
- October 9: Draft Fiscal Year 2025 Budget and Capital Improvement Projects released
- October 11: Board of Trustees Budget Workshop
- October 15: Budget BOO-nanza
- October 22: public DRAFT Budget & CIP Presentation with comment
- November 12: Budget & CIP Update
- November 19: Budget & CIP Presentation with public comment; Adoption of Fiscal Year 2025 Budget

TOWN OF WELLINGTON

Updates to Draft Budget & CIP – Board Requests

At the 10.11.24 Budget Workshop, staff was directed to make the following changes:

- Reduce Legislative - Community Events by $10,000
  - Retained approximately $3,300 for band or other entertainment options

- Larimer County Sheriff Office updates
  - Anticipated start date for new Community Impact Deputy of 7.1.25
  - One-time expenses determined to be $70,000 vehicle and $19,812 equipment/clothing
    - Vehicle expense will be spread over two years beginning in 2026
  - All other expenses will be prorated based on start date
  - Reduced budget request from $2,434,122 to $2,254,609, approximate savings of $180,000

- Merit/COLA increase to wages recommended to remain at 5% for 2025
  - Thank you for the request to increase pool to 6%. Based on the results of the compensation study, Town of Wellington employees are being paid fairly and equitably. The Town provides great benefits which is another bonus for staff. The 5% is in line with what other municipalities are providing this year which will keep us competitive in the market.

TOWN OF WELLINGTON

Updates to Draft Budget & CIP – Adjustments by Staff

- Increased Finance – Insurance & Bonds by $3,800 (Leeper Center flood insurance, Public Official Bond)
- Changed title on Humane Center to NOCO Humane
- Corrected Park Fund overhead transfer
  - Reduced transfer by $400K, impacts General Fund and Park Fund transfers and fund balances
- Updated Park Fund CIP
  - Reduced by $130K for 2025 based on anticipated project completion dates before 2024 year-end
- Corrected Reserve Requirement line - ***WE ARE STILL MEETING/EXCEEDING REQUIREMENTS***
  - Formula was not calculating reserve amount using operating expenditures
    - Impact to General Fund and Park Fund is a higher reserve balance required than stated 10.11.24
    - Impact to Street, Water, Sewer, and Drainage is a lower reserve balance required than stated 10.11.24
  - Requirement for General, Street, and Park Funds is 4 months (33%) of operating expenses
  - Enterprise funds requirement for 1+ year's depreciation expense by 2027 not currently included

TOWN OF WELLINGTON

Headlines

Total 2025 Projected Revenues	$25,281,204	(2024 EOY Estimate $20,617,527)
• Operating Revenues	$10,615,509	
• Grant Revenues	$1,688,200	
• Enterprise Revenues	$14,665,695	
Total 2025 Budget as of 10.22.24	$39,791,859	(2024 EOY Estimate $57,612,093)
• Operating Budget	$23,322,052	
• Capital Improvement Projects	$13,516,034	
Year Over Year Operating Budget Increase	$1,831,288	
Largest Operating Expenditure Increase	$274,989	Larimer County Sheriff's Office
Largest Enterprise Fund Expense Increase	$480,728	Water Fund
Estimated 2025 Beginning Fund Balance	$29,139,869	
Projected 2025 Ending Fund Balance	$20,401,191	

2025 Estimated Fund Balances

	General Fund	Street Fund	Water Fund	Sewer Fund	Drainage Fund	Park Fund	Trust Funds	Total
Beg Fund Balance	$ 8,005,869	$ 4,401,951	$ 9,216,355	$ 2,322,409	$ 1,474,234	$ 2,102,374	$ 1,616,676	**$ 29,139,869**
Operations								
Revenue	6,660,680	2,234,414	10,047,427	3,805,631	812,637	1,668,915	51,500	**25,281,204**
Transfers In	1,904,774	-	659,000	390,000	-	-	-	**2,953,774**
Total Revenue	8,565,454	2,234,414	10,706,427	4,195,631	812,637	1,668,915	51,500	**28,234,977**
Expenditures	8,868,123	1,060,084	4,906,756	1,610,798	529,999	1,545,127	-	**18,520,887**
Debt Service	-	-	2,062,016	2,469,649	-	269,500	-	**4,801,165**
Transfers Out - Other	1,049,000	285,865	566,557	566,067	219,896	266,389	-	**2,953,774**
Total Expenditures	9,917,123	1,345,949	7,535,329	4,646,513	749,895	2,081,016	-	**26,275,825**
Net Operations	(1,351,669)	888,464	3,171,098	(450,882)	62,742	(412,101)	51,500	**1,959,152**
Capital								
Loan Proceeds	-	-	-	1,130,005	-	-	-	**1,130,005**
Capital Grants	29,700	875,000	-	137,500	646,000	-	-	**1,688,200**
Capital Projects	311,000	5,479,000	4,115,000	2,177,500	1,173,534	260,000	-	**13,516,034**
Net Capital	(281,300)	(4,604,000)	(4,115,000)	(909,995)	(527,534)	(260,000)	-	**(10,697,829)**
Rev over Exp & Trans	(1,632,969)	(3,715,536)	(943,902)	(1,360,877)	(464,792)	(672,101)	51,500	**(8,738,677)**
End Fund Balance	**$ 6,372,900**	**$ 686,415**	**$ 8,272,453**	**$ 961,532**	**$ 1,009,442**	**$ 1,430,272**	**$ 1,668,176**	**$ 20,401,191**
Reserve Requirement	*2,926,481*	*349,828*	*1,226,689*	*402,699*	*132,500*	*509,892*		
	33% Operating Expenditures		*90 Days Operating Expenditures**					

**1+ year's depreciation expense required by 2027 not currently included*

TOWN OF WELLINGTON

General Fund

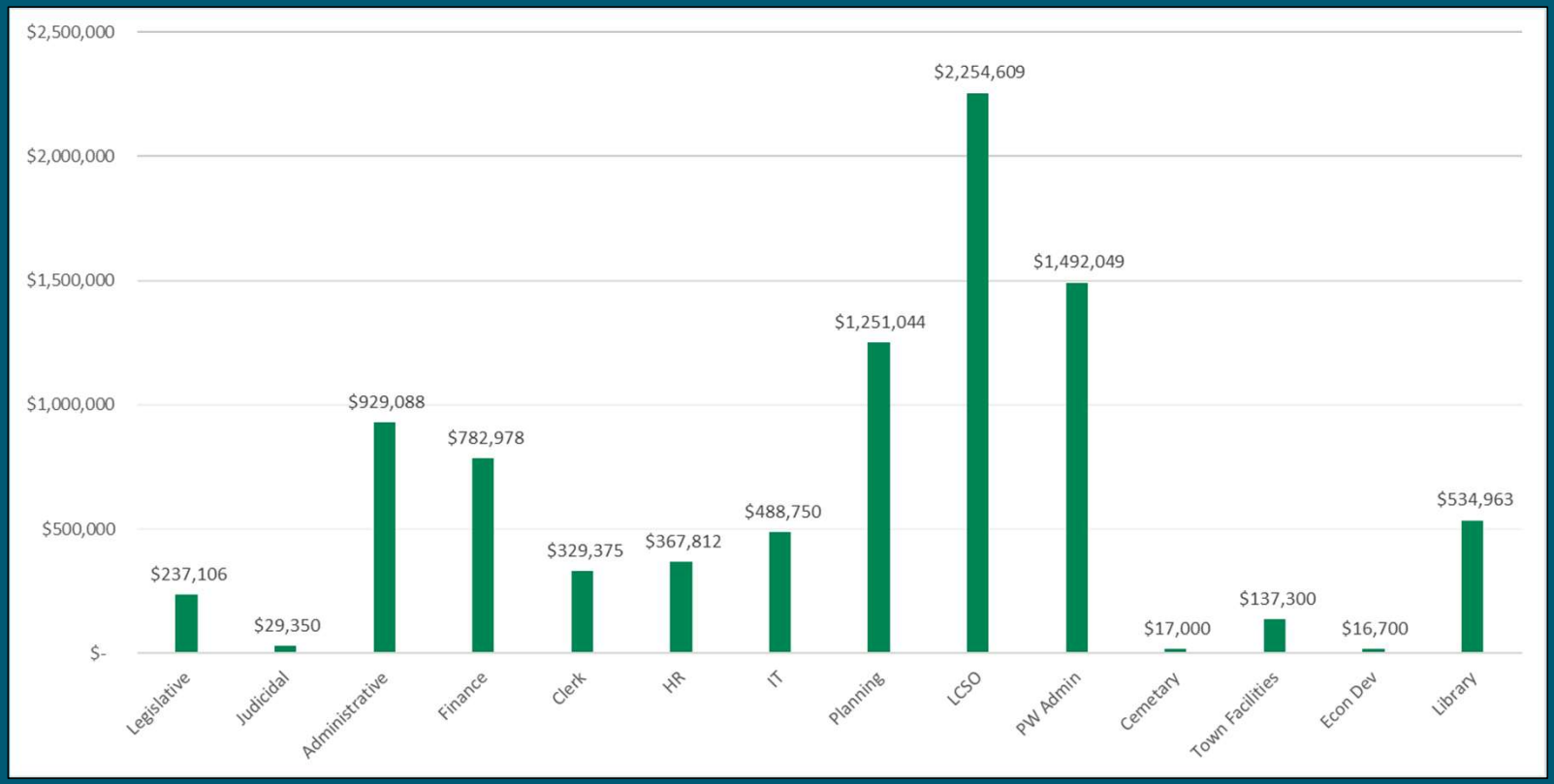
- Revenue:
  - Property Taxes $2,112,290
  - Sales Tax $2,563,700
  - Other Tax $755,484
  - Fees & Licenses $847,606
  - Additional Revenue $381,600

- Expenditures by Department:
  - LCSO $2,254,609
  - Public Works Admin $1,492,049
  - Planning $1,251,044
  - Administration $929,088
  - Finance $782,978
  - Library $534,963
  - IT $488,750
  - Other $1,134,643

    Legislative, Judicial, Clerk, Human Resources, Cemetery, Facilities, Economic Development

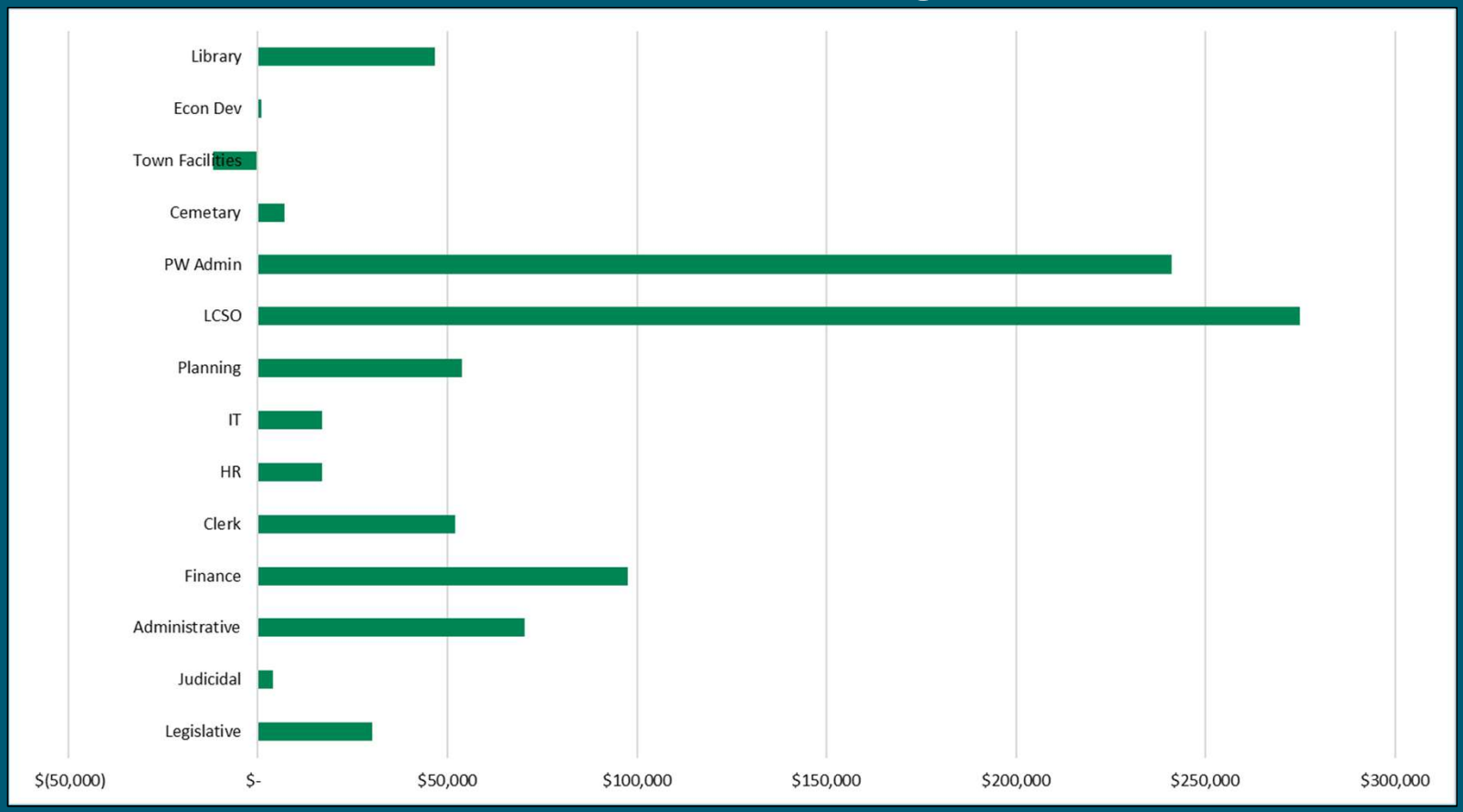
Fund Balance	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 8,214,756	$ 8,455,848	$ 8,005,869
Operations			
Revenue	6,245,177	6,132,075	6,660,680
Transfers In - Admin Overhead	-	1,689,602	1,904,774
Total Revenue	6,245,177	7,821,677	8,565,454
Expenditures	5,119,998	7,198,656	8,868,123
Debt Service	-	-	-
Transfers Out - Water/Sewer Funds	885,000	900,000	1,049,000
Total Expenditures	6,004,998	8,098,656	9,917,123
Net Operations	240,179	(276,979)	(1,351,669)
Capital			
Loan Proceeds	-	-	-
Capital Grants	2,420	-	29,700
Capital Projects	1,506	173,000	311,000
Net Capital	914	(173,000)	(281,300)
Rev over Exp & Trans	241,092	(449,979)	(1,632,969)
End Fund Balance	**$ 8,455,848**	**$ 8,005,869**	**$ 6,372,900**

General Fund Expenditures by Department



TOWN OF WELLINGTON

2024 to 2025 Department Expenditure Change



TOWN OF WELLINGTON

Street Fund

- Revenue:
  - Sales Tax $704,854
  - Motor Vehicle Use Tax $888,407
  - Highway Users Tax $376,552
  - Additional Revenue $264,600
- Expenditures:
  - Wages & Benefits $667,017
  - Elec. for Street Lights $210,000
- Largest Capital Budget for 2025
  - Cleveland Avenue

Fund Balance	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 4,448,140	$ 5,090,292	$ 4,401,951
Operations			
Revenue	2,011,676	1,993,294	2,234,414
Transfers In	-	-	-
Total Revenue	2,011,676	1,993,294	2,234,414
Expenditures	946,926	909,164	1,060,084
Debt Service	-	-	-
Transfers Out - Admin Overhead	-	355,982	285,865
Total Expenditures	946,926	1,265,146	1,345,949
Net Operations	1,064,750	728,148	888,464
Capital			
Loan Proceeds	-	-	-
Capital Grants	-	-	875,000
Capital Projects	422,597	1,416,489	5,479,000
Net Capital	(422,597)	(1,416,489)	(4,604,000)
Rev over Exp & Trans	642,152	(688,341)	(3,715,536)
End Fund Balance	**$ 5,090,292**	**$ 4,401,951**	**$ 686,415**

Water Fund

- Revenue:
  - Water Sales $5,215,057
  - Raw Water/Tap Fees $4,592,734
  - Additional Revenue $239,636

- Transfer In – From General Fund
  - $659,000

- Expenses:
  - NPIC Water Lease $2,909,000
  - Debt Service $2,062,016
  - Wages & Benefits $752,818
  - Chemicals $300,000
  - Electricity $120,000
  - Remaining $824,938

Working Capital	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 15,014,333	$ 18,995,109	$ 9,216,355
Operations			
Revenue	6,055,404	7,050,807	10,047,427
Transfers In - From General Fund	573,000	600,000	659,000
Total Revenue	6,628,404	7,650,807	10,706,427
Expenses	3,496,148	4,405,341	4,906,756
Debt Service	1,491,099	1,464,694	2,062,016
Transfers Out - Admin Overhead	-	461,429	566,557
Total Expenses	4,987,247	6,331,464	7,535,329
Net Operations	1,641,157	1,319,343	3,171,098
Capital			
Loan Proceeds	18,760,304	2,891,721	-
Capital Grants	-	-	-
Capital Projects	16,420,686	13,989,818	4,115,000
Net Capital	2,339,619	(11,098,097)	(4,115,000)
Rev over Exp & Trans	3,980,776	(9,778,754)	(943,902)
End Fund Balance	**$ 18,995,109**	**$ 9,216,355**	**$ 8,272,453**

Water Fund Reserves 2025

Reserves 2025	Impact Fee	Raw Water	Operations	Fund Balance
Beginning Fund Balance	$ 2,031,614	$ 5,285,198	$ 1,899,543	$ 9,216,355
Revenue	1,324,861	3,350,000	5,372,566	10,047,427
Transfers In - From General Fund	-	-	659,000	659,000
Intrafund Loans	-	-	-	-
Capital Grants	-	-	-	-
Total Revenue	1,324,861	3,350,000	6,031,566	10,706,427
Expenditures	-	-	4,906,756	4,906,756
Debt Service	1,462,016	-	600,000	2,062,016
Transfers Out to Capital Projects	641,000	2,500,000	974,000	4,115,000
Transfers Out - Admin Overhead	-	-	566,557	566,557
Total Expenditures	2,103,016	2,500,000	7,047,313	11,650,329
Rev over Exp & Trans	(778,155)	850,000	(1,015,747)	(943,902)
End Fund Balance	**$ 1,253,459**	**$ 6,135,198**	**$ 883,796**	**$ 8,272,453**

TOWN OF WELLINGTON

Sewer Fund

- Revenue:
  - Sewer User Fees $2,395,711
  - Developer/Tap Fees $1,129,400
  - Additional Revenue $250,000
- Transfer In – From General Fund
  - $390,000
- Expenses:
  - Debt Service $2,469,649
  - Wages & Salaries $680,010
  - Electricity $300,000

Working Capital	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 721,809	$ 3,897,978	$ 2,322,409
Operations			
Revenue	3,239,223	3,112,315	3,805,631
Transfers In - From General Fund	312,000	300,000	390,000
Total Revenue	3,551,223	3,412,315	4,195,631
Expenses	1,547,818	1,211,773	1,610,798
Debt Service	1,914,587	2,468,119	2,469,649
Transfers Out - Admin Overhead	-	462,992	566,067
Total Expenses	3,462,405	4,142,884	4,646,513
Net Operations	88,818	(730,569)	(450,882)
Capital			
Loan Proceeds	19,526,926	18,500,000	1,130,005
Capital Grants	-	-	137,500
Capital Projects	16,439,575	19,345,000	2,177,500
Net Capital	3,087,351	(845,000)	(909,995)
Rev over Exp & Trans	3,176,169	(1,575,569)	(1,360,877)
End Fund Balance	**$ 3,897,978**	**$ 2,322,409**	**$ 961,532**

Drainage Fund

- Revenue:
  - TOW Utility Fees $273,138
  - Stormwater Auth. Fees $413,779
  - Other $125,720
- Expenses:
  - Stormwater Authority $413,779
  - Other $116,220
- Capital Budget Supports Cleveland Avenue Improvements (with Street Fund)

Working Capital	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 1,311,277	$ 1,558,468	$ 1,474,234
	-	-	-
Operations	-	-	-
Revenue	851,438	769,440	812,637
Transfers In - From General Fund	-	-	-
Total Revenue	851,438	769,440	812,637
	-	-	-
Expenses	599,205	499,278	529,999
Debt Service	-	-	-
Transfers Out - Admin Overhead	-	179,861	219,896
Total Expenses	599,205	679,139	749,895
	-	-	-
Net Operations	252,233	90,301	62,742
	-	-	-
Capital	-	-	-
Loan Proceeds	-	-	-
Capital Grants	97,679	-	646,000
Capital Projects	102,721	174,534	1,173,534
Net Capital	(5,043)	(174,534)	(527,534)
	-	-	-
Rev over Exp & Trans	247,191	(84,233)	(464,792)
	-	-	-
End Fund Balance	**$ 1,558,468**	**$ 1,474,234**	**$ 1,009,442**

TOWN OF WELLINGTON

Park Fund

- Revenue:
  - Sales Tax $576,804
  - Open Space Sales Tax $413,948
  - Motor Vehicle Use Tax $181,963
  - Rec Fees $108,600
  - Other $387,600

- Expenditures:
  - Wages & Benefits $877,791
    Includes Seasonals
  - Parks $468,671
  - Recreation $198,665

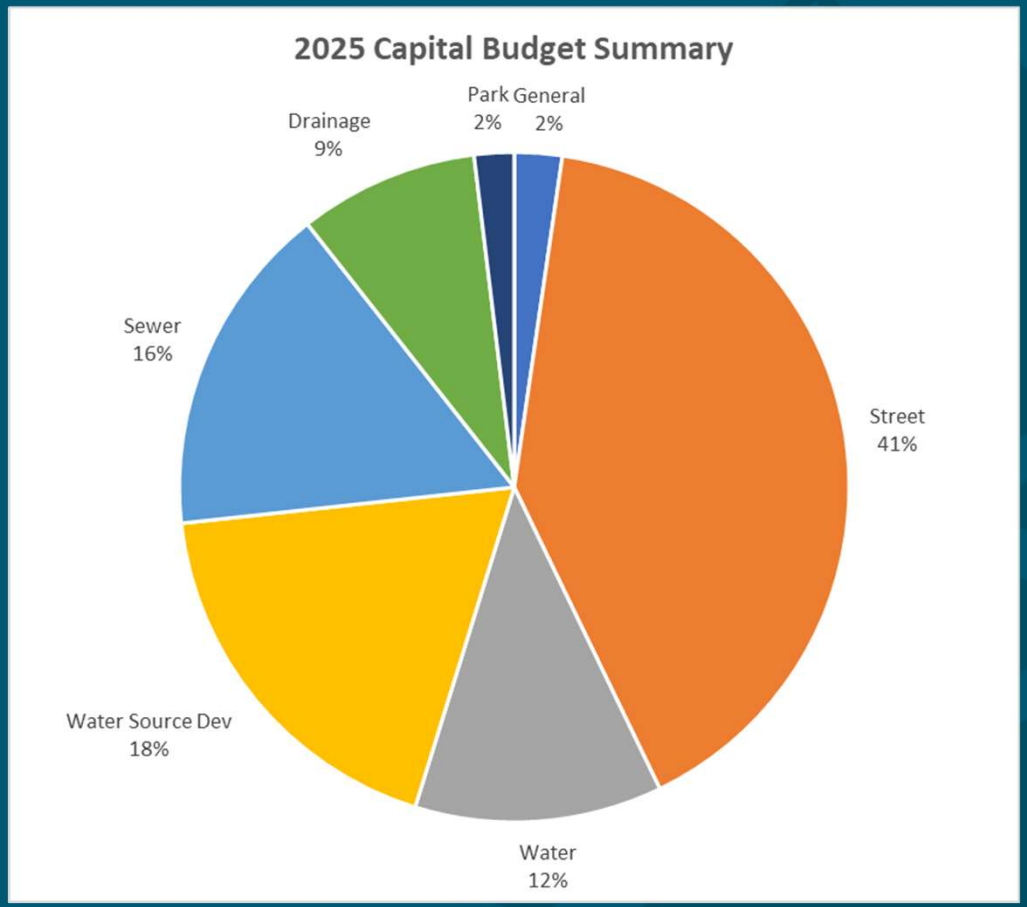
- Debt Service for Wellington Community Park will be fully satisfied December 2025

Fund Balance	2023 Actual	2024 Estimated	2025 Proposed
Beginning Fund Balance	$ 2,304,447	$ 2,556,208	$ 2,102,374
Operations			
Revenue	1,770,249	1,501,913	1,668,915
Transfers In	-	-	-
Total Revenue	1,770,249	1,501,913	1,668,915
Expenditures	1,236,596	1,309,277	1,545,127
Debt Service	269,460	269,460	269,500
Transfers Out - Admin Overhead	-	229,338	266,389
Total Expenditures	1,506,056	1,808,075	2,081,016
Net Operations	264,194	(306,161)	(412,101)
Capital			
Loan Proceeds	-	-	-
Capital Grants	9,248	40,215	-
Capital Projects	21,681	187,888	260,000
Net Capital	(12,433)	(147,673)	(260,000)
Rev over Exp & Trans	251,761	(453,834)	(672,101)
End Fund Balance	**$ 2,556,208**	**$ 2,102,374**	**$ 1,430,272**

TOWN OF WELLINGTON

Capital Improvement Projects

- Cleveland Avenue Improvements – Construction
  - Street Fund: $4,000,000+ including sidewalks
  - Drainage Fund: $1,000,000
- Water Purchase
  - Water Source Development: $2,500,000
    - If opportunity becomes available
- Automated Metering Infrastructure
  - Water Fund: $990,000
    - Seeking partial grant funding as well
- Water Reclamation Facility Construction
  - Sewer Fund: $1,600,000+ including engineering
- Parks Masterplan & Community Center Feasibility Study
  - Park Fund: $175,000



TOWN OF WELLINGTON

Questions?

Board of Trustees Meeting

Date: **October 22, 2024**
Subject: **October 8, 2024 Regular Meeting Minutes**

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. 10.08.24 Minutes

BOARD OF TRUSTEES
October 8, 2024
6:30 PM

MINUTES

A. CALL TO ORDER
Mayor Chaussee called the meeting to order at 6:30 p.m.

1. Pledge of Allegiance
Mayor Chaussee asked all to rise for the pledge of allegiance.

2. Roll Call
The Clerk noted a quorum with the following roll call:
Cannon – present
Dailey – joined by Zoom
Moyer – present
Wiegand – present
Tietz – present
Mason – present
Chaussee – present

3. Amendments to Agenda
Mayor Chaussee asked if there were any amendments to the agenda; there were none.

4. Conflict of Interest
Mayor Chaussee asked if there were any conflicts of interest on agenda items; there were none.

B. COMMUNITY PARTICIPATION

1. Public Comment
Mayor Chaussee invited public comment on non-agenda items to which there was none.

2. Proclamation: Community Planning Appreciation Month (October)
Mayor Chaussee read the proclamation and presented it to members of the Planning staff.

C. LIBRARY BOARD
Mayor Chaussee closed the Regular Meeting and opened the Library Board at 6:35 p.m.

The Clerk noted a quorum with the following roll call:
Cannon – present
Dailey – joined by Zoom
Moyer – present
Wiegand – present
Tietz – present
Mason – present
Chaussee – present

1. Library Update
Ross LaGenese, Library Director, presented to the Board on highlights related to the Wellington Public Library.

Mayor Chaussee closed the Library Board and reopened the Regular Meeting at 6:48 p.m.

D. LIQUOR LICENSE AUTHORITY BOARD

Mayor Chaussee closed the Regular Meeting and opened the Liquor License Authority Board at 6:48 p.m.

The Clerk noted a quorum with the following roll call:
Cannon – present
Moyer – present
Wiegand – present
Tietz – present
Mason – present
Chaussee – present

1. License Renewal Application (Tavern): Old Colorado Brewing Company

Mayor Chaussee invited Patti Garcia, Town Administrator/Town Clerk, to present this item. Ms. Garcia presented this item.

Mayor Chaussee called for questions on this item from the Board. Seeing none, he then called for comment from the public on this item. Seeing none, he then called for a motion on this item.

Trustee Moyer moved to approve the License Renewal Application. Trustee Tietz seconded.

Yeas: Cannon, Moyer, Wiegand, Tietz, Mason, Chaussee
Nays: N/A

The motion carried unanimously, and the License Renewal Application was approved.

Mayor Chaussee closed the Liquor License Authority Board and reopened the Regular Meeting at 6:51 p.m.

E. PRESENTATION

1. Compensation Study Review and Town Administrator Performance Evaluation Update

Stephanie Anderson, Human Resources Director, presented this item to the Board of Trustees and responded to comments. Direction was provided to use Employers Council for the 2024 evaluation for Ms. Garcia.

F. CONSENT AGENDA

1. September 24, 2024 Regular Meeting Minutes

2. Resolution No. 51-2024 - A Resolution of the Town of Wellington, Colorado Cancelling Regular Meetings

Trustee Cannon motioned to approve the consent agenda. Trustee Wiegand seconded.

Upon roll call, the motion carried unanimously, and the consent agenda was approved.

G. ACTION ITEM

1. Memorandum of Understanding between the Colorado Department of Local Affairs and the Town of Wellington

Patti Garcia, Town Administrator, presented on this item and responded to comments from the

Board.

Mayor Chaussee invited public comment on this item; there was none.

The Board deliberated further on this item.

Trustee Tietz moved to approve the Memorandum of Understanding between the Colorado Department of Local Affairs and the Town of Wellington. Mayor Pro Tem Mason seconded.

Yeas: Cannon, Dailey, Moyer, Wiegand, Tietz, Mason, Chaussee
Nays: N/A

H. REPORTS

1. Town Attorney – Dan Sapienza, Town Attorney provided a report.
2. Town Administrator – Patti Garcia, Town Administrator, provided a report.
3. Staff Communications – No report.
   a. Third Quarter 2024 Residential Building Permit and Lot Inventory Report
   b. LCSO Report (August 2024)
4. Board Reports
   Members of the Board provided reports.

I. ADJOURN

_____
Patti Garcia, Town Administrator/Town Clerk

Board of Trustees Meeting

Date: October 22, 2024
Subject: Resolution No. 52-2024 - A Resolution of the Town of Wellington, Colorado Calling a Special Meeting

BACKGROUND / DISCUSSION

Due to the 2024 holiday meeting schedule, a special meeting of the Board of Trustees is requested to be called for November 19, 2024. This is a regular work session meeting night so it not an extra meeting for the Board. There are time-sensitive topics that need discussion and consideration before the end of the year and holding this meeting will assist in moving forward in a timely manner on items related to the 2025 budget.

STAFF RECOMMENDATION

Staff have identified the following for Board consideration:
1. Approve Resolution No. 52-2024 with the Consent Agenda
2. Remove Resolution No. 52-2024 from the Consent Agenda and further consider it as an action item.

ATTACHMENTS

1. Reso 52-2024 - Calling a Special Meeting

TOWN OF WELLINGTON

RESOLUTION NO. 52-2024

A RESOLUTION OF THE TOWN OF WELLINGTON, COLORADO CALLING A SPECIAL MEETING

WHEREAS, the Wellington Municipal Code at Sec. 2-2-70 states that the Mayor or a majority of the Board of Trustees may call a special meeting at any time upon at least twenty-four (24) hours notice to the Board of Trustees and the public; and

WHEREAS, there are time-sensitive agenda items that require consideration in 2024; and

WHEREAS, due to the holiday schedule which prompted cancellation of meetings, a Special Meeting needs to be called to allow the Board of Trustees an opportunity to hear these items.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO AS FOLLOWS:

The Board of Trustees hereby approves the calling of a Special Meeting on November 29, 2024 at 6:30 p.m.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 22nd day of October, 2024.

TOWN OF WELLINGTON, COLORADO

By:_____
Calar Chaussee, Mayor

ATTEST:

_____
Kelly Houghteling, Deputy Town Administrator

Board of Trustees Meeting

Date: October 22, 2024

Subject: Public Hearing: Consideration of a Preliminary Plat for Wellington Business Center, Amendment No. 1 - a Replat of Lots 7 and 8, Wellington Business Center

- **Cody Bird, Planning Director**

BACKGROUND / DISCUSSION

- The owner/developer of Lots 7 and 8, Wellington Business Center, located south of Wine Cup Street and west of I-25 Frontage Road (location map attached) has submitted a request for preliminary plat approval to facilitate commercial development of the property.
- The property is zoned C-3 Mixed-use Commercial. The C-3 zone district allows a wide range of business, office, retail, restaurant and service-related uses (15-4-20 Table of Allowed Uses). The proposed multiple tenant buildings can accommodate uses suitable and allowed within the district.
- The property is within a mixed-use commercial subdivision, Wellington Business Center, that was platted in 2015 and consists of eight lots approximately 20 acres in size. Multiple tenant buildings with individual tenant finish plans for units have been constructed over the last several years.
- Lot 7 was rezoned from LI – Light Industrial to C-3 Mixed-use Commercial in 2022. Both Lot 7 and Lot 8 proposed for this preliminary plat are zoned C-3 Mixed-Use Commercial.
- The applicant initially applied for a site development plan, and Town staff comments identified the need to replat lot lines, vacate easements, and dedication of new easements to facilitate the desired development pattern.
    1. A site development plan for commercial development was approved by the Planning Commission at the October 7, 2024 Commission meeting (site layout and elevation drawings included for reference and relationship to the preliminary plat).
    2. The Planning Commission also conducted a public hearing on the preliminary plat on October 7, 2024. Following the public hearing, the Planning Commission voted unanimously to forward a recommendation to the Board of Trustees to approve the preliminary plat for Wellington Business Center, Amendment No. 1.
- The request for preliminary plat was advertised for public hearing for the October 22, 2024 Board of Trustees meeting.
- No written or verbal public comments have been received at the date of this report.
- The Board of Trustees will need to consider any testimony presented during the public hearing for the preliminary plat.

Preliminary Plat Process and Findings for Approval:

- A preliminary plat request is submitted to Town staff for review in accordance with Section 15-2-170 of the Land Use Code. Town staff reviews the preliminary plat, grading and drainage, utility plans,

landscape and open space plans, traffic impact studies, draft covenants and design guidelines, mineral/oil/gas rights, and soils reports.

- Town staff reviews the preliminary plat and supporting documentation and presents the preliminary plat and findings to the Planning Commission. The Planning Commission makes a recommendation to the Board of Trustees for consideration.
- In reviewing a preliminary plat, the Planning Commission considers the Findings for Approval, Subsection 15-2-170(d) below:

1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.
2. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan including:
    a. The proposed development promotes the Town's small town, rural character;
    b. Proposed residential development adds diversity to the Town's housing supply;
    c. Proposed commercial development will benefit the Town's economic base;
    d. Parks and open space are incorporated into the site design;
    e. The proposed project protects the Town's environmental quality; and
    f. The development enhances cultural, historical, educational and/or human service opportunities.
3. The utility design is adequate at a capacity that promotes the Town's character while strengthening the Town's vitality.
4. The transportation design meets the intent of the Comprehensive Plan to provide increased connectivity, reduce traffic impacts, and encourage walkability.
5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.

- In consideration of a preliminary plat application, the Board of Trustees may take one of the following actions:
    - Approve the preliminary plat;
    - Approve the preliminary plat with conditions;
    - Deny the preliminary plat application;
    - Continue consideration of the preliminary plat to a later date.

Staff Comments:
The Findings for Approval for a preliminary plat are listed below along with the Planning Commission's adopted findings for each finding.

Findings for Approval (Land Use Code Subsection 15-2-170(d))

1. **The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.**
    - The proposed preliminary plat is designed with the same general layout as the existing approved development.
    - Adjacent streets provide adequate connectivity and accommodate through traffic.

- Utility extensions and stormwater drainage are consistent with the Town's Street Master Plan and infrastructure master plans. Final engineering design details are subject to additional engineering review and acceptance.
- The commercial lot layout is compatible in form and character to the adjacent commercial development and is compatible with the scale and massing of C-3 Mixed-Use Commercial zone district.

2. **The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan including:**
    a. **The proposed development promotes the Town's small town, rural character;**
        - Lot size and layout is consistent with the commercial land use recommendations of the Future Land Use Map to provide commercial opportunities along I-25.
        - Lot size and layout promotes multiple-tenant commercial development opportunities that are intended within the C-3 Mixed-Use Commercial zone district.
    b. **Proposed residential development adds diversity to the Town's housing supply;**
        - Residential uses are not proposed with this development and this consideration is not applicable.
    c. **Proposed commercial development will benefit the Town's economic base;**
        - The large lot configuration proposed will allow several multiple-tenant commercial buildings to be constructed and will provide for a mixture of office, retail, restaurant and service-oriented business types.
        - Commercial development on the property will generate commercial property tax and businesses will generate sales tax, benefiting the Town's economic base.
        - Businesses locating within the development will also provide jobs for Wellington residents, benefiting the Town's economic base.
    d. **Parks and open space are incorporated into the site design;**
        - Commercial developments are not required to provide parks. Commercial plazas, outdoor seating areas, pedestrian connections, and landscape buffers can be accommodated within the project.
    e. **The proposed project protects the Town's environmental quality; and**
        - The property has been platted and zoned for commercial uses previously. The proposed plat for commercial uses is consistent with prior approvals.
        - The property was previously zoned LI – Light Industrial and was subsequently rezoned to C-3 Mixed-Use Commercial. Uses allowed within the C-3 zone district will be more suitable for the local surrounding environment, including adjacency to residential uses.
        - Stormwater drainage and water quality are accounted for in the site design and following historic drainage patterns. Final stormwater design is subject to engineering review and acceptance.
    f. **The development enhances cultural, historical, educational and/or human service opportunities.**
        - There are no known cultural or historical elements associated with the existing project site.
        - Pedestrian sidewalk connections will be incorporated into the site design to promote the community culture of having walkable business destinations within walking distance of neighborhoods.
        - Retail, office, restaurant and service business uses will provide opportunities for goods and services to support the community and job creation.
3. **The utility design is adequate at a capacity that promotes the Town's character while strengthening the Town's vitality.**

- Water, sanitary sewer and stormwater infrastructure are available to this site to satisfy this criterion. Public infrastructure designs have previously been approved for the site and are being updated to reflect the proposed development layout. Final public improvement design plans are required to be submitted with the final plat for review and acceptance.
- The site development plan accompanying the preliminary plat identifies locations for grease interceptors if needed to accommodate potential restaurant uses. Adequate pretreatment measures protect the Town's sanitary sewer infrastructure and wastewater treatment facilities to strengthen the Town's vitality.
- Water lines are looped through the site and include adequate fire hydrants to promote public health and safety. Proposed buildings within the development are proposed to be equipped with automatic fire suppression systems to promote public health and safety.

4. **The transportation design meets the intent of the Comprehensive Plan to provide increased connectivity, reduce traffic impacts, and encourage walkability.**
   - The existing street layout meets applicable standards for connectivity and functional classifications for roadway design.
   - The developer provided an updated Traffic Impact Study (TIS) to evaluate expected volumes of traffic as a result of commercial development for uses allowed within the C-3 zoning district. The TIS identifies an expected increase in average daily vehicle trips. The increase is reasonable based on the proposed changes and the increase does not result in any changes to roadway classification to accommodate the increase.
   - The property is proposed as a phased development plan – Phase I to be a 36,000 square foot building on the east side of the site, and Phase 2 to be a second 36,000 square foot building to the west, along with two additional buildings furthest to the west.
     - Phase I of the project can be constructed using the existing roads and driveway accesses.
     - Phase 2 of the project requires turn lanes on the Frontage Road in accordance with State Highway Access Criteria. Additional review is required for Phase 2 to ensure compliance with applicable State requirements.
     - Both phases require an access permit from CDOT Region 4 and will be obtained by the applicant.
     - No vehicle access is allowed to cross onto Globeflower Street to the west to limit traffic impacts to adjacent residential streets and neighborhoods.
   - Sidewalks are proposed to connect within the development for bicycle and pedestrian transportation paths, particularly Globeflower Street to the west to provide convenient walking and biking access to the adjacent neighborhoods.
5. **Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.**
   - Negative impacts to adjacent land uses are not anticipated as a result of the replat. The commercial character of the development is compatible with adjacent commercial land uses to the north.
   - The increased traffic mentioned above is not anticipated to result in traffic patterns or volume that will be detrimental to existing residential developments. Separating the commercial site and preventing vehicle traffic onto Globeflower Street to the west limits negative traffic impacts to adjacent residential land uses.
   - Drainage infrastructure creates some buffer between the proposed commercial buildings and existing residential to the west. The landscape plan proposed for the site demonstrates increased trees and vegetation along this area to soften views and mitigate visual impacts to the adjacent residences.
   - Town staff required the west buildings to be modified to make them smaller for building massing adjacent to residential neighborhoods, provide architectural changes in the buildings

and materials to soften views, and increase the landscaping, all to mitigate potential negative impacts of commercial structures across the street from residential front yards.
    - Building orientation on the site was designed to have east/west fronts with the length of the buildings parallel to I-25. Vertical structures adjacent to the interstate highway can help to block some of the views and road noise of passing traffic as a possible buffer to benefit nearby residential properties.
6. **There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.**
    - The Town has identified goals in the Comprehensive Plan for a thriving economy, including increasing business opportunities for residents, services for residents, and increasing sales tax revenue.
    - The Comprehensive Plan and Land Use Code identifies this property as desirable and appropriate for mixed-use commercial uses, allowing a balance of various compatible business types.
    - The timing of this development construction and permit issuance will not put a strain on the Town's water treatment plant or wastewater reclamation facility. Both treatment facilities have been recently updated and are operating with capacity to serve the proposed development.
    - Impact fee revenue and building material use tax collected from new developments fund the Town's critical infrastructure projects, and revenue from property tax and sales tax generated from commercial developments provide funding for town operations and quality of life improvements.

STAFF RECOMMENDATION

The Board of Trustees should conduct a public hearing to receive information describing the request for replat, hear from the applicant and Town staff, receive the recommendation of the Planning Commission, and hear public testimony for the preliminary plat.

The Planning Commission voted unanimously to forward a recommendation to approve the preliminary plat based on the findings of approval in the staff report.

Town staff have identified redline comments on the preliminary plat, and site development plan. The applicant is required to revise drawings to address comments and/or conditions, including Town engineering review of the civil plans, and submit revised copies to the Town. Final public infrastructure plans must also be submitted for review with the final plat.

Based upon the above findings and the recommendation for approval by the Planning Commission, Town staff recommends the preliminary plat satisfies the Findings for Approval in accordance with the Land Use Code. Town staff recommends adoption of the Findings for Approval as recommended by the Planning Commission and approval of the preliminary plat (motion option number 1).

The following motion options have been identified for the Board of Trustees to consider:

1. Move to adopt the Planning Commission's Findings for Approval and approve the Preliminary Plat for Wellington Business Center, Amendment No. 1.
2. Move to adopt the Planning Commission's Findings for Approval and approve the Preliminary Plat for Wellington Business Center, Amendment No. 1 with conditions of approval.

3. Move to deny the Preliminary Plat for Wellington Business Center, Amendment No. 1 based on Findings that the criterion for approval have not been satisfied.
4. Move to continue consideration of the Preliminary Plat for Wellington Business Center, Amendment No. 1 to a later date.

ATTACHMENTS

1. Public Hearing Procedures
2. Location Map
3. Preliminary Plat
4. Site Layout and Elevations (for reference only)

Public Hearing Procedures

Conflicts of Interest

Disclosure of *Ex Parte* Communications

Staff Introduction

Applicant Presentation (If any)

Clarifying Questions from Board/Commission

Open Public Hearing

Three Minutes per Person (additional time may be granted upon request)

Close Public Hearing

Applicant Rebuttal (if any)

Staff Closing Comments

Deliberation by the Board/Commission

Motion and Vote

Location Map
Lot 7 and Lot 8, Wellington Business Center



WELLINGTON BUSINESS CENTER, AMENDMENT NO. 1

REPLAT OF LOTS 7 AND 8, WELLINGTON BUSINESS CENTER,
SITUATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M.
TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO, WITHIN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 7 AND 8, WELLINGTON BUSINESS CENTER, AT RECEPTION NUMBER 20150075922

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 421,467 SQUARE FEET OR 9.676 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY NOW RECORD OR EXISTING.

DEDICATION OF PUBLIC PROPERTY

THE OWNER OF THE REAL PROPERTY DESCRIBED IN THIS PLAT HAS CAUSED THE REAL PROPERTY TO BE SURVEYED, LAID OUT AND SUB-DIVIDED UNDER THE NAME OF WELLINGTON BUSINESS CENTER, AMENDMENT NO. 1, AND DOES HEREBY SELL, GRANT, DEDICATE, AND CONVEY TO THE TOWN OF WELLINGTON IN FEE SIMPLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, AND SET APART ALL OF THE STREETS, ROADS, ALLEYS, EASEMENTS, AND OTHER PUBLIC WAYS AND PLACES, AS SHOWN ON THE ACCOMPANYING PLAT TO USE OF THE PUBLIC FOREVER. THE OWNER SHALL BE RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF ALL IMPROVEMENTS OF SAID STREETS, ALLEYS, EASEMENTS, PUBLIC WAYS AND PLACES, UNTIL ACCEPTANCE OF MAINTENANCE THEREFOR BY THE TOWN AS PROVIDED IN WELLINGTON MUNICIPAL CODE.

CERTIFICATE OF TITLE

I, _____, AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, CERTIFY TO THE TOWN OF WELLINGTON, COLORADO, THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY BEING SUBDIVIDED AND BEING DEDICATED TO THE TOWN OF WELLINGTON, COLORADO AND THAT TO THE EXTENT SHOWN OF RECORD IN THE REAL ESTATE RECORDS IN THE CLERK AND RECORDER'S OFFICE OF LARIMER COUNTY, COLORADO OR ACTUALLY KNOWN BY ME TO EXIST, ALL OWNERS AND PROPRIETORS AS DEFINED BY C.R.S. 31_23_111 HAVE SIGNED THIS PLAT.

ATTORNEY _____ REGISTRATION NO. _____

CERTIFICATE OF OWNERSHIP

I CERTIFY THAT FRS PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY, IS THE OWNER OF THE PROPERTY, THERE ARE NO MORTGAGEES AND HOLDER OF LIENS UPON THE PROPERTY, AND EACH AND ALL HEREBY CONSENT TO THIS PLAT AND JOIN IN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROADS, ALLEYS, EASEMENTS, PUBLIC WAYS, AND PLACES SHOWN HEREON.

EXECUTED THIS _____ DAY OF _____ A.D. 20_____

_____

OWNER: FRS PROPERTIES LLC, A COLORADO LIMITED LIABILITY COMPANY

NAME: _____

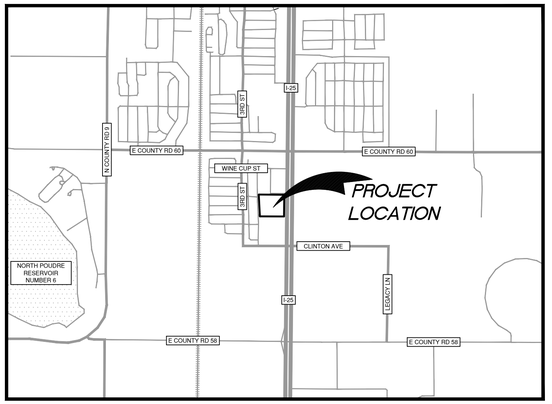
TITLE: _____

STATE OF _____)
)SS
COUNTY OF _____)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D. 20_____

WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES_____



N VICINITY MAP
1:2000

PLAT NOTES:

1. A BLANKET GRADING, DRAINAGE AND ACCESS EASEMENT IS HEREBY DEDICATED ACROSS LOTS 1 AND 2 OUTSIDE OF THE BUILDING EXCLUSION EASEMENTS.
2. RIDGETOP ENGINEERING AND SURVEYING DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE OWNER RETAIN AN EXPERT TO ADDRESS THESE MATTERS. RIDGETOP ENGINEERING AND SURVEYING ASSUMES NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
3. THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RIDGETOP ENGINEERING AND SURVEYING. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, RIDGETOP ENGINEERING AND SURVEYING RELIED ON THE PROPERTY INFORMATION BINDER, BY LAND TITLE GUARANTEE COMPANY, ORDER NUMBER: FC1F25211222, DATED APRIL 24, 2024 AT 5:00 P.M.
4. THE LINEAL UNIT USED IN THE PREPARATION OF THIS SURVEY IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
5. BASIS OF BEARINGS: BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M., WITH A BEARING OF SOUTH 00°46'46" WEST, MONUMENTED AT THE NORTH BY A 3-1/4" ALUMINUM CAP IN RANGE BOX STAMPED, "COLORADO DEPARTMENT OF HIGHWAYS," PLS 12374, AND MONUMENTED AT THE SOUTH BY A -1/4" ALUMINUM CAP IN RANGE BOX STAMPED, "COLORADO DEPARTMENT OF HIGHWAYS," PLS 12374, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.
6. BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X, AREA OF MINIMAL FLOOD HAZARD, AS ESTABLISHED BY FEMA PER FIRM PANEL NUMBER 08069C0767F, EFFECTIVE DATE: DECEMBER 19, 2006.

PLANNING COMMISSION CERTIFICATE

APPROVED THIS _____ DAY OF _____, 20_____, BY THE TOWN PLANNING AND ZONING COMMISSION, WELLINGTON, COLORADO.

BY: _____

AS: _____

BOARD OF TRUSTEES CERTIFICATE

APPROVED THIS _____ DAY OF _____, 20_____, BY THE BOARD OF TRUSTEES, WELLINGTON, COLORADO. THIS APPROVAL IS CONDITIONED UPON ALL EXPENSES INVOLVING NECESSARY IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, STREET LIGHTS, STREET SIGNS AND SIDEWALKS SHALL BE FINANCED BY OTHERS AND NOT THE TOWN.

BY: _____

AS: _____

SURVEYORS CERTIFICATE

I, MICHAEL DAVID LANG, PLS 37053, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF WELLINGTON BUSINESS CENTER, AMENDMENT NO. 1 WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF.

DRAFT
05/15/2024

_____

MICHAEL DAVID LANG, PLS 37053

REVISED		
DATE	REQUEST BY	CHECK

Project: 24-272-001
Drawing: PLAT01
Drafted By: BSA, MM
Date: 05/15/2024
Rev. Date:
Check By: ML

WELLINGTON BUSINESS CENTER, AMENDMENT NO. 1
REPLAT OF LOTS 7 AND 8, WELLINGTON BUSINESS CENTER,
SITUATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M.
TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

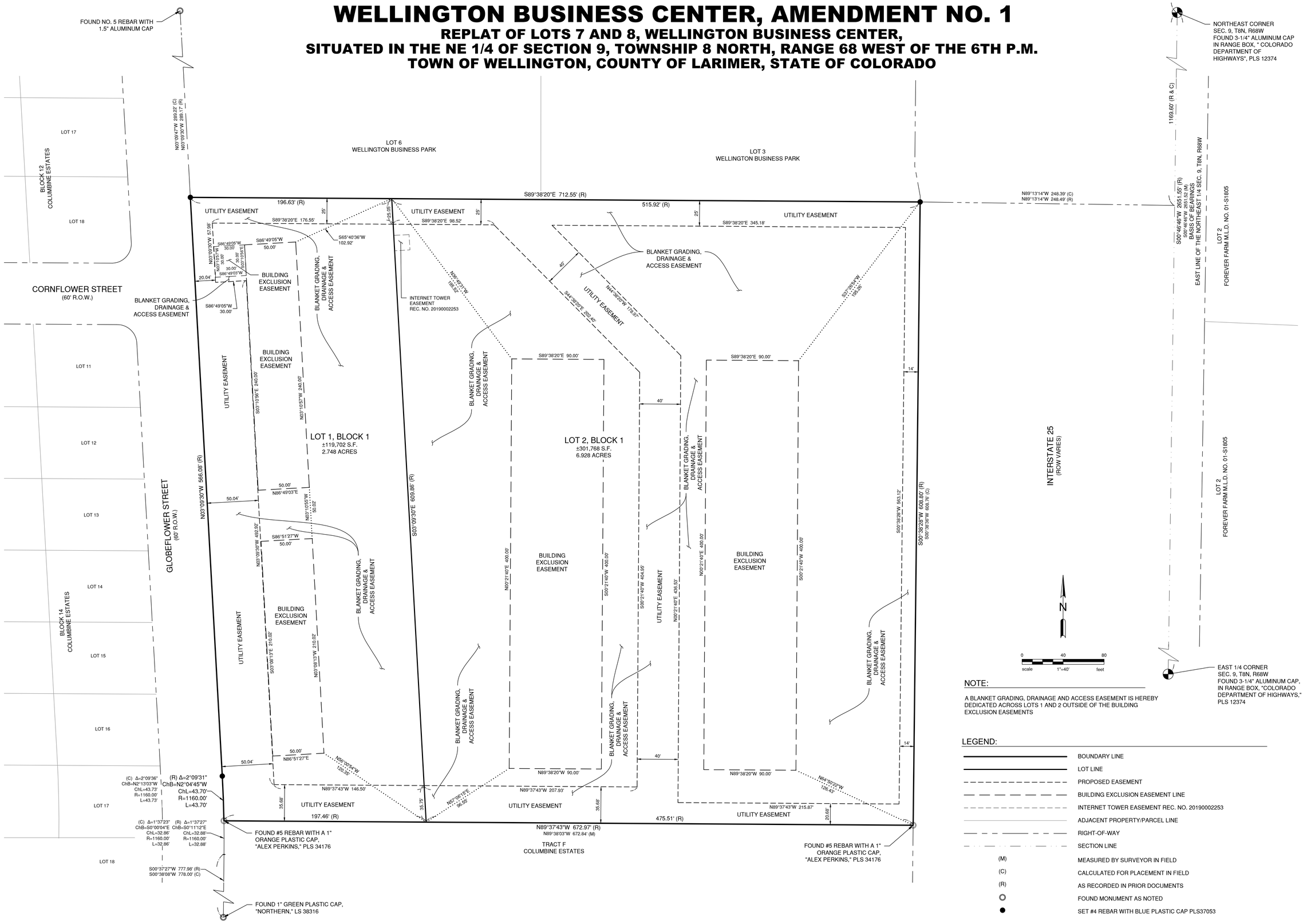
541 E. GARDEN DRIVE
UNIT N
WINDSOR, CO 80550
970-663-4532
RIDGETOP ENGINEERING & SURVEYING

Sheet: 1 / 2

DRAWING FILENAME: V:\Projects\24-272-001 1997 Water Lily Dr – Wellington\Working Files\DWG\24-272-001 PLAT01.dwg LAYOUT NAME: 1 OF 2 DATE: May 15, 2024 – 8:33am CAD OPERATOR: Brad

WELLINGTON BUSINESS CENTER, AMENDMENT NO. 1

REPLAT OF LOTS 7 AND 8, WELLINGTON BUSINESS CENTER,
SITUATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M.
TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO



NOTE:

A BLANKET GRADING, DRAINAGE AND ACCESS EASEMENT IS HEREBY DEDICATED ACROSS LOTS 1 AND 2 OUTSIDE OF THE BUILDING EXCLUSION EASEMENTS

LEGEND:

- BOUNDARY LINE
- LOT LINE
- PROPOSED EASEMENT
- BUILDING EXCLUSION EASEMENT LINE
- INTERNET TOWER EASEMENT REC. NO. 20190002253
- ADJACENT PROPERTY/PARCEL LINE
- RIGHT-OF-WAY
- SECTION LINE
- (M) MEASURED BY SURVEYOR IN FIELD
- (C) CALCULATED FOR PLACEMENT IN FIELD
- (R) AS RECORDED IN PRIOR DOCUMENTS
- FOUND MONUMENT AS NOTED
- SET #4 REBAR WITH BLUE PLASTIC CAP PLS37053

DATE	REVISED BY	CHECK

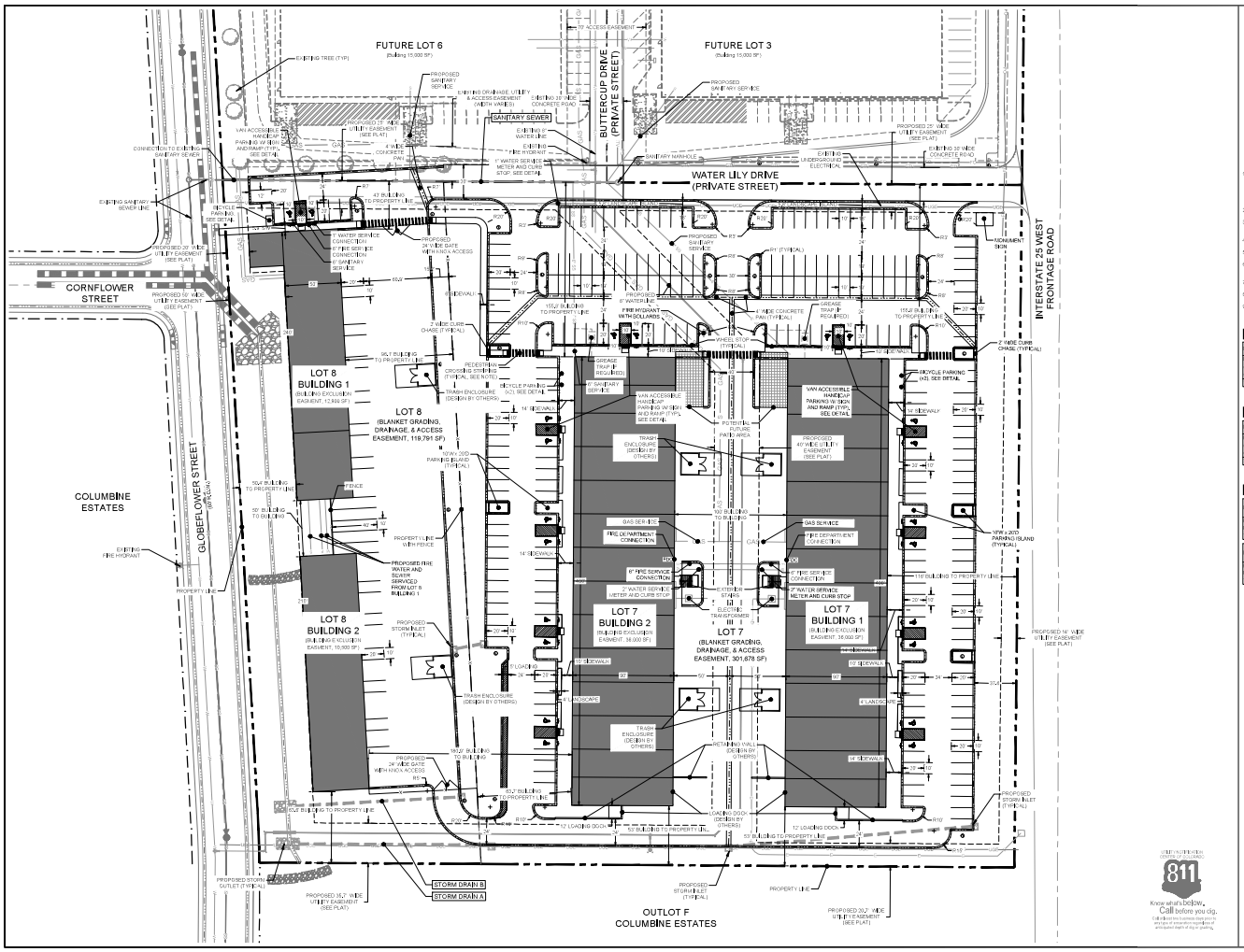
Project: 24-272-001
Drawing: PLAT01
Drafted By: BSA, MM
Date: 05/15/2024
Revised Date:
Check By: ML

WELLINGTON BUSINESS CENTER, AMENDMENT NO. 1
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SITUATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M.
TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

541 E. GARDEN DRIVE
UNIT N
WINDSOR, CO 80550
970-663-4552
RIDGETOP ENGINEERING & SURVEYING

Sheet: 2 / 2

DRAWING FILENAME: X:\Projects\24-272-001 3901 Weber Ct\ Dr — Wellington\Working Files\WO\24-272-001 PLAT01.dwg LAYOUT NAME: 2 OF 2 DATE: May 15, 2024 — 8:33am CAD OPERATOR: Brad



NORTH
1"=40'
0 40 80 Feet

Legend

- Proposed Curb & Gutter
- Existing Right-of-Way
- Property Boundary
- Existing Sanitary Sewer w/ Manhole

Notes

1. The size, type and location of all known underground utilities are approximate when shown on these drawings. It shall be the responsibility of the contractor to verify the existence of all underground utilities in the area of the work. Before commencing new construction, the contractor shall be responsible for locating all underground utilities and shall be responsible for all unknown underground utilities.
2. See soils report and/or geotechnical report for pavement and subgrade preparation, design and recommendations.
3. Manhole rim elevations are to be adjusted to 1/4" below finished grade, if necessary, curb reckons shall be rotated to prevent ponding within vehicle or bicycle wheel paths.
4. Expansion joints shall be provided in all sidewalks at maximum spacing of 50 feet.
5. Contractor shall saw cutting public streets at the intersection of private drives shall have concrete extended to the right-of-way line.
6. Limits of street cut are approximate, final limits are to be determined in the field by the town engineering inspector. All repairs to be in accordance with town street repair standards.
7. Contractor shall adjust existing sanitary sewer manholes and subdrain cleanouts within the right-of-way per town standards.
8. Refer to the plat for lot lines, tract sizes, easements for dimensions, utility easements, other easements, and other survey information.
9. All pedestrian crossing striping shall be 1 foot by 6 foot and spaced 3 feet on center.

Land Use Table | Lot 7

Description	Area (Square Feet)	Area (Acres)	Percent
Building	72,000	1.65	23.9%
Concrete	174,652	4.24	58.0%
Open Space (15% min.)	53,926	1.22	17.9%
Total	301,619	6.93	

Land Use Table | Lot 8

Description	Area (Square Feet)	Area (Acres)	Percent
Building	23,400	0.54	19.5%
Concrete	54,391	1.25	47.1%
Open Space (15% min.)	40,000	0.92	33.4%
Total	119,791	2.75	

Parking Tables

Description	Area (Square Feet)	Space per 1,000 Square Feet	Parking Spots	Bicycle Parking (2% of total)
Required	Lot 7	72,000	2	144	3
Required	Lot 8	23,400	1	23	1
Total				167	4

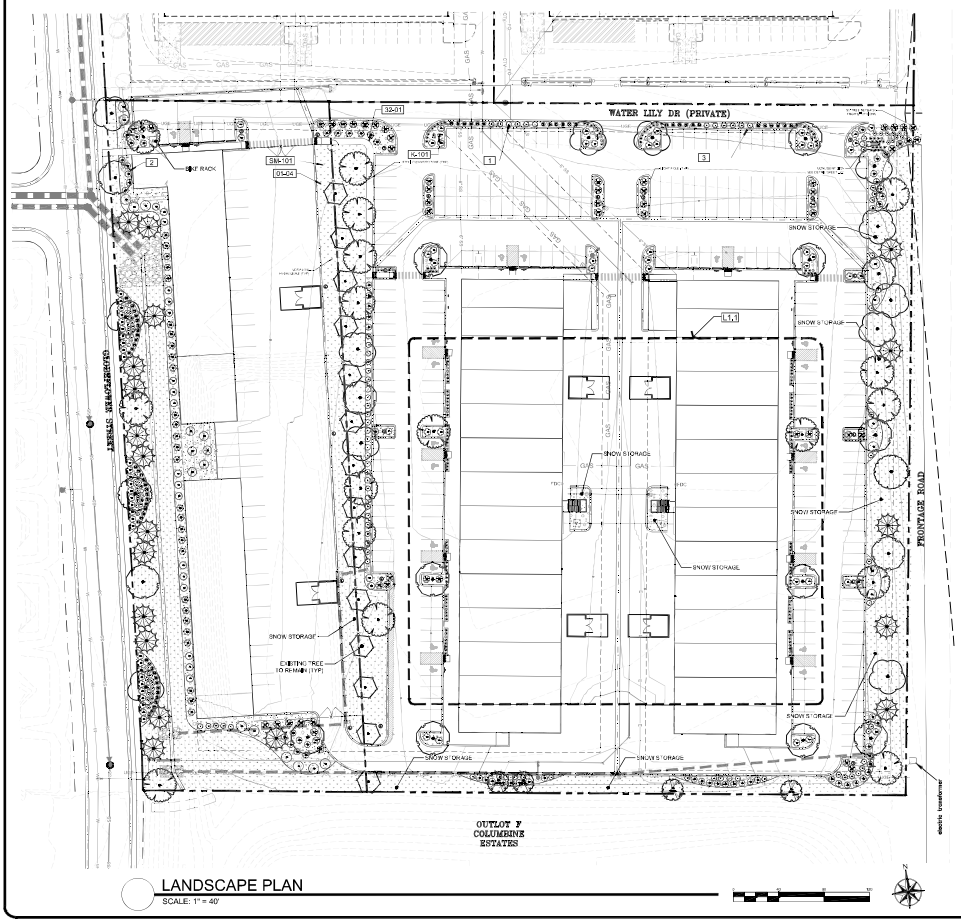
Description	Standard Parking	Accessible Parking	Total	Bicycle Parking
Provided	Lot 7	239	33	356	6
Provided	Lot 8	24	2	26	1
Total				382	7

2024.09.15 | No. 231410 | S. Ritchie

NOT FOR CONSTRUCTION

OMBRE

Wellington Business Center, Lots 7 & 8 | Wellington, CO | Civil Site Plan



LANDSCAPE PLAN
SCALE: 1" = 40'

QTY FOR REFERENCE ONLY, VERIFY ALL COUNTS FOR PLAN

PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	WATER USE
TREES					
	AH	4	ACER TATARICUM 'HOT WINGS' / HOT WINGS TATARIAN MAPLE	1.5" B&B MULTISTEM	L
	CS	2	CATALPA SPECIOSA / NORTHERN CATALPA	2" B&B	L
	CO	17	CELTIS OCCIDENTALIS / COMMON HACKBERRY	2" B&B	VL
	GTS	15	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER' TM / SHADEMASTER LOCUST	2" B&B	L
	GD	12	GYMNOCLADUS DIOICA 'ESPRESSO' / KENTUCKY COFFEETREE	2" B&B	VL
	PP	19	PINUS NIGRA / AUSTRIAN PINE	6' B&B	L
	EXHTDM	1	REMOVE ASSOCIATED / EXISTING TREE TO BE REMOVED	EXISTING	
	EXHTRT	11 91	TO REMAIN- PROTECT DURING CONSTRUCTION / EXISTING TREE TO REMAIN	EXISTING	
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	
SHRUBS					
	AL	63	AMORPHA CANESCENS / LEADPLANT	5 GAL	VL
	AC	2	ARCTOSTAPHYLOS X COLORADOENSIS 'CENTENN' / MANZANITA	5 GAL	VL
	CHP	53	CHAMAEBATIARIA MILLEFOLIUM 'FERNBUSH' / FERNBUSH	5 GAL	VL
	EX	62	ERICAMERIA LARICIFOLIA 'SPECIOSA' / RAYMAT BLUE RABBITBRUSH	5 GAL	VL
	FA	34	FALLUGIA PARADOXA / APACHE PLUME	5 GAL	VL
	FM	18	FORESTIERA NEOMEXICANA / NEW MEXICAN PRIVET	5 GAL	VL
	JSC	15	JUNIPERUS SCOPULORUM 'MOONGLOW' / MOONGLOW JUNIPER	10 GAL	VL
	PLC	4	PHILADELPHUS LEWISII 'CHEYENNE' / LEWIS MOCK ORANGE	5 GAL	VL
	PB2	12	PRUNUS BESSEYI 'UPRIGHT' SAND CHERRY	5 GAL	VL
	PBP	74	PRUNUS BESSEYI 'PAWNEE BUTTES' / SAND CHERRY	5 GAL	VL
	RG	56	RHUS AROMATICA 'GRO-LOW' / GRO-LOW FRAGRANT SUMAC	5 GAL	VL
	VR	6 405	VIBURNUM X RHYTIDOPHYLLOIDES 'ALLEGHANY' / ALLEGHANY VIBURNUM	5 GAL	L
GRASSES					
	BR	181	BOUTELOUA GRACILIS 'BLONDE AMBITION' / BLUE GRAMA	1 GAL	VL
	SH	65 246	SPOROBOLUS WRIGHTII 'ARG SACATON'	1 GAL	VL
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	
MULCHES					
	RM	70 848 SF	ROCK MULCH 1 1/2" RIVER ROCK	MULCH	
SOD/SEED					
	NLW	69,274 SF	LOW GROW NATIVE SEED MIX / PAWNEE BUTTES SEED CO NATIVE LOW GROW	SEED	VL

REFERENCE NOTES SCHEDULE

QTY FOR REFERENCE ONLY, VERIFY ALL COUNTS FOR PLAN

SYMBOL	DESCRIPTION
1	PLACE SHREDDED CEDAR MULCH AROUND BASE OF ALL PERENNIALS AND GRASSES IN LARGE COBBLE AREAS. MASSED PERENNIALS TO RECEIVE LARGE RING AROUND ENTIRE GROUP (TYP). WOOD MULCH NOT REQUIRED AROUND BASE OF PLANTS LOCATED IN PEA GRAVEL.
2	MINIMUM 3' ROOTBALL OFFSET FROM BUILDING, TYP.
3	PLACE PLANTS TO PROVIDE MIN. 2' CLEARANCE FROM BACK OF CURB AT MATURE SPREAD.

SYMBOL	DESCRIPTION
01-04	SEED ALL DISTURBED AREAS WITH NATIVE LOW GROW MIX UNLESS OTHERWISE NOTED.

SYMBOL	32 LANDSCAPE IMPROVEMENTS DESCRIPTION
32-01	14 G ROLL TOP STEEL EDGING, STAKED 10' OC MAX.

SYMBOL	ROCK DESCRIPTION
5-101	SANDSTONE OR GRANITE BOULDER--DECORATIVE, 1/2 TON AVG SIZE PER OWNER APPROVAL

SYMBOL	DESCRIPTION
SM-101	ALL SEEDED AREAS TO BE AMENDED AND HYDROSEEDED. PLACE EROSION CONTROL MAT ON ALL SLOPES EXCEEDING 4:1.

IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO INSTALL, WATER AND MAINTAIN THE PLANT MATERIALS IN ACCORDANCE WITH THESE APPROVED PLANS.

Calculated Annual Irrigation Water Use

AREA IN TURF 20 GAL / 0.7 / OCAGON	AREA IN TURF X 29 IN X 623	AREA IN PLANT BEDS (SF) 10 GAL / 0.7 / OCAGON	AREA IN BEDS X 15 IN. X .623 INCLUDED TREES IN NATIVE	AREA IN SEED (SF)	AREA IN SEED X 0 IN X 623
0 s.f.	0 Gallons		38,081 s.f. 237,245 Gallons	67,197 s.f.	0 Gallons

TOTAL ESTIMATED INITIAL WATER APPLIED			Gallons per SF (Total water required / Total area of landscape)
TURF + PLANT BEDS	237,245	TOTAL ANNUAL GALLONS	2.26 Gallons / SF

REVISIONS
PER COMM. 05.31.23

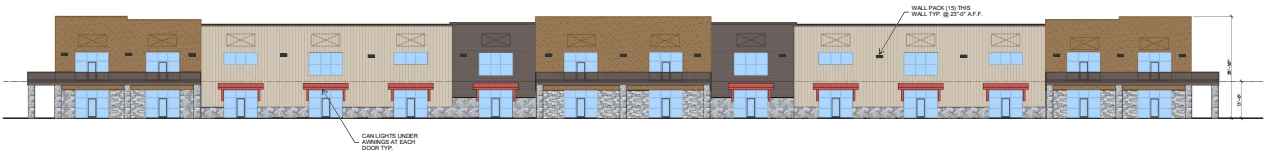
NDS
Landscape Architecture
Land Planning
Irrigation Design
3535 Cleveland Ave. Loveland, CO 80538
970.461.0352 fax 970.461.0358
nds@ndsdesign.com

WELLINGTON BUSINESS CENTER
WELLINGTON, CO

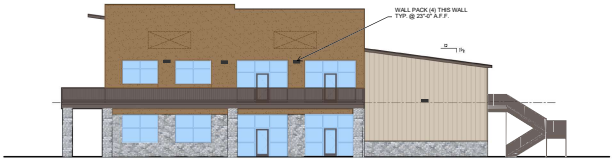
LANDSCAPE PLAN

PROJ. NO.:
DATE: 07.14.23
SCALE: See Sheet
DRAWN: JRO
CHKD BY: NAM
SHEET L1.0

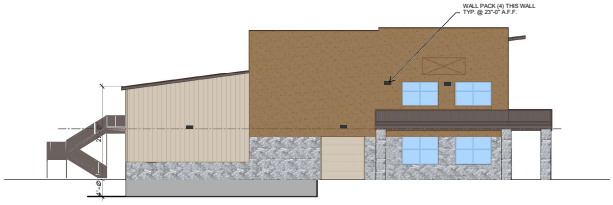
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF NDS AND THE USE OF THESE DRAWINGS AND SPECIFICATIONS ON ANY PROJECT OTHER THAN THE SPECIFIED PROJECT, WITHOUT THE WRITTEN PERMISSION OF NDS, IS PROHIBITED.



1 FRONT ELEVATION - EAST FACING
1/16" = 1'-0"



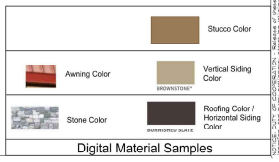
2 RIGHT SIDE ELEVATION - NORTH FACING
3/32" = 1'-0"



3 LEFT SIDE ELEVATION - SOUTH FACING
3/32" = 1'-0"



4 REAR ELEVATION - WEST FACING
1/16" = 1'-0"



Digital Material Samples

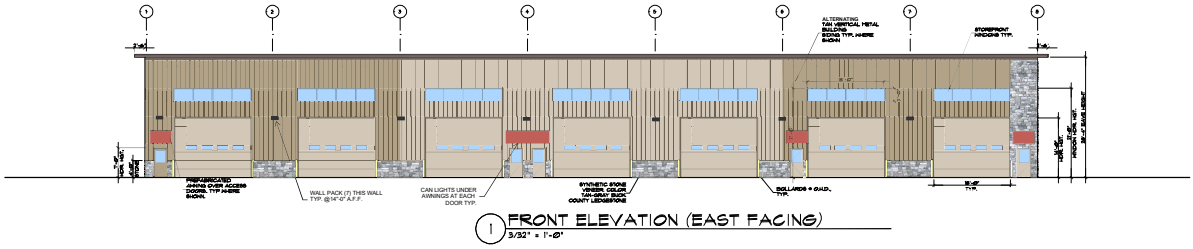
Kenney Lee
architecture group, inc.
(970) 663-C548

New Building for:
FRS ENTERPRISES
LOT 7
3997 Water Lily Dr.
WELLINGTON COLORADO

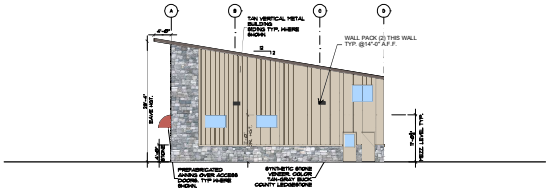
EXTERIOR ELEVATIONS

sheet
A9.7b

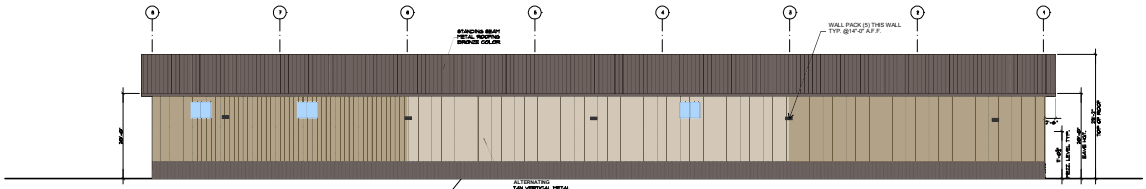
© 2021 kenney lee architecture group inc.



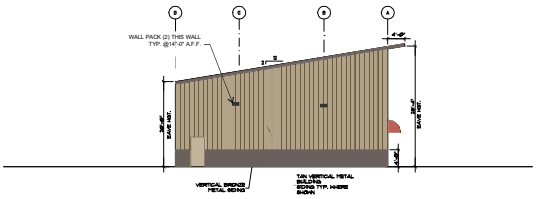
1 FRONT ELEVATION (EAST FACING)
3/32" = 1'-0"



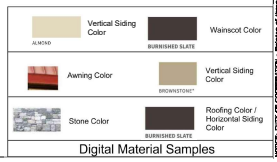
2 RIGHT SIDE ELEVATION (NORTH FACING)
3/32" = 1'-0"



3 REAR ELEVATION (WEST FACING)
3/32" = 1'-0"



4 LEFT SIDE ELEVATION (SOUTH FACING)
3/32" = 1'-0"



Kenney & Lee architecture group, Inc.
(970) 663-0548

New Building for:
FRS ENTERPRISES
Lot 8
3925 WATER LILY DR.,
WELLINGTON COLORADO

EXTERIOR ELEVATIONS

sheet
A9.8b

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Board of Trustees Meeting

Date: October 22, 2024

Subject: **Ordinance No. 08-2024 - An Ordinance for the Regulation of Traffic; Adopting by Reference the 2024 Edition of the "Model Traffic Code for Colorado," Repealing all Ordinances in Conflict Therewith, and Providing Penalties for Violations Thereof**

- **Dan Sapeniza, Town Attorney**

BACKGROUND / DISCUSSION

The Model Traffic Code was last adopted by the Town of Wellington in 2014, with the adoption of the 2010 edition of the Model Code. The Town, in adopting the 2010 code, amended the Model Code by removing items irrelevant to the Town (for example related to ski areas and mountain driving) and adding a violation for engine idling. These changes have been carried over in the present proposed ordinance. The Model Code was revised in 2020 and again in 2024. The 2020 revision was primarily technical in nature and not substantive. The 2024 revision includes more substantive changes, including the following:

- 110.5 - Automated Vehicle Identification Systems - The criteria for the use of red light cameras and speed cameras have been refined.
- 242 - Automated Driving System - This section was added in 2020, providing regulations for automated driving systems.
- 1402.5 - Vulnerable Road Users - This section provides enhanced penalties for incidents causing injury to pedestrians and other "vulnerable road users."
- 1412.5 - Controlled intersections - This section authorizes bicycles and similar vehicles to yield at stop signs, instead of stopping.

A benefit of the adoption of the most recent Model Code is uniformity of road regulations across the region. Traffic enforcement in Wellington is conducted by the Larimer County Sheriff's Office, which also enforces similar road rules across the county.

Staff has presented on various provisions of the updated Model Traffic Code in prior meetings. When adopting a code by reference, it's required that the Town comply with specific notice requirements. This item was presented at the September 10, 2024 Board meeting and notice was provided by publication in the newspaper as required.

STAFF RECOMMENDATION

Proposed Motion: Move to adopt Ordinance No. 08-2024 - An Ordinance for the Regulation of Traffic; Adopting by Reference the 2024 Edition of the "Model Traffic Code for Colorado," Repealing all Ordinances in Conflict Therewith, and Providing Penalties for Violations Thereof

ATTACHMENTS

1. Ordinance 08-2024 - Adoption of 2024 Model Traffic Code Revised
2. 2024 Model Traffic Code

3. 2024 Colorado Motor Vehicle Handbook

TOWN OF WELLINGTON

ORDINANCE NO. 08-2024

AN ORDINANCE FOR THE REGULATION OF TRAFFIC; ADOPTING BY REFERENCE THE 2024 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO," REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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

1. ARTICLE 1 of CHAPTER 8 of the Wellington Municipal Code is repealed and replaced in its entirety as follows:

Sec. 8-1-10. Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2, and Title 30, Article 15, Part 4, C.R.S., there is hereby adopted by reference the 2024 edition of the Model Traffic Code, promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article 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 Town Clerk and may be inspected during regular business hours. The 2024 edition of the Model Traffic Code is adopted as if set out at length.

Sec. 8-1-20. Amendments.

(a) The 2024 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.

(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) Repealed

(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) Repealed.

(11) Repealed.

(12) Section 616 of the MTC related to wildlife crossing zones is not adopted.

(13) Section 617 of the MTC related to steep downhill grades is not adopted.

(b) The following is added as a section of the Model Traffic Code:

Section 1212.5. 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."

Sec. 8-1-30. Reserved.

Editor's note(s)—Ord. No. 13-2008, § 2, adopted August 12, 2008, and Ord. No. 2-2009, § 2, adopted April 28, 2009 repealed § 8-1-30, which pertained to parking restrictions. See Ordinance List and Disposition Table for complete derivation.

Sec. 8-1-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the Town, the use of which the Town 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 the Town.

Sec. 8-1-50. Interpretation.

This Article 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 Article 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.

Sec. 8-1-60. Violation; penalty.

The following penalties shall apply to violations of the MTC as adopted:

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

(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).

2. Severability If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 22nd day of October, 2024, and ordered to become effective 30 days from the date of publication.

TOWN OF WELLINGTON, COLORADO

By:_____
Calar Chaussee, Mayor

ATTEST:

_____
Kelly Houghteling, Deputy Town Administrator

Model Traffic Code for Colorado

Originally adopted in 1952. Subsequently revised in 1962,1966,

1970, 1973, 1974, 1977, 1995, 2003, 2009, 2010, 2020, and 2024

Colorado Department of Transportation

State of Colorado

How to Read Statutes

Many statutes are straightforward while others can be more complicated. Cross-references, dependent subdivisions, and exceptions to a statute's application can make the meaning difficult to follow. The Texas Legislative Council Guidance for Reading Statutes has been provided to assist the reader with general document comprehension.

Read the Entire Heading.

The heading establishes how the section fits into the organization of the entire code.

Review the Context of the Statute.

The statute should be thought of as a unit of law that is part of a series of units of law. The reader shall scan the contents to see what sections precede and follow the section they are reading. If there is a short title section the reader shall review it (typically at the beginning of the chapter or subchapter).

Key Verbs	Meaning
Shall	A duty imposed on a person or entity
May	A privilege or discretionary power
Must	A condition or a prerequisite
Is entitled to	A right, as opposed to a discretionary power
Shall not / May not	A prohibition

Focus on Organization and Format.

The reader shall assume everything in the statute has meaning, including punctuation and format; therefore, pay close attention for breaks in the statute text.

Identify Statute Exceptions.

Exceptions are identified by keywords such as "certain," "only," "under," "over," "more than," "less than," "if," and "unless." "And" or "or" connecting a final element to the rest of a series often indicates whether all or only one of the elements of the series are needed to satisfy conditions set by the statute.

Do Not Skip Unfamiliar Words.

Do not rely solely on common meanings for words that are unclear or unfamiliar. Instead use statutory context and definitions to determine the precise meaning. For example, "person" may differ from its everyday meaning.

Thoroughly Read All Cross-Referenced Sections.

Legislative drafters use cross-references to other statutory provisions and avoid text repetition. When a cross-reference covers an entire chapter or subchapter, review its table of contents and definitions section to understand the context.

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Why a Model Traffic Code?

Forward

Because of the significant mobility of today's traffic and the influx of motorists from many areas, every driver has a right to expect the rules governing the movement of vehicles and pedestrians on streets and highways are clearly defined and reasonably uniform throughout the state and the nation. The General Assembly of the State of Colorado has recognized that conflicts between the state's traffic laws and municipal traffic ordinances lead to inconsistencies in the movement of traffic and has strengthened the requirements for uniformity of traffic regulations in the following terms:

"This article constitutes the uniform traffic code throughout the state and in all political subdivisions and municipalities therein". (Source: 42-4-110(1))

"All local authorities may, in the manner prescribed in article 16 of title 31, or in article 15 of title 30, adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such other additional regulations as are provided for in section 42-4-111; except that, in the case of state highways, any such additional regulations shall have the approval of the department of transportation". (Source: 42-4-110(1)(b))

"No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 42-4-603(2)." (Source: 42-4-110(1)(c))

These provisions leave little doubt that the basic driving rules are expected to be uniform statewide for the protection of Colorado drivers and pedestrians. If state laws and local government traffic codes are to serve their purpose they must complement one another and be given the widest possible publicity as companion documents.

The National Committee on Uniform Traffic Laws and Ordinances points out that it is not the proper purpose of traffic legislation to impose unnecessary or unreasonable restrictions on street or highway traffic, but to ensure, as far as this can be done by law and its enforcement, that traffic shall move smoothly, efficiently and safely; that no legitimate user of the street or highway, whether in a vehicle or on foot, shall be killed, injured or frustrated in such use by the improper behavior of others.

Through the cooperative efforts of both state and local governments, the "Model Traffic Code for Colorado" has been developed to make available a specimen set of motor vehicle and traffic regulations that track state law.

Section 42-4-105, states that all traffic control devices placed or maintained by local authorities shall conform to the most recent edition of the federal "Manual on Uniform Traffic Control Devices" (MUTCD) and the state supplement thereto.

Traffic regulatory areas preempted by state law have not been made part of the Code. Local governments are urged to bring their traffic ordinances into harmony with the current Code.

Local governments that adopt the Code by reference are cautioned not to make any changes or additions which are in conflict with state law. However, the adopting local governments are at liberty to delete any parts, articles, or sections which are deemed to be inapplicable. A specimen ordinance and specimen public notices for adopting the Code by reference will be found in the Appendix.

The following official state documents work in tandem to provide a uniform system of traffic regulation and accepted traffic engineering practices for greater operational efficiency and safety:

- Colorado Revised Statutes (C.R.S.), Title 42, Article 4 - Uniform traffic code for the State of Colorado. Updated periodically to correlate with national model legislation.
- Model Traffic Code for Colorado – Model ordinance embodies provisions of Colorado Law applicable to driving in municipalities and counties in a form that can be adopted by reference.
- Colorado Drivers Manual – Drivers' handbooks authorized by Colorado statute. Issued by the Colorado Department of Revenue (Division of Motor Vehicles). Traffic control text and illustrations developed by the Colorado Department of Transportation.
- Manual on Uniform Traffic Control Devices (MUTCD) – Manual of Federal Highway Administration approved traffic control devices. Updated periodically and adopted by the Transportation Commission as required by Colorado Law.

Part 1
Traffic Regulation – Generally

101. Short title.

102. Legislative declaration.

103. Scope and effect of Code – exceptions to provisions.

(1) This Code constitutes the model traffic code throughout this jurisdiction.

(2) The provisions of this Code relating to the operation of vehicles and the movement of pedestrians refer exclusively to the use of streets and highways except:

(a) Where a different place is specifically referred to in a given section;

(b) For provisions of sections 1401, 1402 and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

104. Adoption of traffic control manual.

- See *Appendices Part A*.

105. Local traffic control devices.

Local authorities shall 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 or 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). All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in section 42-4-104.

106. Who may restrict right to use highways.

(1) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(2) After enacting any such ordinance signs designating the permissible weights shall be erected and maintained.

(3) Local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution:

(a) Prohibit the operation of trucks or commercial vehicles on designated highways;

(b) Impose limitations as to the weight of trucks or commercial vehicles if the limitations are designated by appropriate signs placed on the highway;

(c) Prohibit the operation of motor or off-highway vehicles upon a roughed-in road when necessary for the protection and safety of the public; or

(d)(I) When snow-packed conditions exist on a highway or for a continuous seasonal period designated by the local authority when snow-packed conditions are, as determined by the local authority, likely to exist on a highway, designate all or a portion of a highway for over-snow use only, which the local jurisdiction may further limit to travel by human-powered or animal-powered means, or both.

(II) As used in this subsection (3)(d), "over-snow use" means travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle that is primarily designed or altered for use over snow and runs without tires on a continuous belt track or on one or more skis while in use over snow.

(III) Nothing in this subsection (3)(d) affects or limits the provisions of section 33-14-110 governing the operation of snowmobiles on any county road, city street, or highway.

(IV) When wheeled winter access is requested along a highway, nothing in this subsection (3)(d) prohibits a local authority from entering into private winter maintenance agreements and such requests shall be considered.

(4) The department of transportation shall likewise have authority as granted in this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway affected by such resolution.

(4.5)(a) The department of transportation has authority to close any portion of a state highway to public travel.

(b)(I) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(II) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(5)(a)(I)(A) The department of transportation may close any portion of a state highway for public use during dangerous driving conditions, during construction or maintenance operations, or when necessary for the protection and safety of the public.

(B) When icy or snow-packed conditions exist on the highway, the department of transportation may restrict travel on or use of any portion of a state highway by any motor vehicle unless the motor vehicle is equipped with the following: Tire chains or an alternate traction device; four-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; all-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; or tires that are imprinted by a manufacturer with a mountain-snowflake, "MS", "M+S", or "M/S" symbol or that are all-weather rated by the manufacturer and that have a tread depth of at least three sixteenths of an inch.

(C) A closure or restriction under this subsection (5) is effective when signs, including temporary or electronic signs, that notify the public of the closure or restriction are erected upon the highway, and the restriction in subsection (5)(a)(I)(B) of this section is effective on interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison) from September 1 through May 31 of each year. It is unlawful to proceed when a state highway is closed or to proceed when a restriction is in effect without the equipment required by this subsection (5).

(D) The Colorado state patrol shall cooperate with the department of transportation in the enforcement of a closing or restriction under this subsection (5).

(E) The driver of a commercial vehicle with four or more drive wheels, other than a bus, shall affix tire chains to at least four of the drive wheel tires when the vehicle is required to be equipped with tire chains under this subsection (5). The driver of a bus shall affix tire chains to at least two of the drive wheel tires when the vehicle is required to be equipped with tire chains under this subsection (5).

(F) A person who violates this subsection (5)(a)(I) commits a traffic infraction and is subject to the penalties in section 42-4-1701(4)(a)(I)(F).

(II) Any person who operates a motor vehicle in violation of restrictions imposed by the department of transportation or the state patrol under subparagraph (I) of this paragraph (a), where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, shall be subject to an enhanced penalty as set forth in section 42-4-1701 (4)(a)(I)(F).

(III) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(IV) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle and the violation causes a closure in a travel lane shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(V) If a fine is enhanced under subparagraphs (III) and (IV) of this paragraph (a), the portion of the fine that exceeds the fine imposed under subparagraph (I) for an enhancement under subparagraph (III), or subparagraph (II) for an enhancement under subparagraph (IV), that is allocated to the state by sections 42-1-217 and 43-4-205 shall be transferred to the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund created by section 42-4-1701 (4)(c)(II)(B), to be continuously

appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

(VI) Subparagraphs (III) and (IV) of this paragraph (a) shall not apply to a tow operator who is towing a motor vehicle or traveling to a site from which a motor vehicle shall be towed.

(VII) The Colorado department of transportation shall identify an appropriate place for commercial vehicles to apply chains, if necessary, to comply with subparagraph (I) of this paragraph (a) and provide adequate notice to commercial vehicle operators of such places.

(b) The transportation commission may promulgate rules to implement the provisions of this subsection (5).

(c) As used in this subsection (5):

(I) "Alternate traction device" means a device that is approved by the Colorado department of transportation as capable of providing traction comparable to that of metal chains or tire cables under similar conditions.

(II) "Equipped" means that a motor vehicle uses or carries the appropriate traction equipment for icy or snow-packed conditions.

(III) "Tire chains" means metal chains consisting of two circular metal loops, one on each side of the tire, connected by no fewer than nine evenly spaced chains across the tire tread.

(6)(a) Local authorities may, within their respective jurisdictions, for the purpose of road construction and maintenance, temporarily close to through traffic or to all vehicular traffic any highway or portion thereof for a period not to exceed a specified number of workdays for project completion and shall, in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected when, in the opinion of concerned local authorities, as evidenced by resolution or ordinance, such temporary closing of the highway or portion thereof and the rerouting of traffic is necessary for traffic safety and for the protection of work crews and road equipment. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(b) Local authorities, within their respective jurisdictions, may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades, and special local events or civil functions when in the opinion of said authorities such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing.

(c) Local authorities shall enter in to agreements with one another for the establishment, signing and marking of appropriate detours and alternative routes which jointly affect local road systems and which are necessary to carry out the provisions of paragraphs (a) and (b) of this subsection (6). Any temporary closing of the street which is a state highway and any

rerouting of state highway traffic shall have the approval of the department before such closing becomes effective.

(7) A person who violates any provision of this section commits a class B traffic infraction.

107. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

108. Public officers to obey provisions - exceptions for emergency vehicles.

(1) The provisions of this Code applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this Code with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this Code. The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this Code or State law;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the lawful speeds set forth in section 1101 (2) or exceed the maximum lawful speed limits set forth in section 1101 (8) so long as said driver does not endanger life or property;

(d) Disregard regulations governing directions of movement or turning in specified directions.

(3) The exemptions and conditions provided in paragraphs (b) to (d), in their entirety, of subsection (2) of this section for an authorized emergency vehicle shall apply only when such vehicle is making use of audible or visual signals meeting the requirements of section 213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

(4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions

protect the driver from the consequences of such driver's reckless disregard for the safety of others.

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

(1) A person riding a low-power scooter upon a roadway where low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code except those provisions of this Code that, by their very nature, can have no application.

(2) A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any low-power scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding low-power scooters upon a roadway shall not ride more than two abreast.

(6.5) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power scooter unless the person and the passenger are wearing protective helmets in accordance with the provisions of section 1502 (4.5) of this Code.

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, electric scooter, and low-power scooter safety throughout the state, the department of revenue in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle, electric scooter and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to the riders and their bicycles, electrical assisted bicycles, electric scooters, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.

(8) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

(9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state 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 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 when so crossing such person shall be granted all of the rights and shall be 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 or to any highway or portion of a highway designated for over-snow use only by a local authority pursuant to section 42-4-106(3)(d).

(10) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, electric scooter, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice of the prohibition; except that, with respect to controlled access highways, section 1010(3) applies. When the official signs are erected, a person shall not violate any of the instructions contained on the official signs.

(12) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this section.

(13)(a) Except as otherwise provided in paragraph (b) of this subsection (13), any person who violates a provision of this section commits a class B traffic infraction.

(b) Any person who violates subsection (6.5) of this section commits a class A traffic infraction.

109.5. Low-speed electric vehicles.

(1)(a) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour.

(b) Notwithstanding paragraph (a) of this subsection (1), a low-speed electric vehicle may be operated on a state highway that has a speed limit equal to forty miles per hour or cross a roadway with a speed limit equal to forty miles per hour to cross at-grade, if:

(I) Such roadway's lane width is eleven feet or greater;

(II) Such roadway provides two or more lanes in either direction; and

(III) The Colorado department of transportation has determined, in consultation with local government and law enforcement, upon the basis of a traffic investigation, survey, appropriate design standards, or projected volumes, that the operation of a low-speed electric vehicle on the roadway poses no substantial safety risk or hazard to motorists, bicyclists, pedestrians, or other persons.

(2) No person shall operate a low-speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

109.6. Class B low-speed electric vehicles - effective date - rules.

(1) A class B low speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than forty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than forty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than forty-five miles per hour.

(2) No person shall operate a class B low speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

(4) For the purposes of this section, "class B low-speed electric vehicle" means a low-speed electric vehicle that is capable of traveling at greater than twenty-five miles per hour but less than forty-five miles per hour.

(5)(a) The department of revenue shall not register or issue a title for a class B low-speed electric vehicle until after the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour.

(b) After the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour, the department of revenue shall promulgate rules authorizing the operation of class B low-speed electric vehicles in compliance with this section and shall notify the revisor of statutes in writing. Upon the promulgation of rules authorizing the operation of such vehicles, subsections (1) to (3) of this section shall take effect.

(6) The Colorado department of transportation may regulate the operation of a class B low-speed electric vehicle on a state highway located outside of a municipality. The regulation shall take effect when the Colorado department of transportation places an appropriate sign that provides adequate notice of the regulation.

110. Provisions uniform throughout jurisdiction.

(1) The provisions of this Code shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Local governments shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135(1)(g). All local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations shall be subject to the following conditions and limitations:

(a) All local governments may enact, adopt, or enforce traffic regulations which cover the same subject matter as the various sections of this Code or state law and such additional regulations as are included in section 111, except as otherwise stated in paragraphs (c) to (e) of this subsection (1).

(b) All local authorities may, in the manner prescribed in article 16 of title 31 or in article 15 of title 30 adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such additional regulations as are provided for in section 111; except that in the case of state highways, any such additional regulation shall have the approval of the department of transportation.

(c) No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of any of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 603(2).

(d) In no event shall local authorities have the power to enact by ordinance regulations governing the driving of vehicles by persons under the influence of alcohol or of a controlled substance as defined in section 18-18-102(5), or under the influence of any other drug to a degree that renders any such person incapable of safely operating a vehicle, or whose ability to operate a vehicle is impaired by the consumption of alcohol or by the use of a controlled substance as defined in section 18-18-102(5), or any other drug, the registration of vehicles and the licensing of drivers, the duties and obligations of persons involved in traffic accidents, and vehicle equipment requirements in conflict with the provisions of this article; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.

(2) The municipal courts have jurisdiction over violations of traffic regulations enacted or adopted by municipalities. However, the provisions of sections 42-4-1701, 42-4-1705, and 42-4-1707 shall not be applicable to municipalities.

(3) No person convicted of or pleading guilty to a violation of a municipal traffic ordinance shall be charged or tried in a state court for the same or similar offense.

(4)(a) Any local government located within the program area of the AIR program area as defined in section 304 may adopt ordinances or resolutions pertaining to the enforcement of the emissions control inspection requirements set forth in section 310.

(b) An officer coming upon an unattended vehicle in the program area which is in apparent violation of an ordinance or resolution adopted as authorized in paragraph (a) of this subsection (4) may place upon such a vehicle a penalty assessment notice indicating the offense and direction the owner or operator of such vehicle a penalty assessment notice indicating the offense and directing the owner or operator of such vehicle to remit the penalty assessment as set forth in such ordinance to the local jurisdiction in whose name the penalty assessment notice was issued.

(c) The aggregate amount of fines, penalties, or forfeitures collected pursuant to ordinances or resolutions adopted as authorized in paragraph (a) of this subsection (4) shall be retained by the local jurisdiction in whose name such penalty notice was issued.

(5) The general assembly declares that the adjudication of class A and class B traffic infractions through the county court magistrate system was not intended to create a conflict between the provisions of this article and municipal ordinances covering the same subject matter as this article nor was it intended to require or prohibit the decriminalization of municipal ordinances covering the same subject matter as this article. Municipalities may continue to enforce violations of such ordinances through municipal court even though similar state offenses are enforced through the magistrate system established under this article.

(6)(a) The general assembly hereby finds that the use of automated driving systems will help people who may have difficulty driving, including people who are elderly and people with disabilities, gain access to goods and services essential to daily life. This access requires traveling across and in multiple jurisdictions. Therefore, the regulation of automated driving systems is a matter of statewide concern.

(b) A state agency or a political subdivision of the state shall not adopt or enforce a policy, rule, or ordinance that sets standards for an automated driving system that are different from the standards set for a human driver.

110.5. Automated vehicle identification systems – legislative declaration - exceptions to liability - penalty - limits on use of photographs and video - definitions.

(1) The general assembly hereby finds and declares that the enforcement of traffic laws through the use of automated vehicle identification systems under this section is a matter of statewide concern and is an area in which uniform state standards are necessary.

(1.4) Nothing in this section applies to the use of automated vehicle identification systems for the purpose of collecting tolls, fees, or civil penalties in accordance with part 5 of article 4 of title 43 and section 43-4-808.

(1.5) Except as set out in (1.7), nothing in this section applies to a violation detected by an automated vehicle identification system for driving twenty-five miles per hour or more in excess of the reasonable and prudent speed or twenty-five miles per hour or more in excess of the

maximum speed limit of seventy-five miles per hour detected by the use of an automated vehicle identification system.

(1.7)(a)(I) Upon request from the department of transportation, the department of public safety shall utilize an automated vehicle identification system to detect speeding violations under part 11 of this article 4 within a highway maintenance, repair, or construction zone designated pursuant to section 42-4-614(1)(a), if the department of public safety complies with subsections (2) to (6) of this section. An automated vehicle identification system shall not be used under this subsection (1.7) unless maintenance, repair, or construction is occurring at the time the system is being used.

(II) The department of public safety may contract with a vendor to implement this subsection (1.7), including to:

(A) Notify violators;

(B) collect and remit the penalties and surcharges to the state treasury less the vendor's expenses;

(C) reconcile payments against outstanding violations;

(D) implement collection efforts; and

(E) Notify the department of public safety of unpaid violations for possible referral to the judicial system.

(III) If the department of public safety contracts with a vendor, the contract must incorporate the processing elements specified by the department of public safety.

(IV) No notice of violation or civil penalty assessment or a penalty or surcharge for a violation detected by an automated vehicle identification system under this subsection (1.7) shall be forwarded to the department for processing.

(b) The department of transportation shall reimburse the department of public safety for the direct and indirect costs of complying with this subsection (1.7).

(2) A county or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

(a)(I) (Deleted by amendment, L. 2002, p. 570, § 1, effective May 24, 2002.

(II) If the state, a county, a city and county, or a municipality detects any alleged violation of a county or municipal traffic regulation or a traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county, or municipality shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United Stated Postal Service

that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:

(A) within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or

(B) within sixty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.

(III) the notice of violation must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate number of the motor vehicle involved in the alleged violation;

(C) the date, time and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and

(F) information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.

(IV) If the state, a county, a city and county, or a municipality does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five days after the issuance date on the notice of violation, the state, county, city and county or municipality shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United Stated Postal Service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty days after the deadline on the notice of violation.

(V) The civil penalty assessment notice must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate of the motor vehicle involved in the alleged violation;

(C) the date, time, and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty;

(F) information on how to pay the prescribed civil penalty.

(VI) if the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

(VII) if the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.

(VIII) Final orders may be appealed as to matters of law and fact to the county court in the county where the alleged violation or the municipal court in the municipality where the alleged violation occurred, the registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.

(IX) the state, a county, a city and county, or a municipality shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this section unless the registered owner is personally served the notice of violation or the final order of liability.

(b) Notwithstanding any other provision of the statutes to the contrary, the state, a county, a city and county, or a municipality shall not report to the department any conviction or entry of judgment against a defendant for violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.

(c) Repealed by Laws 2021, Ch. 460 (H.B. 21-1314), § 16, eff. January 1, 2022.

(d)(I) The state, a county, a city and county, or a municipality shall not use an automated vehicle identification system to detect a violation of part 11 of this article 4 or a local speed ordinance unless there is posted an appropriate temporary or permanent sign in a conspicuous place not fewer than three hundred feet before the area in which the automated vehicle identification system is to be used notifying the public that an automated vehicle identification system is in use immediately ahead. The requirement of this subsection (2)(d)(I) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of a county, city and county, or municipality, nor by the posting of a permanent sign in an area in which an automated vehicle identification system is to be used, but this subsection (2)(d)(I) shall not be deemed a prohibition against the posting of such permanent signs.

(II) Except as provided in subsection (2)(d)(I) of this section, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this article 4 or a local traffic ordinance shall not be used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. The sign shall:

(A) Be placed in a conspicuous location not fewer than two hundred feet nor more than five hundred feet before the automated vehicle identification system; and

(B) Use lettering that is at least four inches high for upper case letters and two and nine-tenths inches high for lower case letters.

(e)(I) If the state, county, city and county, or municipality implements a new automated vehicle identification system after July 1, 2023, that is not a replacement of an automated vehicle identification system:

(A) the agency responsible for the automated vehicle identification system shall publicly announce the implementation of the system through its website for at least 30 days prior to the use of the system; and

(B) for the first thirty days after the system is install or deployed, only warnings may be issued for violations of a county or municipal traffic regulation or traffic violation under state law detected by the system.

(II) a state, county, city and county, or municipality may conduct an extended public information campaign or warning period for systems installed or deployed either before or after July 1, 2023.

(f) Repealed by SB 23-200.

(g)(I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county or municipality may locate an automated vehicle identification system to detect violations of a county or municipal traffic regulation or a traffic violation under state law. Before a county or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the county or municipality must:

(A) post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor and a permanent sign not fewer than three hundred feet before each camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera;

(B) illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and

(C) coordinate between the local jurisdiction, the department of transportation, and the Colorado state patrol.

(II) As used in this subsection (2)(g) unless the context otherwise requires, "residential neighborhood" means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.

(III) This subsection (2)(g) does not apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal.

(IV) a county or municipality implementing an automated vehicle identification corridor pursuant to subsection (2)(g)(I) of the section shall publish a report on its website disclosing the number of citation and revenue generated by the automated vehicle identification corridor.

(V)(A) notwithstanding the provisions of subsection (2)(g)(I) of this section, the state may locate an automated vehicle identification system on a highway that is a part of the federal interstate highway system and may issue a notice of violation or a civil penalty assessment notice for a traffic violation under state law detected using the automated vehicle identification system.

(B) a county, a city and county, or a municipality shall not locate an automated vehicle identification system or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.

(h) the state, county, a city and county, or a municipality shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an automated vehicle identification system. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

(3) The department has no authority to assess any points against a license under section 42-2-127 upon entry of a conviction or judgment for a violation of a municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department shall not keep any record of such violation in the official records maintained by the department under section 42-2-121.

(4)(a) If the state, a county, a city and county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by the registered owner that the state, county, city and county, or municipality has detected using an automated vehicle identification system, then the state, county, city and county, or municipality may mail the registered owner a warning regarding the violation, but the state, county, city and county, or municipality shall not impose any penalty or surcharge for such first violation.

(b)(I) If the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation under a municipal traffic regulation or under state law by a driver, or a first such violation by the driver if the provisions of paragraph (a) of this subsection (4) do not apply, through the use of an automated vehicle identification system, then, except as may be permitted in subparagraph (II) of this paragraph (b), the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.

(II) If any violation described in subsection (4)(b)(I) of this section occurs within a school zone, as defined in section 42-4-615, the maximum penalty that may be imposed shall be doubled.

(III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

(4.5) If the state, a county, a city and county, or a municipality detects a violation of a county or municipal traffic regulation or under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

(4.7) If a registered owner fails to pay a penalty imposed for a violation of a county or municipal traffic regulation or a traffic violation under state law detected using an automated vehicle identification system, the state, a county, a city and county, or a municipality shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.

(5) If the state, a county, a city and county, or a municipality has established an automated vehicle identification system for the enforcement of county or municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, or municipality for such equipment shall be based upon the value of such equipment and the value of any services provided to the state, county, city and county or municipality and may not be based upon the number of traffic citations issued or the revenue generated by such equipment.

(6)(a) As used in this section, the term "automated vehicle identification system" means a system whereby:

(I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and

(II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.

(b) "automated vehicle identification system" includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violation of bus lane or bicycle lane restrictions.

(7) The state, county, city and county, or municipality and any vendor operating an automated vehicle identification system shall, unless otherwise provided in this section:

(a) program the automated vehicle identification system to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;

(b) treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24;

(c) not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the automated motor vehicle identification system except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and

(d) destroy any photographs and video of a violation collected by the automated vehicle identification system within three years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.

(I) Subparagraph (I) of this paragraph (b) shall not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

111. Powers of Local Authorities.

(1) Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(a) Regulating or prohibiting the stopping, standing, or parking of vehicles, consistent with the provisions of this article;

(b) Establishing parking meter zones where it is determined upon the basis of an engineering and traffic investigation that the installation and operation of parking meetings is necessary to aid in the regulation and control of the parking of vehicles during the hours and on the days specified on parking meter signs;

(c) Regulating traffic by means of police officers or official traffic control devices, consistent with the provisions of this article;

(d) Regulating or prohibiting processions or assemblages on the highways, consistent with the provisions of this article;

(e) Designating particular highways or roadways for use by traffic moving in one direction, consistent with the provisions of this article;

(f) Designating any highway as a through highway or designating any intersection as a stop or yield intersection, consistent with the provisions of this article;

(g) Designating truck routes and restricting the use of highways, consistent with the provisions of this article;

(h) Regulating the operation of bicycles or electrical assisted bicycles and requiring the registration and licensing of same, including the requirement of a registration fee, consistent with the provisions of this article;

(i) Altering or establishing speed limits, consistent with the provisions of this article;

(j) Establishing speed limits for vehicles in public parks, consistent with the provisions of this article;

(k) Determining and 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, consistent with the provisions of this article;

(l) Regulating or prohibiting the turning of vehicles, consistent with the provisions of this article;

(m) Designating no-passing zones, consistent with the provisions of this article;

(n) Prohibiting or regulating the use of controlled-access roadways by nonmotorized traffic or other kinds of traffic, consistent with the provisions of this Code;

(o) Establishing minimum speed limits, consistent with the provisions of this Code;

(p) Designating hazardous railroad crossings, consistent with the provisions of this Code;

(q) Designating and regulating traffic on play streets, consistent with the provisions of this article;

(r) Prohibiting or restricting pedestrian crossing, consistent with the provisions of this Code;

(s) Regulating the movement of traffic at school crossings by official traffic control devices or by duly authorized school crossing guards, consistent with the provisions of the Code;

(t) Regulating persons propelling push carts;

(u) Regulating persons upon skates, coasters, sleds, or similar devices, consistent with the provisions of this Code;

(v) Adopting such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

(w) Adopting such other traffic regulations as are provided for by this article;

(x) Closing a street or portion thereof temporarily and establishing appropriate detours or an alternative routing for the traffic affected, consistent with the provisions of this article;

(y) Regulating the local movement of traffic or the use of local streets where such is not provided for in that article;

(z) Regulating the operation of low-powered scooters, consistent with the provisions of this article; except that local authorities shall be prohibited from establishing any requirements for the registration and licensing of low powered scooters;

(aa) Regulating the operation of low-speed electric vehicles, including, without limitation, establishing a safety inspection program, on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if such regulation is consistent with this Code;

(bb) Authorizing and regulating the operation of golf cars on roadways by resolution or ordinance of the governing body, if the authorization or regulation is consistent with this title and does not authorize:

(I) An unlicensed driver of a golf car to carry a passenger who is under twenty-one years of age;

(II) Operation of a golf car by a person under sixteen years of age; or

(III) Operation of a golf car on a state highway; except that the ordinance or resolution may authorize a person to drive a golf car directly across a state highway at an at-grade sidewalk, bike path, or pedestrian path consistent with section 42-4-117(I) and (3);

(cc) Authorizing, prohibiting, or regulating the use of an EPAMD on a roadway, sidewalk, bike path, or pedestrian path consistent with section 117(1) and (3);

(dd) Authorizing or prohibiting the use of an electrical assisted bicycle or electric scooter on a bike or pedestrian path in accordance with section 42-4-1412;

(ee) Enacting the idling standards in conformity with section 42-14-103

(2)(a) An ordinance or regulation enacted under paragraph (a), (b), (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), (aa), or (cc) of subsection (1) of this section may not take effect until official signs or other traffic control devices conforming to standards as required by section 42-4-602, and giving notice of the local traffic regulations are placed upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(b) Regulating the operation of an electric scooter consistent with this title 42.

(c) Subsection (1) of this section does not authorize a local authority to regulate or authorize the use of vehicles and motor vehicles on the state highway system that is subject to section 43-2-135, except in at-grade crossings where the roadway subject to the local authority's jurisdiction crosses the state highway. The local authority may regulate vehicles within such crossings only to the extent necessary to effect the local authority's power to regulate the roadway under the local authority's jurisdiction and only if the regulation or authorization does not interfere with the normal operation of the state highway.

(3)(a) A board of county commissioners may by resolution authorize the use of designated portions of unimproved county roads within the unincorporated portion of the county for motor vehicles participating in timed endurance events and for such purposes shall make such regulations relating to the use of such roads and the operation of vehicles as are consistent with public safety in the conduct of such event and with the cooperation of county law enforcement officials.

(b) Such resolution by a board of county commissioners and regulations based thereon shall designate the specific route which may be used in such event, the time limitations imposed upon such use, any necessary restrictions in the use of such route by persons not participating in such event, special regulations concerning the operation of vehicles while participating in such event in which case any provisions of this article to the contrary shall not apply to such event, and such requirements concerning the sponsorship of any such event as may be reasonably necessary to assure adequate responsibility therefor.

112. Noninterference with the rights of owners of realty.

Subject to the exception provided in section 103(2), nothing in this Code shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Code, or from otherwise regulating such use as may seem best to such owner.

113. Appropriations for administration of article.

(See §42-4-113)

114. Removal of traffic hazards.

(1) Local authorities, within their respective jurisdictions, may by written notice sent by certified mail require the owner of real property abutting on the right-of-way of any highway, sidewalk, or other public way to trim or remove, at the expense of said property owner, any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.

(2) It is the duty of the property owner to remove any dead, overhanging boughs of trees located on the premises of such property owner that endanger life or property on the public right-of-way.

(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 days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the state or local authority for the cost of the work performed.

115. Information on traffic law enforcement - collection - profiling - annual report - repeal. (Repealed)

116. Restrictions for minor drivers - definitions.

(1)(a) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least six months.

(b) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one year.

(c) Paragraphs (a) and (b) of this subsection (1) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The passenger who is under twenty-one years of age is in the vehicle on account of a medical emergency;

(IV) All passengers who are under twenty-one years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.

(2)(a) Except as provided in paragraph (b) of this subsection (2), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one year.

(b) This subsection (2) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possesses a signed statement from the school official containing the date the activity will occur;

(IV) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;

(V) The minor is driving on account of a medical emergency; or

(VI) The minor is an emancipated minor.

(3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:

(a) By the imposition of not less than eight hours nor more than twenty-four hours of community service for a first offense and not less than sixteen hours nor more than forty hours of community service for a subsequent offense;

(b) By the levying of a fine of not more than fifty dollars for a first offense, a fine of not more than one hundred dollars for a second offense, and a fine of one hundred fifty dollars for a subsequent offense;

(c) By an assessment of two license suspension points pursuant to section 42-2-127(5)(kk)

(4) For the purposes of this section:

(a) “Emancipated minor” means an individual under eighteen years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.

(b) “Minor driver” means a person who is operating a motor vehicle and who is under eighteen years of age.

(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 Codes 1 to 4 of Title 42 other than a violation of this section.

117. Personal mobility devices.

(1) A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this Code, except as to those provisions that by their nature have no application.

(2) Unless otherwise prohibited, an EPAMD may be operated on a roadway in conformity with vehicle use.

(3) An EPAMD shall not be operated:

(a) On a limited-access highway;

(b) On a bike or pedestrian path; or

(c) At a speed of greater than twelve and one-half miles per hour.

(4) A person who violates this section commits a class B traffic infraction.2

(7) Repealed.

118. Establishment of wildlife crossing zones - report - repeal.

(1) The department of transportation created in section 43-1-103, in consultation with both the Colorado state patrol created pursuant to section 24-33.5-201, and the division of wildlife created pursuant to section 24-1-124(3)(h), in the department of natural resources, may establish areas within the public highways of the state as wildlife crossing zones.

(2)(a) If the department of transportation establishes an area within a public highway of the state as a wildlife crossing zone, the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2) to the contrary, the department of transportation shall not establish a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(3)(a) The department of transportation may establish an area within the federal highways of the state as a wildlife crossing zone if the department of transportation receives authorization from the federal government.

(b) If the department of transportation establishes an area within the federal highways of the state as a wildlife crossing zone pursuant to paragraph (a) of this subsection (3), the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(4) If the department of transportation erects a new wildlife crossing zone sign pursuant to subsection (2) or (3) of this section, it shall ensure that the sign indicates, in conformity with the state traffic control manual, that increased traffic penalties are in effect within the wildlife crossing zone. For the purposes of this section, it shall be sufficient that the sign states "increased penalties in effect".

(5) In establishing a lower speed limit within a wildlife crossing zone, the department of transportation shall give due consideration to factors including, but not limited to, the following:

(a) The percentage of traffic accidents that occur within the area that involve the presence of wildlife on the public highway;

(b) The relative levels of traffic congestion and mobility in the area; and

(c) The relative numbers of traffic accidents that occur within the area during the daytime and evening hours and involve the presence of wildlife on the public highway.

(6) As used in this section, unless the context otherwise requires, "wildlife" shall have the same meaning as "big game" as set forth in section 33-1-102(2)

(7)(a) On or before March 1, 2012, the department of transportation shall prepare and submit to the transportation and energy committee of the house of representatives and the transportation committee of the senate, or any successor committees, a report concerning the implementation of this section. The report, at a minimum, shall include:

(I) The location and length of each wildlife crossing zone that the department of transportation has established pursuant to this section;

(II) The total number of miles within the public highways of the state that the department of transportation has established as wildlife crossing zones pursuant to this section;

(III) The total number of wildlife crossing zones within the state for which the department of transportation has established a lower speed limit, including identification of each wildlife crossing zone for which the department has established a lower speed limit;

(IV) The effect, if any, that the establishment of each wildlife crossing zone has had in reducing the frequency of traffic accidents within the area of the public highway that has been established as a wildlife crossing zone; and

(V) A recommendation by the department of transportation as to whether the general assembly should:

(A) Discontinue the establishment of wildlife crossing zones;

(B) Continue the establishment of wildlife crossing zones, as limited by the provisions of paragraph (b) of subsection (1) of this section; or

(C) Expand the establishment of wildlife crossing zones beyond the limits described in paragraph (b) of subsection (1) of this section.

(b) This subsection (7) is repealed, effective March 2, 2012.

(8) Notwithstanding any other provision of this section, the department of transportation shall not establish any area of any interstate highway as a wildlife crossing zone.

Part 2
Equipment

201. Obstruction of view or driving mechanism - hazardous situation.

(1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.

(3) A person shall not drive a motor vehicle equipped with a video display visible to the driver while the motor vehicle is in motion. The provisions of this subsection (3) does not prohibit the usage of a computer, data terminal, or safety equipment in a motor vehicle so long as the computer, data terminal, or safety equipment is not used to display visual entertainment, including internet browsing, social media, and e-mail, to the driver while the motor vehicle is in motion.

(4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(5) No passenger in a vehicle shall ride in such position as to create a hazard for such passenger or others, or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.

(6) No person shall hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion; nor shall the operator knowingly permit any person to hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection (6) shall not apply to parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.

(7) The provisions of subsection (6) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state of Colorado or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the public utilities commission of the state of Colorado, when in the performance of their duties persons are required to stand or sit on the exterior of the vehicle and said vehicle is equipped with adequate handrails and safeguards.

(8) Any person who violates any provision of this section commits a class A traffic infraction.

202. Unsafe vehicles - penalty – identification plates.

(1) It is unlawful 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 combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this section and sections 204 to 231 and part 3 of this Code, or which is equipped in any manner in violation of said sections and part 3 or for any person to do any act forbidden or fail to perform any act required under said sections and part 3.

(2) The provisions of this section and sections 204 to 231 and part 3 of this Code with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections and part 3.

(3) Nothing in this Code shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this Code.

(4)(a) Upon its approval, the department of revenue shall issue an identification plate for each vehicle, motor vehicle, trailer, or item of special mobile machinery, or similar implement of equipment, used in any type of construction business which shall, when said plate is affixed, exempt any such item of equipment, machinery, trailer, or vehicle from all or part of this section and sections 204 to 231 of this Code.

(b) The department of revenue is authorized to promulgate written rules and regulations governing the application for, issuance of, and supervision, administration, and revocation of such identification plates and exemption authority and to prescribe the terms and conditions under which said plates may be issued for each item as set forth in paragraph (a) of this subsection (4), and the department of revenue, in so doing, shall consider the safety of users of the public streets and highways and the type, nature, and use of such items set forth in paragraph (a) of this subsection (4) for which exemption is sought.

(c) Each exempt item may be moved on the roads, streets, and highways during daylight hours and at such time as vision is not less than five hundred feet. No cargo or supplies shall be hauled upon such exempt item except cargo and supplies used in normal operation of any such item.

(d) The identification plate shall be of a size and type designated and approved by the department. A fee of one dollar shall be charged and collected by the department for the issuance of each such identification plate. All such fees so collected shall be paid to the state treasurer who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(b).

(e) Each such identification plate shall be issued for a calendar year. Application for such identification plates shall be made by the owner, and such plates shall be issued to the owner of each such item described in paragraph (a) of this subsection (4). Whenever the owner transfers, sells, or assigns the owner's interest therein, the exemption of such item shall expire and the owner shall remove the identification plate therefrom and forward the same to the department of revenue.

(f) An owner shall report a lost or damaged identification plate to the department of revenue, and, upon application to and approval by the department of revenue, the department shall issue a replacement plate upon payment to it of a fee of fifty cents.

(g) Notwithstanding the amount specified for any fee in this subsection (4), the executive director of the department of revenue by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402(3), to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department of revenue by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402(4).

(5) Any person who violates any provision of this section commits a class A traffic infraction.

203. Unsafe vehicles - spot inspections.

(1) Uniformed police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. The fact that a vehicle is an older model vehicle shall not alone constitute reasonable cause. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer may give a written notice and issue a summons to the driver. Said notice shall require that such vehicle be placed in safe condition and properly equipped or that its equipment be placed in proper repair and adjustment, the particulars of which shall be specified on said notice.

(2) In the event any such vehicle is, in the reasonable judgment of such police officer, in such condition that further operation would be hazardous, the officer may require, in addition to the instructions set forth in subsection (1) of this section, that the vehicle be moved at the operator's expense and not operated under its own power or that it be driven to the nearest garage or other place of safety.

(3) Every owner or driver upon receiving the notice and summons issued pursuant to subsection (1) of this section or mailed pursuant to paragraph (b) of subsection (4) of this section shall comply therewith and shall secure a certification upon such notice by a law enforcement officer that such vehicle is in safe condition and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Code. Said certification shall be returned to the owner or driver for presentation in court as provided for in subsection (4) of this section.

(4)(a)(I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the owner repairs the unsafe condition or installs or adjusts the required equipment within thirty days after issuance of the notice and summons and presents the certification required in subsection (3) of this section to the court of competent jurisdiction, the owner shall be punished by a fine of five dollars.

(III) If the owner submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the owner has disposed of the vehicle for junk parts or immobilized the vehicle and also submits to the court the registration and license plates for the vehicle, the owner shall be punished by a fine of five dollars. If the owner wishes to relicense the vehicle in the future, the owner must obtain the certification required in subsection (3) of this section.

(b)(I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the driver submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the driver was not the owner of the car at the time the summons was issued and that the driver mailed, within five days of issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the driver shall be punished by a fine of five dollars.

(c) Upon a showing of good cause that the required repairs or adjustments cannot be made within thirty days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for installation or adjustment of required equipment as may appear justified.

(d) The owner may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification specified in subsection (3) of this section and the fine of five dollars.

204. When lighted lamps are required.

(1) Every vehicle upon a highway within this state, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as required by this Code for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(2) Whenever requirement is declared by this Code as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection (1) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is declared by this Code as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

205. Head lamps on motor vehicles - penalty.

(1) Every motor vehicle other than a motorcycle or autocycle, shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle. The head lamps shall comply with the requirements and limitations set forth in sections 202 and 204 to 231 and part 3 of this Code where applicable.

(2) Every motorcycle or autocycle shall be equipped with at least one and not more than two head lamps that comply with the requirements and limitations of sections 202 and 204 to 231 and part 3 of this Code where applicable.

(3) Every head lamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches, to be measured as set forth in section 204 (3).

(4) Any person who violates any provision of this section commits a class B traffic infraction.

206. Tail lamps and reflectors - penalty.

(1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles must be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 204, emits a red light plainly visible from a distance of five hundred feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, and except as provided in section 204. Furthermore, every such vehicle registered in this state and manufactured or assembled after January 1, 1958, must be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 204, comply with the provisions of this section.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches, to be measured as set forth in section 204 (3).

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(4) Every motor vehicle operated on and after January 1, 1958, upon a highway in the state of Colorado must carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in those sections applicable thereto and except as provided in section 204.

(5) Every new motor vehicle sold on or after January 1, 1958, and operated upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle or autocycle shall carry at least one reflector meeting the requirements of this section, and vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in this part 2.

(6) Every reflector shall be mounted on the vehicle at a height of not less than twenty inches nor more than sixty inches, measured as set forth in section 204 (3) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams and head lamps; except that visibility from a greater distance is required by law of reflectors on certain types of vehicles.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

207. Clearance and identification.

(1) Every vehicle designed or used for the transportation of property or for the transportation of persons shall display lighted lamps at the times mentioned in section 204 when and as required in this section.

(2) Clearance lamps.

(a) Every motor vehicle or motor-drawn vehicle having a width at any part in excess of eighty inches shall be equipped with four clearance lamps located as follows:

(I) Two on the front and one at each side, displaying an amber light visible from a distance of five hundred feet to the front of the vehicle;

(II) Two on the rear and one at each side, displaying a red light visible only to the rear and visible from a distance of five hundred feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp required in section 206.

(b) All clearance lamps required shall be placed on the extreme sides and located on the highest stationary support; except that, when three or more identification lamps are mounted on the rear of a vehicle on the vertical center line and at the extreme height of the vehicle, rear clearance lamps may be mounted at optional height.

(c) Any trailer, when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as provided in this section, may be, but is not required to be, equipped with front clearance lamps if the towing vehicle is of equal or greater width than the towed vehicle.

(d) All clearance lamps required in this section shall be of a type approved by the department of revenue.

(3) Side marker lamps.

(a) Every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds thirty feet in overall length shall be equipped with four side marker lamps located as follows:

(I) One on each side near the front displaying an amber light visible from a distance of five hundred feet to the side of the vehicle on which it is located;

(II) One on each side near the rear displaying a red light visible from a distance of five hundred feet to the side of the vehicle on which it is located; but the rear marker light shall not be so placed as to be visible from the front of the vehicle.

(b) Each side marker lamp required shall be located not less than fifteen inches above the level on which the vehicle stands.

(c) If the clearance lamps required by this section are of such a design as to display lights visible from a distance of five hundred feet at right angles to the sides of the vehicles, they shall be deemed to meet the requirements as to marker lamps in this subsection (3).

(d) All marker lamps required in this section shall be of a type approved by the department of revenue.

(4) Clearance reflectors.

(a) Every motor vehicle having a width at any part in excess of eighty inches shall be equipped with clearance reflectors located as follows:

(I) Two red reflectors on the rear and one at each side, located not more than one inch from the extreme outside edges of the vehicle;

(II) All such reflectors shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(b) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps if any such tail lamps meet the location limits specified for reflectors.

(c) All such clearance reflectors shall be of a type approved by the department of revenue.

(5) Side marker reflectors.

(a) Every motor vehicle or motor-drawn vehicle or combination of vehicles which exceeds thirty feet in overall length shall be equipped with four side marker reflectors located as follows:

(I) One amber reflector on each side near the front;

(II) One red reflector on each side near the rear.

(b) Each side marker reflector shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(c) All such side marker reflectors shall be of a type approved by the department of revenue.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

(7) Nothing in this section shall be construed to supersede any federal motor vehicle safety standard established pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966", Public Law 89-563, as amended.

208. Stop lamps and turn signals - penalty.

(1) Every motor vehicle or motor-drawn vehicle shall be equipped with a stop light in good working order at all times and shall meet the requirements of section 215 (1).

(2) A person shall not sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1958, unless it is equipped with at least two stop lamps meeting the requirements of section 215 (1); except that a motorcycle or autocycle manufactured or assembled after January 1, 1958, must be equipped with at least one stop lamp meeting the requirements of section 215 (1).

(3) A person shall not sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1958, and a person shall not operate any motor vehicle, trailer, or semitrailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four inches, unless it is equipped with electrical turn signals meeting the requirements of section 215 (2). This subsection (3) does not apply to any motorcycle, autocycle, or low-power scooter.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

209. Lamp or flag on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in section 204, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time, there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. Any person who violates any provision of this section commits a class A traffic infraction.

210. Lamps on parked vehicles.

(1) Whenever a vehicle is lawfully parked upon a highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable

to the side of the vehicle that is closer to passing traffic. This subsection (2) shall not apply to a low-power scooter.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

(5) This section shall not apply to low-speed electric vehicles.

211. Lamps on farm equipment and other vehicles and equipment.

(1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear of such vehicle.

(2) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in section 204, in addition to the lamps required in subsection (1) of this section, be equipped with two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(3) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with the following lamps:

(a) At least one lamp mounted to indicate as nearly as practicable to the extreme left projection of said combination and displaying a white light visible from a distance of not less than five hundred feet to the front of said combination;

(b) Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear thereof and two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear thereof when illuminated by the upper beams of head lamps.

(4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with two single-beam head lamps meeting the requirements of section 216 or 218, respectively, and at least one red lamp visible from a distance of not less than five hundred feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred feet to one hundred feet when directly in front of lawful upper beams of head lamps.

(5)(a) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with lamps as follows:

(I) The farm tractor element of every such combination shall be equipped as required in subsection (4) of this section.

(II) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than five hundred feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(b) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear.

(6) The lamps and reflectors required in this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections, both to the right and to the left of said vehicle, shall be indicated as nearly as practicable.

(7) Every vehicle, including animal-drawn vehicles and vehicles referred to in section 202 (2), not specifically required by the provisions of this Code to be equipped with lamps or other lighting devices shall at all times specified in section 204 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle and shall also be equipped with two lamps displaying red lights visible from a distance of not less than five hundred feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear and two red reflectors visible for distances of one hundred feet to six hundred feet to the rear when illuminated by the upper beams of head lamps.

(8) Any person who violates any provision of this section commits a class B traffic infraction.

212. Spot lamps and auxiliary lamps.

(1) Any motor vehicle may be equipped with not more than two spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection (2) may be used with lower head-lamp beams as specified in section 216 (1)(b).

(3) Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height of not less than twenty inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary passing lamps.

(4) Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height of not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary driving lamps.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

213. Audible and visual signals on emergency vehicles.

(1) Except as otherwise provided in this section or in section 42-4-222 in the case of volunteer fire vehicles and volunteer ambulances, every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Code, be equipped as a minimum with a siren and a horn. Such devices shall be capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet.

(2) Every authorized emergency vehicle, except those used as undercover vehicles by governmental agencies, shall, in addition to any other equipment and distinctive markings required by this Code, be equipped with at least one signal lamp mounted as high as practicable, which shall be capable of displaying a flashing, oscillating, or rotating red light to the front and to the rear having sufficient intensity to be visible at five hundred feet in normal sunlight. In addition to the required red light, flashing, oscillating, or rotating signal lights may be used which emit blue, white, or blue in combination with white.

(3) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with the red lights specified in this section.

(4) Any authorized emergency vehicle, including those authorized by section 222, may be equipped with green flashing lights, mounted at sufficient height and having sufficient intensity to be visible at five hundred feet in all directions in normal daylight. Such lights may only be used at the single designated command post at any emergency location or incident and only when such command post is stationary. The single command post shall be designated by the on-scene incident commander in accordance with local or state government emergency plans. Any other use of a green light by a vehicle shall constitute a violation of this section.

(5) The use of either the audible or the visual signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in section 705.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

214. Visual signals on service vehicles.

(1) Except as otherwise provided in this section, every authorized service vehicle must, in addition to any other equipment required by this Code, be equipped with one or more warning lamps

mounted as high as practicable, which must be capable of displaying in all directions one or more flashing, oscillating, or rotating yellow lights. Only yellow and no other color or combination of colors may be used as a warning lamp on an authorized service vehicle; except that an authorized service vehicle snowplow operated by a state, county, or local government may also be equipped with and use no more than two flashing, oscillating, or rotating blue lights as warning lamps. Lighted directional signs used by police and highway departments to direct traffic need not be visible except to the front and rear. Such lights must have sufficient intensity to be visible at five hundred feet in normal sunlight.

(2) The warning lamps authorized in subsection (1) of this section shall be activated by the operator of an authorized service vehicle only when the vehicle is operating upon the roadway so as to create a hazard to other traffic. The use of such lamps shall not relieve the operator from the duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by this Code. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

(3) Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized in subsection (1) of this section, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such service vehicle and, in the case of highway and traffic maintenance equipment engaged in work upon the highway, shall comply with the instructions of section 712.

(4) On or after January 1, 1978, only authorized service vehicles shall be equipped with the warning lights authorized in subsection (1) of this section.

(5) The department of transportation shall determine by rule which types of vehicles render an essential public service when operating on or along a roadway and warrant designation as authorized service vehicles under specified conditions, including, without limitation, vehicles that sell or apply chains or other equipment to motor vehicles necessary to enable compliance with section 106.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in subsection (1) of this section, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, “echelon formation” mean a formation in which snowplows are arranged diagonally, with each unit stationed behind and to the right, or behind and to the left, of the unit ahead.

215. Signal lamps and devices – additional lighting equipment.

(1) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with a stop lamp or lamps on the rear of the vehicle which, except as provided in section 204, shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be

actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps shall be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. Such lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and, except as provided in section 204, when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, such lamps shall indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(3) No stop lamp or signal lamp shall project a glaring or dazzling light.

(4) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(5) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.

(6) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but no such back-up lamp shall be lighted when the motor vehicle is in forward motion.

(7) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this Code. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and, except as provided in section 204, shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

(8) Any vehicle eighty inches or more in overall width may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted horizontally.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

215.5. Signal lamps and devices – street rod vehicles and custom motor vehicles.

Repealed.

216. Multiple-beam road lights - penalty.

(1) Except as provided in this Code, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination of lamps on motor vehicles, other than motorcycles, autocycles, or low-power scooters, shall be arranged so that the driver may select at will between distributions of light projected to different elevations, and the lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(1.5) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for low-speed electric vehicles in lieu of multiple beam, road-lighting equipment specified in this section if the single distribution of light complies with paragraph (b) of subsection (1) of this section.

(2) A new motor vehicle, other than a motorcycle, autocycle, or low-power scooter, that has multiple beam road-lighting equipment, shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be designed and located so that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

217. Use of multiple-beam lights.

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in section 216 (1)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(b) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this title other than the uppermost distribution of light specified in section 216 (1)(a).

(c) A low-speed electric vehicle may use the distribution of light authorized in section 216 (1.5).

(2) Any person who violates any provision of this section commits a class A traffic infraction.

218. Single-beam road-lighting equipment.

(1) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 15, 1936, in lieu of multiple-beam road-lighting equipment specified in section 216 if the single distribution of light complies with the following requirements and limitations:

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

219. Number of lamps permitted.

Whenever a motor vehicle equipped with head lamps as required in this Code is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. Any person who violates any provision of this section commits a class B traffic infraction.

220. Low-power scooters – lighting equipment - department control - use and operation.

(1)(a) A low-power scooter when in use at the times specified in section 204 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except

that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.

(c) A low-power scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(2) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1274, § 44, effective October 1, 2009.)

(3)(a) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) Repealed

(c) This subsection (3) shall not be construed to prohibit the use on any vehicle of simultaneously flashing hazard warning lights as provided by section 215 (7).

(4) 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 for use upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this Code, or parts of any of the foregoing which tend to change the original design or performance thereof, unless of a type which has been approved by the department of revenue.

(5) 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, any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(6) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted, and aimed in accordance with instructions of the department of revenue.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

221. Bicycle, electric scooter, and personal mobility device equipment.

(1) No other provision of this part 2 and no provision of part 3 of article 4 applies to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, electric scooter, or EPAMD except those provisions in this Article 4 made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.

(7) Every bicycle, electrical assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, or electric scooter within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles, electrical assisted bicycles, or electric scooters at retail shall not sell any bicycle, electrical assisted bicycle, or electric scooter, unless the bicycle, electrical assisted bicycle, or electric scooter, has an identifying number permanently stamped or cast on its frame.

(8.5) A local government may regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which the local government may regulate the operation of a class 1 electric assisted bicycle.

(9)(a) On or after January 1, 2018, every manufacturer or distributor of new electrical assisted bicycles intended for sale or distribution in this state shall permanently affix to each electrical assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in the Arial font in at least nine-point type.

(b) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.

(10)(a) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission and codified at 16 CFR 1512 or its successor regulation.

(b) A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.

(c) A class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hours, the speed the electrical assisted bicycle is traveling.

(11) A person who violated this section commits a class B traffic infraction.

222. Volunteer firefighters – volunteer ambulance–attendants - special lights and alarm systems.

(1)(a) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns, counties, cities, and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area that the ambulance service would be reasonably expected to serve may have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red lights visible to the front and rear at five hundred feet in normal sunlight. In addition to the red light, flashing, oscillating, or rotating signal lights may be used that emit white or white in combination with red lights. At least one of such signal lamps or combination of signal lamps shall be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only as authorized by subsection (3) of this section or when a member of a fire department is responding to or attending a fire alarm or other emergency or when a member of an ambulance service is responding to an emergency requiring the member's services. Except as authorized in subsection (3) of this section, neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a member of a volunteer fire department or a volunteer ambulance service may equip his or her private automobile with the equipment described in paragraph (a) of this subsection (1) only after receiving a permit for the equipment from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves.

(2) (Deleted by amendment, L. 96, p. 957, § 3, effective July 1, 1996.)

(3) A fire engine collector or member of a fire department may use the signal system authorized by subsection (1) of this section in a funeral, parade, or for other special purposes if the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

223. Brakes – penalty.

(1) Brake equipment required:

(a) Every motor vehicle, other than a motorcycle or autocycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one part

of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle, autocycle, and low-power scooter, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(c) Every trailer or semitrailer of a gross weight of three thousand pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied. The provisions of this paragraph (c) shall not be applicable to any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1) (a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in subsection (2) of this section.

(d) Every motor vehicle, trailer, or semitrailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:

(I) Any trailer or semitrailer of less than three thousand pounds gross weight, or any horse trailer of a capacity of two horses or less, or any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with loaded trailer attached in the distance specified by subsection (2) of this section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one wheel.

(II) Any truck or truck tractor, manufactured before July 25, 1980, and having three or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels meet the performance requirements of subsection (2) of this section.

(III) Every trailer or semitrailer of three thousand pounds or more gross weight must have brakes on all wheels.

(e) Provisions of this subsection (1) shall not apply to manufactured homes.

(2) Performance ability of brakes:

(a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty miles per hour within a distance of forty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent.

(b) Under the conditions stated in paragraph (a) of this subsection (2), the hand brakes shall be adequate to stop such vehicle within a distance of fifty-five feet, and said hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the conditions stated in paragraph (a) of this subsection (2), the service brakes upon a motor vehicle equipped with two-wheel brakes only, when permitted under this section, shall be adequate to stop the vehicle within a distance of fifty-five feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this title.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

(2.5) The department of public safety is specifically authorized to adopt rules relating to the use of surge brakes.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

224. Horns or warning devices.

(1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in section 213(1) in the case of authorized emergency vehicles or as provided in section 222. The driver of a motor vehicle, when reasonably necessary to ensure safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices that are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under section 213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. Such device shall not be used for such special purposes unless the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

(3) A bicycle, electrical assisted bicycle, electric scooter, or low-power scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter, a siren or whistle.

(4) Snowplows and other snow-removal equipment shall display flashing yellow lights meeting the requirements of section 214 as a warning to drivers when such equipment is in service on the highway.

(5)(a) When any snowplow or other snow removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such snowplow.

(b) The driver of a snowplow, while engaged in the removal or control of snow and ice on any highway open to traffic and while displaying the required flashing yellow warning lights as provided by section 214, shall not be charged with any violation of the provisions of this Code relating to parking or standing, turning, backing, or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of a snowplow from the consequences of a reckless or careless disregard for the safety of others.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in section 42-4-214, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, "echelon formation" means a formation in which snowplows are arranged diagonally, with each unity stationed behind and to the right, or behind, and to the left, of the unit ahead.

225. Mufflers - prevention of noise.

(1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

(1.5) Any commercial vehicle, as defined in section 235 (1)(a), subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler.

(2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in §§43-4-205(5.5)(a).

(4) This section shall not apply to electric motor vehicles.

226. Mirrors - exterior placements.

(1) Every motor vehicle shall be equipped with a mirror or mirrors so located and so constructed as to reflect to the driver a free and unobstructed view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component that, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object that obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

227. Windows unobstructed – certain materials prohibited - windshield wiper requirements.

(1)(a)(I) Except as provided in this paragraph (a), no person shall operate any motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or treated with any material or component which presents an opaque, nontransparent, or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent light transmittance. The windshield shall allow seventy percent light transmittance.

(II) The provisions of this paragraph (a) shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle; however, if such windows allow less than twenty-seven percent light transmittance, then the front side windows and the windshield on such vehicles shall allow seventy percent light transmittance.

(III) A law enforcement vehicle may have its windows, except the windshield, treated in such a manner so as to allow less than twenty-seven percent light transmittance only for the purpose of providing a valid law enforcement service. A law enforcement vehicle with such window treatment shall not be used for any traffic law enforcement operations, including operations concerning any offense in this article. For purposes of this subparagraph (III), "law enforcement vehicle" means a vehicle owned or leased by a state or local law

enforcement agency. The treatment of the windshield of a law enforcement vehicle is subject to the limits described in paragraph (b) of this subsection (1).

(b) Notwithstanding any provision of paragraph (a) of this subsection (1), nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:

(I) The bottom edge of the material extends no more than four inches measured from the top of the windshield down;

(II) The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;

(III) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

(c) Nothing in this subsection (1) shall be construed to prevent the use of any window which is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by such covering which meets such guidelines.

(d) No material shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

(e) Nothing in this subsection (1) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) (a) Except as provided in paragraph (b) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who installs, covers, or treats a windshield or window so that the windshield or window does not meet the requirements of subsection (1)(a) of this section commits a class A traffic infraction.

(4) This section shall apply to all motor vehicles; except that subsection (2) of this section shall not apply to low-speed electric vehicles.

228. Restrictions on tire equipment.

(1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, and it is unlawful to operate upon the highways of this state any motor vehicle, trailer, or semitrailer equipped with solid rubber tires.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread on the traction surface of the tire; except that, on single-tired passenger vehicles and on other single-tired vehicles with rated capacities up to and including three-fourths ton, it shall be permissible to use tires containing studs or other protuberances which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire; and except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(4) The department of transportation and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Code.

(5)(a) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with this subsection (5) and any supplemental rules and regulations promulgated by the executive director of the department.

(b) The executive director of the department shall promulgate such rules as the executive director deems necessary setting forth requirements of safe operating conditions for tires. These rules shall be utilized by law enforcement officers for visual inspection of tires and shall include methods for simple gauge measurement of tire tread depth.

(c) A tire shall be considered unsafe if it has:

(I) Any bump, bulge, or knot affecting the tire structure;

(II) A break which exposes a tire body cord or is repaired with a boot or patch;

(III) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, on those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two-tread grooves at three locations equally spaced around the circumference of the tire; except that this subparagraph (III) shall not apply to tires on a commercial vehicle as such term is defined in section 235 (1)(a); or

(IV) Such other conditions as may be reasonably demonstrated to render it unsafe.

(6) No passenger car tire shall be used on any motor vehicle which is driven or moved on any highway if such tire was designed or manufactured for non-highway use.

(7) No person shall sell any motor vehicle for highway use unless the vehicle is equipped with tires that are in compliance with subsections (5) and (6) of this section and any rules of safe operating condition promulgated by the department.

(8)(a) Any person who violates any provision of subsection (1), (2), (3), (5), or (6) of this section commits a class A traffic infraction.

(b) Any person who violates any provision of subsection (7) of this section commits a class 2 misdemeanor traffic offense.

229. Safety glazing material in motor vehicles.

(1) No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered, unless such vehicle is equipped with safety glazing material of a type approved by the department for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

(2) The term "safety glazing materials" means such glazing materials as will reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The department shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section, and the department shall not, after January 1, 1958, register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and the department shall suspend the registration of any motor vehicle subject to this section which is found to be not so equipped until it is made to conform to the requirements of this section.

(4) No person shall operate a motor vehicle on any highway within this state unless the 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 collectors' items under sections 42-12-301 or 42-12-302.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

230. Emergency lighting equipment - who must carry.

(1) No motor vehicle carrying a truck license and weighing six thousand pounds or more and no passenger bus shall be operated over the highways of this state at any time without carrying in an accessible place inside or on the outside of the vehicle three bidirectional emergency reflective triangles of a type approved by the department, but the use of such equipment is not required in municipalities where there are street lights within not more than one hundred feet.

(2) Whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the bidirectional emergency reflective triangles as directed in subsection (3) of this section.

(3) Except as provided in subsection (2) of this section, whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within ten minutes, place the bidirectional emergency reflective triangles in the following manner:

(a) One at the traffic side of the stopped vehicle, within ten feet of the front or rear of the vehicle;

(b) One at a distance of approximately one hundred feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction toward traffic approaching in that lane; and

(c) One at a distance of approximately one hundred feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (a) and (b) of this subsection (3) in the center of the traffic lane or shoulder occupied by the vehicle; or

(d) If the vehicle is stopped within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the emergency equipment required by this subsection (3) in the direction of the obstruction to view at a distance of one hundred feet to five hundred feet from the stopped vehicle so as to afford ample warning to other users of the highway; or

(e) If the vehicle is stopped upon the traveled portion or the shoulder of a divided or one-way highway, the driver shall place the emergency equipment required by this subsection (3), one at a distance of two hundred feet and one at a distance of one hundred feet in a direction toward approaching traffic in the center of the lane or shoulder occupied by the vehicle, and one at the traffic side of the vehicle within ten feet of the rear of the vehicle.

(4) No motor vehicle operating as a tow truck, as defined in section 40-10.1-101(21), at the scene of an accident shall move or attempt to move any wrecked vehicle without first complying with those sections of the law concerning emergency lighting.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

231. Parking lights.

When lighted lamps are required by section 204, no vehicle shall be driven upon a highway with the parking lights lighted except when the lights are being used as signal lamps and except when the head lamps are lighted at the same time. Parking lights are those lights permitted by section 215 and any other lights mounted on the front of the vehicle, designed to be displayed primarily when the vehicle is parked. Any person who violates any provision of this section commits a class B traffic infraction.

232. Minimum safety standards for motorcycles, autocycles, and low-power scooters.

(1)(a) Except as provided in subsection (1)(b) of this section, a person shall not drive a motorcycle, autocycle, or low-power scooter on a public highway unless the person and any passenger in or on the motorcycle, autocycle, or low-power scooter is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) does not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

(b) A person driving or riding an autocycle need not wear eye protection if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(2) The department shall adopt standards and specifications for the design of goggles and eyeglasses.

(3) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

233. Alteration of suspension system.

(1) No person shall operate a motor vehicle of a type required to be registered under the laws of this state upon a public highway with either the rear or front suspension system altered or changed from the manufacturer's original design except in accordance with specifications permitting such alteration established by the department. Nothing contained in this section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this section prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear shall not affect the control of the vehicle.

(2) This section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes, and such motor vehicles may be lawfully towed on the highways of this state.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

234. Slow-moving vehicles - display of emblem.

(1)(a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, electric scooters, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway must display a triangular slow-moving vehicle emblem on the rear.

(b) The department shall set standards for a triangular slow-moving emblem for use on low-speed electric vehicles.

(c) Bicycles, electrical assisted bicycles, electric scooters and other human-powered vehicles may, but need not, display the emblem specified in this subsection (1).

(2) The executive director of the department shall adopt standards and specifications for such emblem, position of the mounting thereof, and requirements for certification of conformance with the standards and specifications adopted by the American society of agricultural engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.

(3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

235. Minimum standards for commercial vehicles – motor carrier safety fund – created – definition - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) A self-propelled or towed vehicle;

(A) Bearing an apportioned plate;

(B) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used in commerce on public highways; or

(C) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used to transport sixteen or more passengers, including the driver, unless the vehicle is a school bus regulated in accordance with section 42-4-1904, or a vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as the school district does not receive remuneration, other than reimbursement of the school district's costs, for the use of the vehicle;

(II) 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 the public highways of this state; and

(III) 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. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

(b) Repealed.

(c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).

(2)(a) A person shall not operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless the vehicle is in compliance with the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. A person that violates such rules, including intrastate motor carriers, shall be subject to the civil penalties authorized pursuant to 49 CFR 386, subpart G. A person that uses an independent contractor is not liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. A state agency or court collecting civil penalties pursuant to this article 4 shall transmit the civil penalties to the state treasurer, who shall credit the same to the highway users tax fund created in section 43-4-201, for allocation and expenditure as specified in section 43-4-205(5.5)(a).

(b) Notwithstanding paragraph (a) of this subsection (2):

(I) Intrastate motor carriers shall not be subject to any provisions in 49 CFR, part 386, subpart G that relate the amount of a penalty to a violator's ability to pay, and such penalties shall be based upon the nature and gravity of the violation, the degree of culpability, and such other matters as justice and public safety may require;

(II) When determining the assessment of a civil penalty for safety violations, the period of a motor carrier's safety compliance history that a compliance review officer may consider shall not exceed three years; and

(III) The intrastate operation of implements of husbandry shall not be subject to the civil penalties provided in 49 CFR, part 386, subpart G. Nothing in this subsection (2) shall be construed to repeal, preempt, or negate any existing regulatory exemption for agricultural operations, intrastate farm vehicle drivers, intrastate vehicles or combinations of vehicles with a gross vehicle weight rating of not more than twenty-six thousand pounds that do not require a commercial driver's license to operate, or any successor or analogous agricultural exemptions, whether based on federal or state law.

(IV) This section does not apply to a motor vehicle or motor vehicle and trailer combination:

(A) With a gross vehicle weight, gross vehicle weight rating, or gross combination rating of less than twenty-six thousand one pounds;

(B) Not operated in interstate commerce;

(C) Not transporting hazardous materials requiring placarding;

(D) Not transporting either sixteen or more passengers including the driver or eight or more passengers for compensation; and

(E) If the motor vehicle or combination is being used solely for agricultural purposes.

(c) The Colorado state patrol has exclusive enforcement authority to conduct compliance reviews, as defined in 49 CFR 385.3, and to impose civil penalties pursuant to the reviews.

This subsection (2)(c) does not expand or limit the ability of local governments to conduct roadside safety inspections.

(d)(I) Pursuant to section 42-3-120, upon notice from the Colorado state patrol, for a carrier that fails to pay in full a civil penalty imposed pursuant to this subsection (2) within thirty days after notification of the penalty or fails to cooperate with the completion of a compliance review within thirty days after notification of the failure to cooperate, the department shall:

(A) cancel the motor carrier's registration; and

(B) enter both the motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record.

(II) Repealed.

(3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules and regulations adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. The declaration of knowledge shall be in writing on a form provided by the Colorado state patrol. Such form must be signed and returned by a motor carrier according to rules adopted by the chief.

(4)(a)(I) Except as described in subsection (4)(a)(III) of this section, the chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles and, as specified in subsection (4)(a)(II) of this section, vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the chief pursuant to this subsection (4)(a) must be performed by an enforcement official, as defined in section 42-20-103(2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(II) With respect to the operation of all vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds, the chief of the Colorado state patrol may adopt rules that authorize the Colorado state patrol to:

(A) Annually inspect these vehicles;

(B) Enforce with respect to these vehicles all requirements for the securing of loads that apply to commercial vehicles; and

(C) Enforce with respect to these vehicles all requirements relating to the use of coupling devices for commercial vehicles.

(III) Rules establishing insurance requirements for vehicles used by licensed river outfitters are established by the parks and wildlife commission pursuant to section 33-32-103(1)(e).

(b) The Colorado public utilities commission may enforce safety rules of the chief of the Colorado state patrol governing commercial vehicles described in subparagraphs (I) and (II) of paragraph (a) of subsection (1) of this section pursuant to his or her authority to regulate motor carriers, as defined in section 40-10.1-101, including the issuance of civil penalties for violations of such rules as provided in section 40-7-113.

(5) Any person who violates a rule or regulation promulgated by the chief of the Colorado state patrol pursuant to this section or fails to comply with subsection (3) of this section commits a class 2 misdemeanor traffic offense.

(6) The motor carrier safety fund is created in the state treasury. The fund consists of moneys transferred from the public utilities commission motor carrier fund pursuant to section 40-2-110.5(9)(a). Moneys in the fund are subject to appropriation by the general assembly for the direct and indirect costs of the advancement of highway safety relating to commercial carrier operations pursuant to this section. All interest derived from the deposit and investment of moneys in the fund are credited to the fund, and any moneys not appropriated remain in the fund and do not transfer or revert to the general fund or any other fund.

236. Child restraint systems required - definitions - exemptions.

(1) As used in this section, unless the context otherwise requires:

(a) “Child care center” means a facility required to be licensed under the “Foster Care, Residential, Day Treatment, and Agency Licensing Act”, part 9 of article 6 of title 26, or the “Child Care Licensing Act”, part 3 of article 5 of title 26.5.

(a.3) Deleted.

(a.5) “Child restraint system” means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 CFR 571.213, as amended.

(a.7) Deleted.

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. "Motor vehicle" does not include motorcycles, low-power scooters, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) “Safety belt” means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is

physically a part of a child restraint system. “Safety belt” includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

(c) “Seating position” means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2)(a)(I) Unless exempted pursuant to subsection (3) of this section, and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system according to the manufacturer’s instructions:

(II) If the child is less than one year of age and weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a rear-facing or forward- facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child, who is at least eight years of age but less than sixteen years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in section 42-2-105.5(4), the requirements of subsection (2) of this section shall not apply to a child who:

(a) Repealed.

(b) Is less than eight years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(c) Is being transported in a commercial motor vehicle, as defined in section 42-2-402(4)(a), that is operated by a child care center; or

(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237;

(e) (Deleted by amendment, L. 2011, (SB 11-227), ch. 295, p. 1399, § 1, effective June 7, 2011.)

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in section 40-10.1-101, or an operator of a luxury limousine service as defined in section 40-10.1-301.

(4) No Rule.

(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(7) (a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section commits a class B traffic infraction.

(b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).

(8) The fine may be waived if the defendant presents the court with satisfactory evidence or proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

(9) (Deleted by amendment, L. 2010, (SB 10-110), ch 294, p. 1365, § 3, effective August 1, 2020.

(10) and (11) Repealed.

237. Safety belt systems – mandatory use - exemptions – penalty - definitions.

(1) As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle and every driver of and every passenger in an autocycle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

(3) Except as provided in section 42-2-105.5, the requirement of subsection (2) of this section shall not apply to:

(a) A child required by section 236 to be restrained by a child restraint system;

(b) A member of an ambulance team, other than the driver, while involved in patient care;

(c) A peace officer as described in section 16-2.5-101, while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (2) of this section and which only provide exceptions necessary to protect the officer;

(d) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(e) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(f) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and

(g) A person operating a motor vehicle which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(4)(a) Except as otherwise provided in paragraph (b) of this subsection (4), any person who operates a motor vehicle while such person or any passenger is in violation of the requirement of subsection (2) of this section commits a class B traffic infraction. Penalties collected pursuant to this subsection (4) shall be transmitted to the appropriate authority pursuant to the provisions of section 42-1-217(1)(e) and (2).

(b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).

(5) No driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Codes 1 to 4 of this title other than a violation of this section.

(6) Testimony at a trial for a violation charged pursuant to subsection (4) of this section may include:

(a) Testimony by a law enforcement officer that the officer observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (2) of this section; or

(b) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.

(7) Evidence of failure to comply with the requirement of subsection (2) of this section shall be admissible to mitigate damages with respect to any person who was involved in a motor vehicle accident and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. Such mitigation shall be limited to awards for pain and suffering and shall not be used for limiting recovery of economic loss and medical payments.

238. Blue and red lights - illegal use or possession.

(1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in section 42-1-102(6), that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.

(2) It shall be an affirmative defense that the defendant was:

(a) A peace officer as described in section 16-2.5-101; or

(b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or

(c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to section 222 (1)(b); or

(d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or

(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item.

(3) A violation of this section is a class 2 misdemeanor.

239. Misuse of a wireless telephone – definitions - penalty - preemption.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) "Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (3) of this section.

(3) A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

(a) To contact a public safety entity; or

(b) During an emergency.

(5)(a) A person who operates a motor vehicle in violation of subsection (2) of this section commits a class A traffic infraction as defined in section 42-4-1701(3). and the court or the department of revenue shall assess a fine of fifty dollars.

(b) A second or subsequent violation of subsection (2) of this section is a class A traffic infraction as defined in section 1701(3), and the court or the department of revenue shall assess a fine of one hundred dollars.

(5.5)(a) Except as provided in subsections (5.5)(b) and (5.5)(c) of this section, a person who operates a motor vehicle in violation of subsection (3) of this section commits a class 2 misdemeanor traffic offense, and the court or the department shall assess a fine of three hundred dollars.

(b) If the person's actions are the proximate cause of bodily injury to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(c) If the person's actions are the proximate cause of death to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(6)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive 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, as prohibited by 42-4-1402.

(7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

(8) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

(9) The general assembly finds and declares that use of wireless telephones in motor vehicles is a matter of statewide concern.

240. Low-speed electric vehicle equipment requirements.

A low-speed electric vehicle shall conform with applicable federal manufacturing equipment standards. Any person who operates a low-speed electric vehicle in violation of this section commits a class B traffic infraction.

241. Unlawful removal of tow-truck signage - unlawful usage of tow-truck signage.

(1)(a) A person, other than a towing carrier or peace officer as described in section 16-2.5-101, commits the crime of unlawful removal of tow-truck signage if:

(I) A towing carrier has placed a tow-truck warning sign on the driver-side window of a vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the vehicle; and

(II) The vehicle to be towed is within fifty feet of the towing carrier vehicle; and

(III) The person removes the tow-truck warning sign from the vehicle before the tow is completed.

(b) A person commits the crime of unlawful usage of tow-truck signage if the person places a tow-truck warning sign on a vehicle when the vehicle is not in the process of being towed or when the vehicle is occupied.

(c) A towing carrier may permit an owner of the vehicle to be towed to retrieve any personal items from the vehicle before the vehicle is towed.

(2) A person who violates subsection (1) of this section commits a class A traffic infraction.

(3) For purposes of this section, "tow-truck warning sign" means a sign that is at least eight inches by eight inches, is either yellow or orange, and states the following:

WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.

242. Automated driving systems – safe harbor.

(1) A person may use an automated driving system to drive a motor vehicle or to control a function of a motor vehicle if the system is capable of complying with every state and federal law that applies to the function that the system is operating.

(2) Any provision in articles 1 to 3 of title 42 and article 4 that by its nature regulates a human driver, including section 42-2-101, does not apply to an automated driving system, except for laws regulating the physical driving of a vehicle.

(3)(a) If an automated driving system is not capable of complying with every state and federal law that applies to the function the system is operating, a person shall not test the system unless approved by the Colorado state patrol and the Colorado department of transportation, in accordance with a process overseen by the Colorado state patrol and the Colorado department of transportation.

(b) A person who violates this subsection (3) commits a class B traffic infraction. Upon determining that there is probable cause to believe that a motor vehicle was used to violate this subsection (3), a peace officer of the state patrol may impound or immobilize the motor vehicle until the person who violated this section has obtained the required approval in accordance with subsection (3)(a) of this section or signed an affidavit, under penalty of perjury, stating the person's intention to cease using the automated driving system in Colorado without the required approval.

(4) The Colorado department of transportation shall report to the transportation legislation review committee by September 1 of each year, concerning the testing of automated driving systems in Colorado. The first report is due by September 1, 2018. Notwithstanding the provisions of section 24-1-136, the reporting requirements contained in this subsection (4) continued indefinitely.

(5) Liability for a crash involving an automated driving system driving a motor vehicle that is not under human control is determined in accordance with applicable state law, federal law, or common law.

Part 3
Emissions Inspection
(Omitted)

Part 4
Diesel Inspection Program
(Omitted)

Part 5
Size - Weight - Load

501. Size and weight violations - penalty.

Except as provided in section 509, it is a traffic infraction 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 512 or otherwise in violation of said sections or section 1407, except as permitted in section 510. The maximum size and weight of vehicles specified in said sections shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations, except as express authority may be granted in section 42-4-106.

502. Width of vehicles.

(1) The total outside width of any vehicle or the load thereon shall not exceed eight feet six inches, except as otherwise provided in this section.

(2)(a) A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.

(b) A vehicle and trailer may transport a load of rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width.

(3) It is unlawful for any person to operate a vehicle or a motor vehicle which has attached thereto in any manner any chain, rope, wire, or other equipment which drags, swings, or projects in any manner so as to endanger the person or property of another.

(4) The total outside width of buses and coaches used for the transportation of passengers shall not exceed eight feet six inches.

(5)(a) The total outside width of vehicles as included in this section shall not be construed so as to prohibit the projection beyond such width of clearance lights, rearview mirrors, or other accessories required by federal, state, or city laws or regulations.

(b) The width requirements imposed by subsection (1) of this section shall not include appurtenances on recreational vehicles, including but not limited to motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, and truck campers, all as defined in section 24-32-902, so long as such recreational vehicle, including such appurtenances, does not exceed a total outside width of nine feet six inches.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

503. Projecting loads on passenger vehicles.

Except with regard to the operation of a motorcycle, autocycle, bicycle, electrical assisted bicycle or electric scooter, a person shall not operate a passenger-type vehicle on any highway with any load carried extending beyond the line of the fenders on the left side of the vehicle nor extending

more than six inches beyond the line of the fenders on the right side of the vehicle. A person who violates this section commits a class B traffic infraction.

504. Height and length of vehicles.

(1) No vehicle unladen or with load shall exceed a height of fourteen feet six inches. The department of transportation shall designate highways with overhead highway structures that have less than fourteen feet six inches of vertical clearance. A driver shall not drive a vehicle under a structure if the vehicle's height exceeds the department's designated vertical clearance for the structure.

(2) No single motor vehicle shall exceed a length of forty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the limits of a town, city, or municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may extend to forty feet.

(3) Buses used for the transportation of passengers between towns, cities, and municipalities in the state of Colorado may be sixty feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of thirteen feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in section 508; except that buses with a height of fourteen feet six inches which otherwise conform to the requirements of this subsection (3) shall be operated only on highways designated by the department of transportation.

(4) No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to unladen truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length or to unladen truck tractor-semitrailer-trailer combinations when the semitrailer and the trailer are each twenty-eight feet six inches or less in length. Said length limitations shall also not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in section 42-4-510, but, in respect to night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(4.5) Notwithstanding the provisions of subsection (4) of this section, drivers shall not drive the following combinations of vehicles:

(a) Saddlemount combinations consisting of more than four units or saddlemount combinations exceeding ninety-seven feet in overall length;

(b) Laden truck tractor-semitrailer combinations exceeding seventy-five feet in overall length; and

(c) Stinger-steered vehicle combinations for transporting automobiles or boats and whose total overall length exceeds eighty feet; except that the overall length of these combinations excludes:

(I) Safety devices that are not designed or used for carrying cargo;

(II) Automobiles or boats being transported;

(III) Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, shall not extend more than four feet beyond the extreme front of the grill of such vehicle and no load or extension device may extend more than six feet to the extreme rear of the vehicle.

(d) Towaway trailer transporter combinations that:

(I) Exceed eighty-two feet in overall length;

(II) Carry property;

(III) Exceed an overall weight of twenty-six thousand pounds;

(IV) Consist of more than a single towing unit and two trailers or semitrailers; or

(V) Do not constitute inventory property of a manufacturer, distributor, or dealer of the trailer or semitrailer.

(5) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the front most point of the grill of such vehicle; but a load may project not more than four feet beyond the front most point of the grill assembly of the vehicle engine compartment of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or to either side.

(6) The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, and pipes shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of subsection (5) of this section, and no load shall project to the rear more than ten feet.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

505. Longer vehicle combinations.

(1) Notwithstanding any other provision of this Code to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the department of transportation may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in each vehicle. The fee for the permit shall be two hundred fifty dollars per year.

(2) The permits shall allow operation, over designated highways, of the following vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles:

(a) An unladen truck tractor, a semitrailer, and two trailers. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed twenty-eight feet six inches in length.

(b) An unladen truck tractor, a semitrailer, and a single trailer. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed forty-eight feet in length. Notwithstanding any other restriction set forth in this section, such combination may have up to eleven axles when used to transport empty trailers.

(c) An unladen truck tractor, a semitrailer, and a single trailer, one trailer of which is not more than forty-eight feet long, the other trailer of which is not more than twenty-eight feet six inches long. A semitrailer used with a converter dolly shall be considered a trailer. The shorter trailer shall be operated as the rear trailer.

(d) A truck and single trailer, having an overall length of not more than eighty-five feet, the truck of which is not more than thirty-five feet long and the trailer of which is not more than forty feet long. For the purposes of this paragraph (d), a semitrailer used with a converter dolly shall be considered a trailer.

(3) The long combinations are limited to interstate highway 25, interstate highway 76, interstate highway 70 west of its intersection with state highway 13 in Garfield county, interstate highway 70 east of its intersection with U.S. 40 and state highway 26, the circumferential highways designated I-225 and I-270, and state highway 133 in Delta county from mile marker 8.9 to mile marker 9.7.

(4) The department of transportation shall promulgate rules and regulations governing the issuance of the permits, including, but not limited to, selection of carriers, driver qualifications, equipment selection, hours of operation, and safety considerations; except that they shall not include hazardous materials subject to regulation by the provisions of Code 20 of this title.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

506. Trailers and towed vehicles.

(1) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of a structural nature which cannot readily be dismembered and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

(2) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(3) Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth wheel connection meeting the requirements of the department of transportation, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened, or otherwise damaged shall be used. This subsection (3) shall apply to all motor vehicles, to all trailers, except semitrailers connected by a proper fifth wheel, and to any dolly used to convert a semitrailer to a full trailer.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

507. Wheel and axle loads.

(1) The gross weight upon any wheel of a vehicle shall not exceed the following:

(a) When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;

(b) When the wheel is equipped with a pneumatic tire, nine thousand pounds.

(2) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:

(a) When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;

(b) Except as provided in paragraph (b.5) of this subsection (2), when the wheels attached to a single axle are equipped with pneumatic tires, twenty thousand pounds;

(b.5) When the wheels attached to a single axle are equipped with pneumatic tires and the vehicle or vehicle combination is a digger derrick or bucket boom truck operated by an electric utility on a highway that is not on the interstate system as defined in section 43-2-101 (2), twenty-one thousand pounds;

(c) When the wheels attached to a tandem axle are equipped with pneumatic tires, thirty-six thousand pounds for highways on the interstate system and forty thousand pounds for highways not on the interstate system.

(3)(a) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of paragraph (b) of subsection (2) of this section.

(b) (omitted for 1987 passed date?)

(c) A vehicle contracted by or owned and operated by a local authority or special district is exempt from paragraph (c) of subsection (2) of this section of the vehicle:

(I) Is equipped with a vacuum or jet equipment to load or unload solid, semisolid, or liquid waste for water or wastewater treatment or transportation systems or for the removal of storm water; and

(II) Is not operated on the interstate system as defined by section 43-2-101.

(4) For the purposes of this section:

(a) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.

(b) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

(5) The gross weight upon any one wheel of a steel-tired vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

(6) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

508. Gross weight of vehicles and loads - definition.

(1)(a) Except as provided in subsection (1.5) of this section, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge when the gross weight upon any one axle of a vehicle exceeds the limits prescribed in section 507.

(b) Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula W = 1,000 (L + 40), where W represents the gross weight in pounds and L represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; except that, in computation of this formula, the gross vehicle weight must not exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section must be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the amount determined by the formula W = 500 [(LN/N-1) + 12N + 36], up to a maximum of eighty thousand pounds, where W represents the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L represents the distance in feet between the extreme of any group of two or more consecutive axles, and N represents the number of axles in the group.

(d) For the purposes of this subsection (1), where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation does not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(1.5) The gross weight limits provided in subsection (1) of this section increase, but by no more than two thousand pounds, for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. For the purposes of this subsection (1.5), "alternative fuel" has the same meaning provided in section 24-30-1104(2)(c)(III)(a).

(2) The department upon registering any vehicle under the laws of this state, which vehicle is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may acquire such information and may make such investigation or tests as necessary to enable it to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this article. The department shall not register any such vehicle for a permissible gross weight exceeding the limitations set forth in sections 501 to 512 and 1407 of this Code. Every such vehicle shall meet the following requirements:

(a) It shall be equipped with brakes as required in section 223;

(b) Every motor vehicle to be operated outside of business and residential district shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or be drawn thereby.

(3) If the federal highway administration or the United States congress prescribes or adopts vehicle size or weight limits greater than those now prescribed by the “Federal-Aid Highway Act of 1956”, which limits exceed in full or in part the provisions of section 504 or paragraph (b) or (c) of subsection (1) of this Code, the transportation commission, upon determining that Colorado highways have been constructed to standards which will accommodate such additional size or weight and that the adoption of said size and weight limitations will not jeopardize any distribution of federal highway funds to the state, may adopt size and weight limits comparable to those prescribed or adopted by the federal highway administration or the United States congress and may authorize said limits to be used by owners or operators of vehicles while said vehicles are using highways within this state; but no vehicle size or weight limit so adopted by the commission shall be less in any respect than those now provided for in section 504 or paragraph (b) or (c) of subsection (1) of this section.

(4) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

509. Vehicles weighed – excess removed.

(1) Any police or peace officer, as described in section 16-2.5-101, having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

(2)(a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under sections 501 to 512 and 1407. All material

so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in section 102 (32), such officer shall permit the driver of such vehicle to proceed to the driver's destination without requiring the driver to unload the excess portion of such load.

(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a class 2 misdemeanor traffic offense.

510. Permits for excess size and weight and for manufactured homes – rules - definition.

(1)(a) Any local authority with respect to highways under its jurisdiction may, upon application in writing and good cause being shown therefor, issue a single trip, a special, or an annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Code or otherwise not in conformity with the provisions of this Code upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible; except that permits for the movement of any manufactured home shall be issued as provided in subsection (2) of this section.

(b)(I) The application for any permit shall specifically describe the vehicle and load to be operated or moved and the particular highways for which the permit to operate is requested, and whether such permit is for a single trip, a special, or an annual operation, and the time of such movement. All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions adopted in accordance with section 511. Any ordinances or resolutions of local authorities shall not conflict with this section.

(II) An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:

(A) The vehicle has a quad axle grouping and the maximum gross weight of the vehicle does not exceed one hundred ten thousand pounds; or

(B) The vehicle is operated in combination with a trailer or semitrailer, the trailer has two or three axles, and the maximum gross weight of the vehicle does not exceed ninety-seven thousand pounds; and

(C) The owner and operator of the motor vehicle are in compliance with the federal "Motor Carrier Safety Improvement Act of 1999", Pub.L. 106-159, as amended, as applicable to commercial vehicles; and

(D) The vehicle complies with rules promulgated by the department of transportation concerning the distribution of the load upon the vehicle's axles.

(III) A permit issued pursuant to this paragraph (b) shall not authorize the operation or movement of a motor vehicle on the interstate highway in violation of federal law.

(c)(I) A single trip or annual permit shall be issued pursuant to this section for a self-propelled fixed load crane that exceeds legal weight limits if it does not exceed the weight limits authorized by the department of transportation. A boom trailer or boom dolly shall not be permitted unless the boom trailer or boom dolly is attached to the crane in a manner and for the purpose of distributing load to meet the weight requirements established by the department. A self-propelled fixed load crane may be permitted with counterweights when a boom trailer or boom dolly is used if the counterweights do not exceed the manufacturer's rated capacity of the self-propelled fixed load crane and do not cause the vehicle to exceed permitted axle or gross weight limits. A permit issued pursuant to this paragraph (c) shall not authorize movement on interstate highways if not approved by federal law.

(II) For the purposes of this paragraph (c), "self-propelled fixed load crane" means a self-powered mobile crane designed with equipment or parts permanently attached to the body of the crane. A self-propelled fixed load crane includes, without limitation, the crane's shackles and slings.

(d) For the purposes of this section, section 42-4-511, and any rule promulgated under this section or section 42-4-511, a load of fluid milk products carried by a vehicle is deemed to not be a divisible load.

Note: 1.5 & 1.7(2)(a) An authentication of paid ad valorem taxes, after notification of such movement to the county treasurer, may serve as a permit for movement of manufactured homes on public streets or highways under the county's jurisdiction. An authentication of paid ad valorem taxes from the county treasurer of the county from which the manufactured home is to be moved, after notification of such movement has been provided to the county assessor of the county to which the manufactured home is to be moved, pursuant to section 39-5-205, may also serve as a permit for the movement of manufactured homes from one adjoining county to an adjoining county on streets and highways under local jurisdiction. The treasurer shall issue along with the authentication of paid ad valorem taxes a transportable manufactured home permit. The treasurer may establish and collect a fee, which shall not exceed ten dollars, for issuing the authentication of paid ad valorem taxes and the transportable manufactured home permit. Such transportable manufactured home permit shall be printed on an eleven inch by six inch fluorescent orange card and shall contain the following information: The name and address of the owner of the mobile home; the name and address of the mover; the transport number of the mover, a description of the mobile home including the make, year, and identification or serial number; the county authentication number; and an expiration date. The expiration date shall be set by the treasurer, but in no event shall the expiration date be more than thirty days after the date of issue of the permit. Such transportable manufactured home permit shall be valid for a single trip only. The transportable manufactured home permit shall be prominently displayed on the rear of the mobile home during transit of the mobile home. Peace officers and local tax and assessment officials may request, and upon demand shall be shown, all moving permits, tax receipts, or certificates required by this subsection (2). Nothing in this section shall require a permit from a county treasurer for the movement of a new manufactured home. For the purposes of this section,

a new manufactured home is one in transit under invoice or manufacturer's statement of origin which has not been previously occupied for residential purposes.

(b) All applications for permits to move manufactured homes over state highways shall comply with the following special provisions:

(I) Each such application shall be for a single trip, a special permit, an annual permit, or, subject to the requirements of paragraph (a) of subsection (1.5) of this section, an annual fleet permit. The application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all manufactured homes moved within this state by the permit holder during the effective term of the permit. Each application for a single trip permit shall be accompanied by an authentication of paid ad valorem taxes on the used manufactured home.

(II) Holders of permits shall keep and maintain, for not less than three calendar years, records of all manufactured homes moved in whole or in part within this state, which records shall include the plate number of the towing vehicle; the year, make, serial number, and size of the unit moved, together with date of the move; the place of pickup; and the exact address of the final destination and the county of final destination and the name and address of the landowner of the final destination. These records shall be available upon request within this state for inspection by the state of Colorado or any of its ad valorem taxing governmental subdivisions.

(III) Holders of permits shall obtain an authentication of paid ad valorem taxes through the date of the move from the owner of a used manufactured home or from the county treasurer of the county from which the used manufactured home is being moved. Permit holders shall notify the county treasurer of the county from which the manufactured home is being moved of the new exact address of the final destination and the county of final destination of the manufactured home and the name and address of the landowner of the final destination, and, if within the state, the county treasurer shall forward copies of the used manufactured home tax certificate to the county assessor of the destination county. County treasurers may compute ad valorem manufactured home taxes due based upon the next preceding year's assessment prorated through the date of the move and accept payment of such as payment in full.

(IV) No owner of a manufactured home shall move the manufactured home or provide for the movement of the manufactured home without being the holder of a paid ad valorem tax certificate and a transportable manufactured home permit thereon, and no person shall assist such an owner in the movement of such owner's manufactured home, including a manufactured home dealer. Except as otherwise provided in this paragraph (b), a permit holder who moves any manufactured home within this state shall be liable for all unpaid ad valorem taxes thereon through the date of such move if movement is made prior to payment of the ad valorem taxes due on the manufactured home moved.

(V) In the event of an imminent natural or man-made disaster or emergency, including, but not limited to, rising waters, flood, or fire, the owner, owner's representative or agent, occupant, or tenant of a manufactured home or the mobile home park owner or manager,

lienholder, or manufactured home dealer is specifically exempted from the need to obtain a permit pursuant to this section and may move the endangered manufactured home out of the danger area to a temporary or new permanent location and may move such manufactured home back to its original location without a permit or penalty or fee requirement. Upon any such move to a temporary location as a result of a disaster or emergency, the person making the move or such person's agent or representative shall notify the county assessor in the county to which the manufactured home has been moved, within twenty days after such move, of the date and circumstances pertaining to the move and the temporary or permanent new location of the manufactured home. If the manufactured home is moved to a new permanent location from a temporary location as a result of a disaster or emergency, a permit for such move shall be issued but no fee shall be assessed.

(3) Any local authority is authorized to issue or withhold a permit, as provided in this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure.

(4) The original or a copy of every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the authority that granted a permit may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be carried in the vehicle or combination of vehicles to which it refers. No person shall violate any of the terms or conditions of such permit.

(5) No vehicle having a permit under this section shall be remodeled, rebuilt, altered, or changed except in such a way as to conform to those specifications and limitations established in sections 501 to 507 and 1407.

(6) Any person who has obtained a valid permit for the movement of any oversize vehicle or load may attach to such vehicle or load or to any vehicle accompanying the same not more than three illuminated flashing yellow signals as warning devices.

(7) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to such person's place of business within the state or to the premises of a purchaser or prospective purchaser within the state; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(8) The department of transportation shall have a procedure to allow those persons who are transporting loads from another state into Colorado and who would require a permit under the provisions of this section to make advance arrangements by telephone or other means of communication for the issuance of a permit if the load otherwise complies with the requirements of this section.

(9) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to such person's place of business within the state or to the premises of a purchaser or prospective purchaser within the state; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(10) Local law enforcement officials shall verify the validity of permits issued under this section whenever feasible. Upon determination by any of such officials or by any personnel of a county assessor's or county treasurer's office indicating that a manufactured home has been moved without a valid permit, the district attorney shall investigate and prosecute any alleged violation as authorized by law.

(11)(a) The department of transportation or the Colorado state patrol may charge permit applicants permit fees as follows:

(I) For overlength, overwidth, and overheight permits on loads or vehicles which do not exceed legal weight limits:

(A) Annual permit, two hundred fifty dollars;

(B) Single trip permit, fifteen dollars;

(II) Not applicable.

(III) For overweight permits for vehicles or loads exceeding legal weight limits up to two hundred thousand pounds:

(A) Annual permit, four hundred dollars;

(B) Single trip permit, fifteen dollars plus five dollars per axle;

(C) Annual fleet permits, one thousand five hundred dollars plus twenty-five dollars per vehicle to be permitted. For purposes of this sub-subparagraph (C), "fleet" means any group of two or more vehicles owned by one person. This sub-subparagraph (C) shall apply only to longer vehicle combinations as defined in section 505.

(IV) Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of two hundred thousand pounds, one hundred twenty-five dollars for a permit for a single trip, including a super-load permit issued under subsection (1.7) of this section; except that a super-load permit fee is four hundred dollars;

(V) The fee for an annual fleet permit issued pursuant to subsection (1.5) or (2) of this section is three thousand dollars for a fleet of from two to ten vehicles plus three hundred dollars for each additional vehicle in the fleet;

(VI) For overweight permits for vehicles that have a quad axle grouping for subdivisible vehicles or loads exceeding legal weight limits issued pursuant to subsection (1)(b)(II)(A) of this section:

(A) Annual permit, five hundred dollars; and

(B) Single trip permit, thirty dollars plus ten dollars per axle.

(VII) For overweight permits for vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II)(B) of this section:

(A) Annual permit, five hundred dollars;

(B) Six-month permit, two hundred fifty dollars; and

(C) Single-trip permit, fifteen dollars plus ten dollars per axle.

(VIII) For annual fleet overweight permits for fleets of vehicles that have a quad axle grouping, fleets of vehicle combinations with a trailer that has two or three axles, and fleets of both vehicles that have a quad axle grouping and vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II) of this section, two thousand dollars plus thirty-five dollars per vehicle to be permitted.

(b) Any local authority may impose a fee, in addition to but not to exceed the amounts required in subparagraphs (I) and (III) of paragraph (a) of this subsection (11), as provided by the applicable local ordinance or resolution; and, in the case of a permit under subparagraph (IV) of paragraph (a) of this subsection (11), the amount of the fee shall not exceed the actual cost of the extraordinary action.

(12)(a) Any person holding a permit issued pursuant to this section or any person operating a vehicle pursuant to such permit who violates any provision of this section, any ordinance or resolution of a local authority, or any standards or rules or regulations promulgated pursuant to this section, except the provisions of subsection (2)(b)(IV) of this section, commits a class 2 misdemeanor.

(b) Any person who violates the provisions of subsection (2)(b)(IV) of this section commits a petty offense.

(c) A local authority with regard to a local permit may, after a hearing, revoke, suspend, refuse to renew, or refuse to issue any permit authorized by this section upon a finding that the holder of the permit has violated the provisions of this section, any ordinance or resolution of the local authority, or any standards or rules promulgated pursuant to this section.

(d) A driver or holder of a permit issued pursuant to subsection (1.7) of this section who fails to comply with the terms of the permit or subsection (1.7) of this section commits a class 2 misdemeanor.

511. Permit standards - state and local.

(1)(a) Any permits which may be required by local authorities shall be issued in accordance with ordinances and resolutions adopted by the respective local authorities after a public hearing at which testimony is received from affected motor vehicle owners and operators. Notice of such public hearing shall be published in a newspaper having general circulation within the local authority's jurisdiction. Such notice shall not be less than eight days prior to the date of hearing. The publication shall not be placed in that portion of the newspaper in which legal notices or classified advertisements appear. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public, including motor vehicle owners and operators to be affected, may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing.

(b) At least thirty days prior to such public hearing, the local authority shall transmit a copy of the proposed ordinance or resolution to the department of transportation for its comments, and said department shall make such comments in writing to the local authority prior to such public hearing.

(c) Any local authority that adopts or has adopted an ordinance or resolution governing permits for the movement of oversize or overweight vehicles or loads shall file a copy of the ordinance or resolution with the department of transportation.

512. Liability for damage to highway.

(1) No person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure. When the damage sustained to said highway or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight authorized by sections 501 to 512 and 1407, it shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued in accordance with sections 501 to 512 and 1407.

(2) Every person violating the provisions of subsection (1) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

Part 6
Signals - Signs – Markings

601. Local governments to sign highways, where.

This local government shall place and maintain such traffic control devices, conforming to the "Manual of Uniform Traffic Control Devices" and specifications, upon streets and highways as it deems necessary to indicate and to carry out the provisions of this Code or to regulate, warn, or guide traffic.

602. Local traffic control devices.

(1) No local authority shall erect or maintain any stop sign or traffic control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the department of transportation.

(2) Where practical no local authority shall maintain three traffic control signals located on a roadway so as to be within one minute's driving time (to be determined by the speed limit) from any one of the signals to the other without synchronizing the lights to enhance the flow of traffic and thereby reduce air pollution.

603. Obedience to official traffic control devices.

(1) No driver of a vehicle shall disobey the instructions of any official traffic control device including any official hand signal device placed or displayed in accordance with the provisions of this Code unless otherwise directed by a police officer subject to the exceptions in this Code granted the driver of an authorized emergency vehicle.

(2) No provision of this Code for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Code, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this Code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Code unless the contrary is established by competent evidence.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

604. Traffic control signal legend.

(1) If traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the traffic control manual adopted by the department of transportation, only the colors green, yellow, and red shall be used, except for special pedestrian-control signals carrying a word or symbol legend as provided in section 802, and said lights, arrows, and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(I) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection and to pedestrians lawfully within an adjacent crosswalk at the time such signal is exhibited.

(II) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(III) Unless otherwise directed by a pedestrian-control signal as provided in section 42-4-802, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication:

(I) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(II) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in section 802, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady red indication:

(I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown; except that:

(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their

respective jurisdictions have by ordinance or resolution prohibited any such right turn and have erected an official sign at each intersection where such right turn is prohibited.

(B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this sub-subparagraph (B) if local authorities have by ordinance prohibited any such left turn and erected a sign giving notice of any such prohibition at each intersection where such left turn is prohibited.

(C) To promote uniformity in traffic regulation throughout the state and to protect the public peace, health, and safety, the general assembly declares that no local authority shall have any discretion other than is expressly provided in this subparagraph (I).

(II) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(III) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

(IV) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(d) Non-intersection signal: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) Lane-use-control signals: Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and apply to drivers of vehicles as follows:

(I) Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.

(II) Yellow “X” (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red “X” signal is exhibited.

(III) Yellow “X” (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.

(IV) Red "X" (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

605. Flashing signals.

(1) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:

(a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line 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 the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by the provisions of sections 706 to 708.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

606. Display of unauthorized signs or devices.

(1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark, or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(2) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

(4) The provisions of this section shall not be applicable to informational sites authorized under section 43-1-405.

(5) The provisions of this section shall not be applicable to specific information signs authorized under section 43-1-420.

607. Interference with official devices.

(1)(a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof. Except as otherwise provided in subsection (2) of this section, any person who violates any provision of this paragraph (a) commits a class B traffic infraction.

(b) No person shall possess or sell, without lawful authority, an electronic device that is designed to cause a traffic light to change. A person who violates any provision of this paragraph (b) commits a class B traffic infraction.

(2)(a) No person shall use an electronic device, without lawful authority, that causes a traffic light to change. Except as otherwise provided in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.

(b) A person who violates any provision of paragraph (a) of this subsection (2) and thereby proximately causes bodily injury to another person commits a class 1 misdemeanor traffic offense. In addition to any other penalty imposed by law, the court shall impose a fine of one thousand dollars.

608. Signals by hand or signal device.

(1) Any stop or turn signal when required as provided by section 42-4-903, shall be given either by means of the hand and arm as provided by section 42-4-609, or by signal lamps or signal device of the type approved by the department, except as otherwise provided in subsection (2) of this section.

(2) Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

609. Method of giving hand and arm signals.

(1) All signals required to be given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left-turn, hand and arm extended horizontally;

(b) Right-turn, hand and arm extended upward;

(c) Stop or decrease speed, hand and arm extended downward.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

610. Unauthorized insignia.

No owner shall display upon any part of the owner's vehicle any official designation, sign, or insignia of any public or quasi-public corporation or municipal, state, or national department or governmental subdivision without authority of such agency or any insignia, badge, sign, emblem, or distinctive mark of any organization or society of which the owner is not a bona fide member or otherwise authorized to display such sign or insignia. Any person who violates any provision of this section commits a class B traffic infraction.

611. Paraplegic persons or persons with disabilities - distress flag.

(1) Any paraplegic person or person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half inches in width and thirteen inches in length, with the letter "D" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the department of transportation before the same is used.

(2) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment.

(3) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose commits a class A traffic infraction.

612. When signals are inoperative or malfunctioning.

(1)(a) When a driver approaches an intersection and faces a traffic control signal that is inoperative, that remains on steady red or steady yellow during several time cycles, or that does not recognize a motorcycle or autocycle that is operated by the driver, the provisions controlling entrance to a through street or highway from a stop sign or highway, as provided under section 703, apply until a police officer assumes control of traffic or until the traffic control signal resumes normal operation.

(b) If a traffic control signal at a place other than an intersection ceases to operate or malfunctions as specified in subsection (1)(a) of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

(2) Whenever a pedestrian faces a pedestrian-control signal as provided in section 802 which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

613. Failure to pay toll established by regional transportation authority.

Any person who fails to pay a required fee, toll, rate, or charge established by a regional transportation authority created pursuant to part 6 of Code 4 of title 43, for the privilege of traveling on or using any property included in a regional transportation system pursuant to part 6 of Code 4 of title 43, commits a class A traffic infraction.

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

(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(2) Local authorities, within their jurisdiction, shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that the increased penalties for certain traffic 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, construction, or repair zone shall conform to department of transportation requirements. Local authorities may display such signs on any fixed, variable, or movable stand. Local authorities may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

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 the increased penalties and surcharges imposed by section 1701(4)(d).

(2) For the purposes of this section, “school zone” means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The state or local government having jurisdiction over the placement of traffic signs and

traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the state or local government shall consider when increased penalties are necessary to protect the safety of school children.

(3) This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 because such violation also occurred within a highway maintenance, repair, or construction zone.

616. Wildlife crossing zones - increase in penalties for moving traffic violations.

(1) Except as described by subsection (4) of this section, a person who commits a moving traffic violation in a wildlife crossing zone is subject to the increased penalties and surcharges imposed by section 1701 (4)(d.5).

(2) For the purposes of this section, "wildlife crossing zone" means an area on a public highway that:

(a) Begins at a sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to enter a wildlife crossing zone; and

(b) Extends to:

(I) A sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to leave a wildlife crossing zone; or

(II) If no sign exists that complies with subparagraph (I) of this paragraph (b), the distance indicated on the sign indicating the beginning of the wildlife crossing zone; or

(III) If no sign exists that complies with subparagraph (I) or (II) of this paragraph (b), one-half mile beyond the sign indicating the beginning of the wildlife crossing zone.

(3)(a) If the department of transportation erects a sign that indicates that a person is about to enter a wildlife crossing zone pursuant to section 118, the department of transportation shall:

(I) Establish the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section; and

(II) Ensure that the sign indicates the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section.

(b) In erecting signs as described in paragraph (a) of this subsection (3), the department of transportation, pursuant to section 118, shall not erect signs establishing a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(4) This section shall not apply if:

(a) The person who commits a moving traffic violation in a wildlife crossing zone is already subject to increased penalties and surcharges for said violation pursuant to section 614 or 615;

(b) The sign indicating that a person is about to enter a wildlife crossing zone does not indicate that increased traffic penalties are in effect in the zone; or

(c) The person who commits a moving traffic violation in a wildlife crossing zone commits the violation during a time that the area is not deemed by the department of transportation to be a wildlife crossing zone for the purposes of this section.

617. Steep downhill grade zones – increase in penalties and surcharges for speeding violations – definitions.

(1) The department may designate a steep downhill grade zone in any area of any state highway where the downhill grade is five percent or greater and where the department determines there are safety concerns related to commercial motor vehicles exceeding the posted speed limits.

(2) The department shall erect, where applicable, signs consistent with subsection (3) of this section notifying drivers of each area of the state highways that the department has designated as a steep downhill grade zone.

(3) As used in this section, unless the context otherwise requires, "steep downhill grade zone" means an area of a state highway that:

(a) begins at a sign that:

(I) conforms to the state traffic control manual;

(II) was erected by the department pursuant to subsection (2) of this section;

(III) indicates that a driver is about to enter a steep downhill grade zone; and

(IV) notifies commercial motor vehicle drivers that increased penalties and surcharges are in effect and assessed for speeding in the zone; and

(b) extends to:

(I) a sign that:

(A) conforms to the state traffic control manual;

(B) was erected by the department pursuant to subsection (2) of this section and

(C) indicates that a driver is at the end of the steep downhill grade zone; or

(II) if no signs exist that complies with subsection (3)(b)(I) of this section, a distance:

(A) as indicated on the sign described in subsection (3)(a) of this section; or

(B) of one-half of a mile beyond the sign described in subsection (3)(a) of this section; and (c) is designated as a steep downhill grade zone by the department of transportation pursuant to subsection (1) of this section.

(4) A driver of a commercial motor vehicle who commits a speeding violation in a steep downhill grade zone is subject to the increased penalties and surcharges imposed under section 42-4-1701(4)(d)(7).

(5) As used in this section:

(a) "commercial motor vehicle" has the same meaning as set forth in 42-4-102(4).

(b) "department" means the department of transportation created in in section 43-1-103.

Part 7
Rights-Of-Way

701. Vehicles approaching or entering an intersection.

(1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) The foregoing rule is modified at through highways and otherwise as stated in sections 702 to 704.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

702. Vehicle turning left.

The driver of a vehicle intending to turn to the 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. Any person who violates any provision of this section commits a class A traffic infraction.

703. Entering through highway - stop or yield intersection.

(1) The department of transportation and local authorities, within their respective jurisdictions, may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction. In the case of state highways, such regulations shall be subject to the provisions of section 43-2-135(1)(g).

(2) Every sign erected pursuant to subsection (1) of this section shall be a standard sign adopted by the department of transportation.

(3) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, 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.

(4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, 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 slowing or stopping, 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 such driver is

moving across or within the intersection or junction of roadways; except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

704. Vehicle entering roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. Any person who violates any provision of this section commits a class A traffic infraction.

705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2)(a) A driver in a motor vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:

(I) A stationary authorized emergency vehicle, including a port of entry vehicle, that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 213 or 222;

(II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights;

(III) A stationary public utility service vehicle that is operated by a public utility, as defined in section 39-4-101 or 40-1-103, or an authorized contractor of the public utility and that is giving a visual signal by means of flashing, rotating, or oscillating amber lights; or

(IV) A stationary motor vehicle giving a hazard signal by displaying alternately flashing lights or displaying warning lights.

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described on subsection (2)(a) of this section is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary vehicle described in subsection (2)(a) of this section unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate

presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in subsection (2)(c) of this section.

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described in subsection (2)(a) of this section is located, or if movement by the driver of the approaching motor vehicle into an adjacent moving lane, as described in subsection (2)(b) of this section, is not possible, the driver of an approaching motor vehicle shall reduce and maintain a safe speed with regard to the location of the stationary vehicle described in subsection (2)(a) of this section; weather conditions; road conditions; and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(II) For the purposes of this subsection (2)(c), the following speeds are presumed to be safe unless the speeds are unsafe for the conditions as provided in section 1101(1) and (3):

(a) If the speed limit is less than forty-five miles per hour, twenty-five miles per hour or less; or

(b) If the speed limit is forty-five miles per or more, twenty miles per hour less than the speed limit.

(2.5)(a) A driver in a vehicle that is approaching or passing a maintenance, repair, or construction vehicle that is moving at less than twenty miles per hour shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2.5).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2.5).

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.5), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(2.6) A driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in subsection (2) of this section. The driver of a motor vehicle that is being equipped

with chains shall give a hazard signal by displaying alternately flashing lights or displaying warning lights.

(3)(a) Any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) Except as otherwise provided in subsection (3)(b)(II) and (3)(b)(III) of this section, any person who violates subsection (2), (2.5), or (2.6) of this section commits careless driving as described in 42-4-1402.

(II) If the person violates subsection (2) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits a class 1 traffic misdemeanor.

(III) If the person violations subsection (2) of this section and the person's actions are the proximate cause of the death of another person, the person commits a class 6 felony and shall be punished as described in section 18-1.3-401.

706. Obedience to railroad signal.

(1) Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flagperson, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:

(a) Stop not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or

(b) If the driver would not have a reasonable view of approaching trains or on-track equipment when stopped in accordance with subsection (1)(a) of this section:

(I) Stop before proceeding across the railroad grade crossing at the point nearest the crossing where the driver has reasonable view of approaching trains or on-track equipment; and

(II) Not proceed until the railroad grade can be crossed safely.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

707. Certain vehicles must stop at railroad grade crossings.

(1)(a) Except as otherwise provided in this section, the driver of a school bus, as defined in subsection (5)(b) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with rules issued under section 42-20-108, or the driver of a commercial vehicle, as defined in section 42-4-235, that is transporting passengers, before crossing at grade any tracks of a railroad

(I) shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of the railroad;

(II) While stopped, shall listen and look in both directions along the track for any approaching train or on-track equipment or for signals indicating the approach of a train or on-track equipment; and

(III) Shall not proceed until the driver can do so safely.

(b) After stopping as required in this section and upon proceeding when it is safe to do so, the driver of a vehicle described in subsection (1)(a) of this section:

(I) shall cross only if there is no necessity for changing gears while traversing the crossing; and

(II) Shall not manually shift gears while crossing the tracks.

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

(3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.

(4) Subsection (1) of this section does not apply at:

(a) (Deleted by amendment, L. 2006, p. 42, §1, effective July 1, 2006.)

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing at which traffic is controlled by a police officer or human flagperson;

(d) A railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.

(5) For the purposes of this section:

(a) The definition of hazardous materials shall be the definition contained in the rules adopted by the chief of the Colorado state patrol pursuant to section 42-20-108.

(b) "School bus" means only those school buses that are required to bear on the front and rear of such school bus the words "SCHOOL BUS" and display visual signal lights pursuant to section 1903(2)(a).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

708. Moving heavy equipment at railroad grade crossing.

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(3) Before making a crossing described in subsection (1) of this section, the person operating or moving the vehicle or equipment:

(a) Shall first stop the vehicle or equipment not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad;

(b) While stopped, shall listen and look in both directions along the track for any approaching train, for on-track equipment or for signals indicating the approach of a train or on-track equipment; and

(c) Shall not proceed until the crossing can be made safely.

(4) Before making a crossing described in subsection (1) of this section, the person moving or operating the vehicle or equipment shall ensure that no warning is being given, whether by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or on-track equipment.

(5) Subsection (3) of this section does not apply at any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

709. Stop when traffic obstructed.

A driver shall not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, railroad trains, or railroad on-track equipment, notwithstanding the indication of a traffic control signal to proceed. Any person who violates any provision of this section commits a class A traffic infraction.

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

(1) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway, or entranceway, shall yield the right-of-way to any pedestrian upon or about

to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of section 704.

(2) The driver of a vehicle entering an alley, driveway, or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway.

(3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

711. Driving on mountain highways.

(1) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near to the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway.

(2) On narrow mountain highways with turnouts having a grade of six percent or more, ascending vehicles shall have the right-of-way over descending vehicles, except where it is more practicable for the ascending vehicle to return to a turnout.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

712. Driving in highway work area.

(1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a highway within any highway construction or maintenance work area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section 214.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

713. Yielding right-of-way to transit buses – definitions – penalty.

(1) As used in this section, unless the context otherwise requires:

(a) "Public mass transit operator" has the same meaning as in section 43-1-102(5).

(b) "Transit bus" means a bus operated by a public mass transit operator.

(2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:

(a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and

(b) A yield sign as described in subsection (3) of this section is displayed and illuminated on the back of the transit bus.

(3) The yield sign referred to in paragraph (b) of subsection (2) of this section shall:

(a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and

(b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.

(4) This section does not require a public mass transit operator to install yield signs as described in subsection (3) of this section on transit buses operated by the public mass transit operator.

(5) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

714. Bicyclist or other authorized user in bicycle lane.

(1) The driver of a vehicle shall yield the right-of-way to a bicyclist or other authorized user of a bicycle lane in a bicycle lane.

(2)(a) Except as provided in subsection (2)(b) of this section, any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) If a person violates subsection (1) of this section and the person's actions are the proximate cause of a crash, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(a).

(II) If a person violates subsection (1) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(b).

715. Yielding right-of-way in roundabouts – definitions.

(1) As used in this section:

(a) “Large Vehicle” means a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than thirty-five feet or a total width of more than ten feet.

(b) “Roundabout” means a circular intersection or junction in which road traffic flows almost continuously in one direction around a central island.

(2)(a) When entering, exiting, or driving in the circulatory lanes in a roundabout, a person driving a vehicle shall:

(I) yield the right-of-way to the driver of a large vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard; and

(II) slow down or yield to the other vehicle as required by subsection (2)(a)(I) of this section.

(b) This subsection (2) does not require a person who is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to the driver of a large vehicle that is approaching, but has not yet entered, the roundabout.

(c) this subsection (2) does not require a person who is driving a vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to a large vehicle that is driving behind the person's vehicle and allow the large vehicle to pass the person's vehicle.

(3) If two vehicles that are large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard, the driver on the right shall yield the right-of-way to the driver on the left and shall slow down or yield to the driver on the left.

(4) A person who violates this section commits a class A traffic infraction.

Part 8
Pedestrians

801. Pedestrian obedience to traffic control devices and traffic regulations.

(1) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to the pedestrian, unless otherwise directed by a police officer.

(2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections 604 and 802(5).

(3) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Code.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

802. Pedestrians' right-of-way in crosswalks.

(1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) Subsection (1) of this section shall not apply under the conditions stated in section 803.

(3) A pedestrian shall not suddenly leave a curb or other place of safety and ride a bicycle, electrical assisted bicycle, or electric scooter, or walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:

(a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.

(b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

(c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

(d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 803(4).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

803. Crossing at other than crosswalks.

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

804. Pedestrian to use right half of crosswalk. (Repealed)

805. Pedestrians walking or traveling in a wheelchair on highways.

(1) Pedestrians walking or traveling in a wheelchair along and upon highways where sidewalks are not provided shall walk or travel only on a road shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, in the case of a two-way roadway, shall walk or travel only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.

(2) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. For the purposes of this subsection (2), "roadway" means that portion of the road normally used by moving motor vehicle traffic.

(3) It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in section 12-22-303(7), or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.

(4) This section applying to pedestrians shall also be applicable to riders of animals.

(5) This local government may, by ordinance, regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 110 and 111, but no ordinance regulating such use of streets and highways in a manner differing from this section shall be effective until official signs or devices giving notice thereof have been placed as required by section 111(2).

(6) No person shall solicit a ride on any highway included in the interstate system, as defined in section 43-2-101(2), except at an entrance to or exit from such highway or at places specifically designated by the department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.

(7) Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.

(8) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection (8) shall not relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in sections 108(4) and 807.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

806. Driving through safety zone prohibited.

No vehicle at any time shall be driven through or within a safety zone. Any person who violates any provision of this section commits a class A traffic infraction.

807. Drivers to exercise due care.

Notwithstanding any of the provisions of this Code, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a class A traffic infraction.

808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

(1) Any pedestrian other than a person in a wheelchair, or any driver of a vehicle who approaches an individual who has an obviously apparent disability shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said individual. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the individual is using a mobility device, is assisted by a service animal as defined in section 24-34-301, is being assisted by another person, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a class A traffic offense.

Part 9
Turning – Stopping

901. Required position and method of turning.

(1) The driver of a motor vehicle intending to turn shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(c) Two-way left-turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices in the manner prescribed in the state traffic control manual, a left turn shall not be made from any other lane, and a vehicle shall not be driven in said special lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(2) Local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and, when such devices are so placed, no driver shall turn a vehicle other than as directed and required by such devices. In the case of streets which are a part of the state highway system, the local regulation shall be subject to the approval of the department of transportation as provided in section 43-2-135(1)(g).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

902. Limitations on turning around.

(1) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic.

(2) The driver of any vehicle shall not turn such vehicle at an intersection or any other location so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with or endangering other traffic.

(3) Local authorities, within their respective jurisdictions, subject to the provisions of section 43-2-135(1)(g), in the case of streets which are state highways, may erect “U-turn” prohibition or restriction signs at intersections or other locations where such movements are deemed to be hazardous, and, whenever official signs are so erected, no driver of a vehicle shall disobey the instructions thereof.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

903. Turning movements and required signals.

(1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 901, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in sections 608 and 609.

(2) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning in urban or metropolitan areas and shall be given continuously for at least two hundred feet on all four-lane highways and other highways where the prima facie or posted speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in sections 608 and 609 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in section 608(2) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

Part 10
Driving - Overtaking – Passing

1001. Drive on right side - exceptions.

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; but any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic as indicated by official traffic control devices.

(1) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(2) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (1)(b) of this section. However, this subsection (3) does not prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1002. Passing oncoming vehicles.

(1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:

(a) Allow oncoming vehicles at least one-half of the main-traveled portion of the roadway in accordance with subsection (1) of this section; and

(b) Allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1003. Overtaking a vehicle on the left.

(1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and sections 1004 to 1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1004. When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or giving indication of making a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.

(1.5) The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1005. Limitations on overtaking on the left.

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Code and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(2) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(3) Local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Where such signs or markings are in place to define a no-passing zone and such signs or markings are clearly visible to an ordinarily observant person, no driver shall drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(4) The provisions of this section shall not apply:

(a) Upon a one-way roadway;

(b) Under the conditions described in section 1001(1)(b);

(c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or

(d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(1) Any person who violates any provision of this section commits a class A traffic infraction.

1006. One-way roadways and rotary traffic islands.

(1) Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(2) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(3) Local authorities with respect to highways under their respective jurisdictions may designate any roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. In the case of streets which are a part of the state highway system, the regulation shall be subject to the approval of the department of transportation pursuant to section 43-2-135(1)(g).

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1007. Driving on roadways laned for traffic.

(1) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this section shall apply:

(a) 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.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to the traffic moving in the direction the vehicle is proceeding and is designated by official traffic control devices to give notice of such allocation. Under no condition shall an attempt be made to pass upon the shoulder or any portion of the roadway remaining to the right of the indicated right-hand traffic lane.

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(2)(a) The department of transportation may designate with signage an area on a roadway not otherwise laned for traffic for use by commercial vehicles, as defined in section 235(1)(a), that are designed to transport sixteen or more passengers, including the driver, and that are operated

by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business. Use of such an area is limited to vehicles authorized by the department operating under conditions of use established by the department but, subject to the conditions of use, the driver of an authorized vehicle has sole discretion to decide whether or not to drive on such an area based on the driver's assessment of the safety of doing so. The department shall consult with the Colorado state patrol before granting authorization for the use of the area and establishing conditions of use. The department shall impose and each authorized user shall acknowledge the conditions for use by written agreement, and the department need not note the conditions of use in roadway signage. An authorized user does not violate this section or section 1004 when operating in accordance with the conditions of use for an area imposed by the department and acknowledged by the user in a written agreement.

(b) The department of transportation shall work with local governmental agencies in implementing the provisions of this subsection (2).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1008. Following too closely.

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger; except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1008.5. Crowding or threatening bicyclist.

(1) The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.

(2) Any person who violates subsection (1) of this section commits careless driving as described in section 1402.

1009. Coasting prohibited.

(1) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.

(2) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1010. Driving on divided or controlled-access highways.

(1) Whenever any highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic control devices. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings or by the provisions of section 42-4-902. However, this subsection (1) does not prohibit a left turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in the state traffic control manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(2)(a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(b) Wherever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway and the ramp intersection is not designated or signed as a stop or yield intersection as provided in section 703(1), drivers may use the acceleration lane to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety. Traffic so merging shall be subject to the rule governing the changing of lanes as set forth in section 1007(1)(a).

(c) Wherever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the mainstream of faster-moving traffic.

(3) Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations shall install official traffic control devices in conformity with the standards established by sections 601 and 602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1011. Use of runaway vehicle ramps.

(1) No person shall use a runaway vehicle ramp unless such person is in an emergency situation requiring use of the ramp to stop such person's vehicle.

(2) No person shall stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the ramp.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes – penalty.

(1) Local authorities, with respect to streets and highways under their respective jurisdictions, may designate exclusive or preferential lanes for vehicles that carry a specified number of persons. The occupancy level of vehicles and the time of day when lane usage is restricted to high occupancy vehicles, if applicable, shall be designated by official traffic control devices.

(2) A motorcycle or autocycle may be operated upon high occupancy vehicle lanes pursuant to section 163 of the "Highway Improvement Act of 1982", pub.l. 97-424, as amended, or upon high occupancy toll lanes, unless prohibited by official traffic control devices.

(2.5)(a)(I) Except as otherwise provided in paragraph (d) of this subsection (2.5), a motor vehicle with a gross vehicle weight of twenty-six thousand pounds or less that is either an inherently low-emission vehicle or a hybrid vehicle may be operated upon high occupancy vehicle lanes without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemption relating to hybrid vehicles shall apply only if such exemption does not affect the receipt of federal funds and does not violate any federal laws or regulations.

(II) As used in this subsection (2.5), "inherently low-emission vehicle" or "ILEV" means:

(A) A light-duty vehicle or light-duty truck, regardless of whether such vehicle or truck is part of a motor vehicle fleet, that has been certified by the federal environmental protection agency as conforming to the ILEV guidelines, procedures, and standards as published in the federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042 (September 30, 1994), as amended from time to time; and

(B) A heavy-duty vehicle powered by an engine that has been certified as set forth in sub-subparagraph (A) of this subparagraph (II).

(III) As used in this subsection (2.5), "hybrid vehicle" means a motor vehicle with a hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel, including electricity, and a traditional fuel.

(b) No person shall operate a vehicle upon a high occupancy vehicle lane pursuant to this subsection (2.5) unless the vehicle:

(I) Meets all applicable federal emission standards set forth in 40 CFR sec. 88.311-93, as amended from time to time, or, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid vehicle; and

(II) Is identified by means of a circular sticker or decal at least four inches in diameter, made of bright orange reflective material, and affixed either to the windshield, to the front of the side view mirror on the driver's side, or to the front bumper of the vehicle. Said sticker or decal shall be approved by the Colorado department of transportation.

(c) Local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEVs and, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed by September 1, 2003.

(d)(I) In consultation with the regional transportation district, the department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, shall, in connection with their periodic level-of-service evaluation of high occupancy vehicle lanes, perform a level-of-service evaluation of the use of high occupancy vehicle lanes by ILEVs and hybrid vehicles. If the use of high occupancy vehicle lanes by ILEVs or hybrid vehicles is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the department of transportation or a local authority may restrict or eliminate use of such lanes by ILEVs or hybrid vehicles.

(II) If the United States secretary of transportation makes a formal determination that, by giving effect to paragraph (a) of this subsection (2.5) on a particular highway or lane, the state of Colorado would disqualify itself from receiving federal highway funds the state would otherwise qualify to receive or would be required to refund federal transportation grant funds it has already received, then said paragraph (a) shall not be effective as to such highway or lane.

(3)(a) Any person who uses a high occupancy vehicle lane in violation of restrictions imposed by local authorities commits a class A traffic infraction.

(b) Any person convicted of a third or subsequent offense of paragraph (a) of this subsection (3) committed within a twelve-month period shall be subject to an increased penalty pursuant to section 1701(4)(a)(I)(K).

1013. Passing lane - definitions - penalty.

(1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a non-passing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a non-passing lane.

(2) For the purposes of this section:

(a) "Non-passing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

(b) “Passing lane” means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.

(3) A person who violates this section commits a class A traffic infraction.

Part 11
Speed Regulations

1101. Speed limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

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

(a) Twenty miles per hour on narrow, winding mountain highways or on blind curves;

(b) Twenty-five miles per hour in any business district, as defined in section 42-1-102(11);

(c) Thirty miles per hour in any residence district, as defined in section 42-1-102(80);

(d) Forty miles per hour on open mountain highways;

(e) Forty-five miles per hour for all single rear axle vehicles in the business of transporting trash that exceed twenty thousand pounds, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);

(f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101(2), and are not surfaced, four-lane freeways or expressways;

(g) Sixty-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), or are freeways or expressways;

(h) Any speed not in excess of a speed limit designated by an official traffic control device.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a 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) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), "prima facie evidence" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

(5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

(6) 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 proving that such negligence was the proximate cause of an accident.

(7) Notwithstanding paragraphs (a), (b), and (c) of subsection (2) of this section, any city or town may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction, and such speed limits shall not be subject to the provisions of subsection (4) of this section.

(8)(a) (Deleted by amendment, L. 96, p. 578, § 2, effective May 25, 1996.)

(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway at a speed in excess of a maximum lawful speed limit of seventy-five miles per hour.

(c) The speed limit set forth in paragraph (b) of this subsection (8) is the maximum lawful speed limit and is not subject to the provisions of subsection (4) of this section.

(d) Local authorities within their respective jurisdictions shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway.

(e) The provisions of this subsection (8) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the state.

(f) In every charge of a violation of paragraph (b) of this subsection (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of seventy-five miles per hour.

(g) 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 miles per hour. Local authorities shall not authorize low-power scooters to exceed forty miles per hour on a roadway.

(9) 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 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.

(10) The minimum requirement for commission of a traffic infraction or misdemeanor traffic offense under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(11) 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 reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

(12)(a) A violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class A traffic infraction.

(b) A violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense; except that such violation within a maintenance, repair, or construction zone, designated pursuant to section 614, is a class 1 misdemeanor traffic offense.

(c) A violation under subsection (3) of this section is a class A traffic infraction.

1102. Altering of speed limits – department to study rural state highways and increase speed limits – definitions – repeal.

(1)(a) Whenever local authorities determine upon the basis of a traffic investigation or survey or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a state highway under its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto; except that no speed limit in excess of seventy-five miles per hour shall be authorized by said local authority.

(b) Repealed.

(2) Whenever county or municipal authorities within their respective jurisdictions determine upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto. No such local authority shall have the power to alter the basic rules set forth in section 1101(1) or in any event to authorize by resolution or ordinance a speed in excess of seventy-five miles per hour.

(3) Local municipal authorities within their respective jurisdictions shall determine upon the basis of a traffic investigation or survey the proper speed for all arterial streets and shall declare a reasonable and safe speed limit thereon which may be greater or less than the speed specified under section 1101(2)(b) or (2)(c). Such speed limit shall not exceed seventy-five miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this subsection (3), an "arterial street" means any United States or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(4) No alteration of speed limits on state highways within cities, cities and counties, and incorporated towns is effective until it has been approved in writing by the department of transportation. Upon the request of any incorporated city or town, the department of transportation shall conduct any traffic investigation or survey that is deemed to be warranted for determination of a safe and reasonable speed limit on any street or portion thereof that is a state highway. In conducting such a traffic investigation, the department may receive and consider traffic and engineering data provided by the city or county engineer of any requesting local government that will be impacted by a proposed alteration of speed limits. Any speed limit so determined by the department becomes effective when declared by the local authority and made known by official signs conforming to the state traffic control manual.

(5) Whenever the local authorities, within their respective jurisdictions, determine upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school or construction area or other place during certain hours or periods of the day when special or temporary hazards exist, the department or the concerned local authority may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except that no such speed limit shall be less than twenty miles per hour on a state highway or other arterial street as defined in subsection (3) of this section nor less than fifteen miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the department of transportation before becoming effective.

(6) In its discretion, a municipality, by ordinance, or a county, by resolution of the board of county commissioners, may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of sections 1101 to 1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. Unless there is an agreement to the contrary, the jurisdiction ordering the regulations shall be responsible for the erection and maintenance of the signs.

(7) Any powers granted in this section to county or municipal authorities may be exercised by such authorities or by any municipal officer or employee who is designated by ordinance to exercise such powers.

1103. Minimum speed regulation.

(1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.

(2) Whenever the department of transportation or local authorities within their respective jurisdictions determine, on the basis of an engineering and traffic investigation as described in the state traffic control manual, that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, said department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.

(3) Notwithstanding any minimum speed that may be authorized and posted pursuant to this section, if any person drives a motor vehicle on a highway outside an incorporated area or on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:

(a) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of section 1001 (2) until such impeded traffic has passed by; or

(b) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.

(4) Wherever special uphill traffic lanes or roadside turnouts are provided and posted, drivers of all vehicles proceeding at less than the normal and reasonable speed of traffic shall use such lanes or turnouts to allow other vehicles to pass or maintain normal traffic flow.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

1104. Speed limits on elevated structures.

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(2) The department of transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under sections 1101 to 1104, said department shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable standard signs stating such maximum speed to be erected and maintained before each end of such structure in conformity with the state traffic control manual.

(3) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1105. Speed contests - speed exhibitions - aiding and facilitating - immobilization of motor vehicle - definitions.

(I)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed contest on a highway.

(b) For purposes of this section, "speed contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.

(c) A person who violates any provision of this subsection (1) commits a class 1 misdemeanor traffic offense.

(2)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.

(b) For purposes of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

(c) A person who violates any provision of this subsection (2) commits a class 2 misdemeanor traffic offense.

(3)(a) Except as otherwise provided in subsection (4) of this section, a person shall not, for the purpose of facilitating or aiding or as an incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.

(b) A person who violates any provision of this subsection (3) commits, pursuant to section 1703, the offense that the person aided in or facilitated the commission of. Nothing in this subsection (3) shall be construed to preclude charging a person under section 1703 for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.

(4) The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip.

(5)(a) In addition to a sentence imposed pursuant to this section or pursuant to any other provision of law:

(I) Upon the second conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to fourteen days.

(II) Upon the third or subsequent conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to thirty days but more than fourteen days.

(b) The period during which a motor vehicle may be fitted with an immobilization device pursuant to paragraph (a) of this subsection (5) shall be in addition to any period during which the motor vehicle was impounded prior to sentencing.

(c) An order issued under this subsection (5) shall state the requirements included in subsections (7) and (8) of this section.

(d) For purposes of this section, "immobilization device" means a device locked into place over a wheel of a motor vehicle that prevents the motor vehicle from being moved. "Immobilization device" includes but is not limited to a device commonly referred to as a "traffic boot" or "boot".

(6)(a) Except as otherwise provided in subsection (9) of this section, a law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall attempt to locate the motor vehicle within its jurisdiction. The law enforcement agency may, in its discretion, attempt to locate the motor vehicle outside of its jurisdiction.

(b) Nothing in this subsection (6) shall be construed to:

(I) Prohibit a law enforcement agency from seeking the assistance of another law enforcement agency for the purpose of placing an immobilization device on a motor vehicle or removing the device in accordance with this section; or

(II) Require a law enforcement agency to expend excessive time or commit excessive staff to the task of locating a motor vehicle subject to immobilization under this section.

(c) The time spent by a law enforcement agency in locating a motor vehicle in accordance with this subsection (6) shall not alter the immobilization period ordered by the court under subsection (5) of this section.

(d) A law enforcement agency that places an immobilization device on a motor vehicle pursuant to this section shall affix a notice to the immobilized motor vehicle stating the information described in subsections (7) and (8) of this section.

(e) A peace officer who locates or attempts to locate a motor vehicle, or who places or removes, or assists with the placement or removal of, an immobilization device in accordance with the provisions of this section shall be immune from civil liability for damages, except for damages arising from willful and wanton conduct.

(7)(a) The owner of a motor vehicle immobilized under this section shall be assessed a fee of thirty-five dollars for each day the motor vehicle is ordered immobilized and, except as otherwise provided in paragraph (d) of this subsection (7), thirty-five dollars for each day up to fourteen days after the immobilization period that the fee for the immobilization period is not paid. The owner shall pay the fee to the law enforcement agency that places the immobilization device on the motor vehicle.

(b) The owner, within fourteen days after the end of the immobilization period ordered by the court, may obtain removal of the immobilization device by the law enforcement agency that placed it by requesting the removal and paying the fee required under paragraph (a) of this subsection (7).

(c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an "abandoned motor vehicle", as defined in sections 1802(1)(d) and 2102(1)(d), and subject to the provisions of part 18 or 21 of this Code, whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or 2108(2)(a.5).

(d) Upon application of the owner of an immobilized motor vehicle, the court that ordered the immobilization may, in its discretion, grant additional time to pay the immobilization fee required under paragraph (a) of this subsection (7). If additional time is granted, the court shall notify the law enforcement agency that placed the immobilization device.

(8)(a) A person may not remove an immobilization device that is placed on a motor vehicle pursuant to this section during the immobilization period ordered by the court.

(b) No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of part 18 or 21 of this Code.

(c) A person who violates any provision of this subsection (8) commits a class 2 misdemeanor traffic offense.

(9)(a) A law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall inform the court at sentencing if it is unable to comply with the court's order either because the law enforcement agency is not yet equipped with an immobilization device or because it does not have a sufficient number of immobilization devices. The court, upon being so informed, shall, in lieu of ordering immobilization, order the law enforcement agency to impound the motor vehicle for the same time period that the court initially ordered the motor vehicle to be immobilized.

(b) If a motor vehicle is ordered to be impounded pursuant to paragraph (a) of this subsection (9), the provisions of subsections (6) to (8) of this section shall not apply.

Part 12
Parking

1201. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Any person who violates any provision of this section commits a class A traffic infraction.

1202. Parking or abandonment of vehicles.

(1) No person shall stop, park, or leave standing any vehicle, either attended or unattended, outside of a business or a residential district, upon the paved or improved and 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 and main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

1203. Ski areas to install signs

(1) Colorado ski areas shall install traffic control signs as provided in this section on both sides of that segment of every highway which is within one mile of and which leads to the recognized entrances to the ski area parking lots if it is found that:

(a) The ski area has insufficient parking capacity as evidenced by the practice of parking by motor vehicles on such highways; and

(b) Such parking constitutes a hazard to traffic or an obstacle to snow removal or the movement or passage of emergency equipment.

(2) The findings required by subsection (1) of this section shall be made by the department of transportation for the state highway system, by the chairman of the board of county commissioners for county roads, and by the chief executive officer of a municipality for a municipal street system. Such findings shall be based upon a traffic investigation.

(3) Such signs shall conform to any and all specifications of the department of transportation adopted pursuant to section 42-4-601. All such signs shall contain a statement that there is no parking allowed on a highway right-of-way so as to obstruct traffic or highway maintenance and that offending vehicles will be towed away.

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 sidewalk;

(b) Within an intersection;

(c) On a crosswalk;

(d) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a 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 a street;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) On any controlled-access highway;

(j) In the area between roadways of a divided highway, including crossovers;

(k) At any other place where official signs prohibit stopping.

(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 or an official traffic control device, in any of the following places:

(a) Within five feet of a public or private driveway;

(b) Within fifteen feet of a fire hydrant;

(c) Within twenty feet of a crosswalk at an intersection;

(d) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(e) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;

(f) At any other place where official signs prohibit standing.

(3) 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 or official traffic control device, in any of the following places:

(a) Within fifty feet of the nearest rail of a railroad crossing;

(b) At any other place where official signs prohibit parking.

(4)(a) Subsection (1)(a) of this section does not prohibit a person from parking a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk in accordance with the provisions of section 1412(11)(a) and (11)(b).

(b) Subsection (1)(f) of this section does not prohibit persons from parking two or more bicycles, electrical assisted bicycles, or electric scooters abreast in accordance with the provisions of section 1412(11)(d).

(c) Subsections (2)(a), (2)(c), and (2)(d) of this section do not apply to a bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk in accordance with section 1412(11)(a) and (11)(b).

(5) No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.

(6) This local authority, with respect to highways under its jurisdiction, may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where it is determined, upon the basis of a traffic investigation or study, that such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

(7) Any person who violates any provision of this section commits a class B traffic infraction; except that, if a person violates paragraph (b) of subsection (2) of this section and the violation occurs in an unincorporated area of a county, the penalty is fifty dollars.

(8) A political subdivision shall not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle or autocycle within a space served by a single parking meter.

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 of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except as otherwise provided by local ordinance, 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 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 of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance permit angle parking on any roadway; except that angle parking shall not be permitted on any state highway unless the department of transportation has

determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1206. Unattended motor vehicle - definitions.

(1) A person driving or in charge of an unlocked motor vehicle shall not permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, and effectively setting the brake thereon. When the vehicle is standing upon any grade, the 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) Any person who violates any provision of this section commits a class B traffic infraction.

(3) The use or operation of a remote starter system and adequate security measures is sufficient to comply with subsection (1) of this section.

(4) As used in this section:

(a) "Adequate security measures" includes, but is not limited to:

(I) Using a vehicle that requires a key to put the vehicle into gear and move the vehicle;

(II) Keeping a keyless start fob out of proximity of the vehicle; or

(III) Employing steering wheel security devices.

(b) "Remote starter system" means a device installed in a motor vehicle that allows the engine of the vehicle to be started by remote or radio control.

(5) Nothing in this section preempts or otherwise impairs the power of local authorities to enforce or enact ordinances or resolutions concerning time limits on the idling of motor vehicles on or before August 10, 2017.

1207. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Any person who violates any provision of this section commits a class B traffic infraction.

1208. Reserve parking for persons with disabilities – applicability - rules.

(1) Definitions. As used in this section:

(a) “Disability” or “disabled” has the same meaning as set forth in section 42-3-204.

(b) “Holder” means a person with a disability who has lawfully obtained an identifying plate or placard.

(c) “Identifying figure” has the same meaning as set forth in section 42-3-204.

(d) “Identifying placard” has the same meaning as set forth in section 42-3-204.

(e) “Identifying plate” has the same meaning as set forth in section 42-3-204.

(f) “Professional” has the same meaning as set forth in section 42-3-204.

(f.5) “Remuneration-exempt identifying placard” has the same meaning as set forth in section 42-3-204.

(g) "Reserved parking" means a parking space reserved for a person with a disability.

(2) Use of plate or placard.

(a) A person with a disability may use reserved parking on public property or private property if the person displays an identifying plate or placard while using reserved parking.

(b) When an identifying placard is used for reserved parking, the driver of the parked motor vehicle shall ensure that the front of the identifying placard is legible and visible through the windshield when viewed from outside the vehicle. The driver shall hang the placard from the rear-view mirror unless a rear-view mirror is not available or the individual is physically unable to hang the placard from the rear-view mirror. If the tag is not hung from the rear-view mirror, the driver shall display it on the dashboard.

(c) A person with a disability who is a resident of a state other than Colorado may use reserved parking in Colorado if the motor vehicle displays an identifying plate or placard issued by a state other than Colorado, and if:

(I) The identifying plate or placard is currently valid in the state of issuance and meets the requirements of 23 CFR 1235; and

(II) The holder has not been a resident in Colorado for more than ninety days.

(d) A motor vehicle with an identifying plate or a placard may be parked in public parking areas along public streets or in private parking lots regardless of any time limitation imposed upon parking in the area; except that a jurisdiction may specifically limit reserved parking on any public street to no less than four hours. To limit reserved parking, the jurisdiction must clearly post the appropriate time limits in the area. The ability to park notwithstanding parking limitations does not apply to areas in which:

(I) Stopping, standing, or parking of all vehicles is prohibited;

(II) Only special vehicles may be parked; or

(III) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(e)(I) The owner of public or private property may request the installation of official signs or pavement markings identifying reserved parking spaces. The request operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer.

An officer may enforce this section on private property notwithstanding any provision of law to the contrary.

(II)(A) The number and placement of accessible parking spaces should meet or exceed section 1106 of chapter 11 of the 2012 (second printing) version of the international building code, or any succeeding standard, published by the international code council.

(B) The technical standards for accessible parking spaces should meet or exceed section 502, or any successor section, of the "Accessible and Useable Buildings and Facilities" standard, or any succeeding standard, promulgated and amended from time to time by the international code council (commonly cited as ICC/ANSI A117.1).

(C) Access aisles should post "Wheelchair Access Aisle Absolutely No Parking" sign, which blocks neither the access aisle nor accessible routes.

(D) The technical standards for post- or wall-mounted signs indicating accessible parking spaces and van-accessible parking spaces should meet or exceed section 2B.46 concerning parking, standing, and stopping signs and section 2B.47 concerning design of parking, standing, and stopping of the 2009 version of the manual on uniform traffic control devices, or any succeeding standard, published by the United States federal highway administration.

(III) The owner of real property with multiple-family dwellings affixed and with reserved parking shall retain the reserved parking as commonly owned for the tenants, owners, or visitors of the individual units within the dwellings. This subparagraph (III) does not prohibit the sale of all commonly owned property so long as the reserved parking is not severed from the other elements.

(IV) A person shall not impose restrictions on the use of disabled parking unless specifically authorized by a statute of Colorado and a resolution of or ordinance of a political subdivision of Colorado and notice of the restriction is prominently posted by a sign clearly visible at the parking space.

(3) Misuse of reserved parking.

(a) A person without a disability shall not park in a parking space on public or private property that is clearly identified by an official sign or by visible pavement markings as being reserved parking or as being a passenger loading zone unless:

(I) The person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the reserved parking space; and

(II) An identifying plate or placard obtained under or authorized by section 42-3-204, is displayed in or on the vehicle if the license plate or placard is currently valid or has expired less than one month before the day the person used the reserved parking.

(a.5) A person shall not, while parked in a parking space that requires remuneration, display a remuneration-exempt identifying placard that is not issued to the person. A person who possesses a remuneration-exempt identifying placard shall not allow another person to use the placard to park in a parking space that requires remuneration.

(b)(I) A person, after using a reserved parking space that has a time limit, shall not switch motor vehicles or move the motor vehicle to another reserved parking space within one hundred yards of the original parking space within the same eight hours in order to exceed the time limit.

(II)(A) Parking in a time-limited reserved parking space for more than three hours for at least three days a week for at least two weeks creates a rebuttable presumption that the person is violating this paragraph (b).

(B) This subparagraph (II) does not apply to privately owned parking spaces.

(c) A person shall not use reserved parking for a commercial purpose unless:

(I) The purpose relates to transacting business with a business the reserved parking is intended to serve; or

(II) The owner of private property consents to allow the use.

(d)(I) An employee of an entity shall not use an identifying placard issued to the entity unless the employee is transporting persons with disabilities.

(II) For a violation of this paragraph (d), the chief operations officer within Colorado of the entity to whom the placard or plate was issued and the offending employee are each subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(III)(A) It is an affirmative defense to a violation of this paragraph (d) for the chief operations officer within Colorado that the entity enforces an internal policy controlling access to and use of identifying placards issued to the entity.

(B) If the placard used is expired by operation of section 42-3-204(6)(f), it is an affirmative defense to a violation of this paragraph (d) that the person did not know the placard was expired if the person who used the placard was the person to whom it was issued.

(e)(I) A person who violates subsection (3)(a) or (3)(a.5) of this section is subject to the penalties in section 42-4-1701(4)(a)(VIII) and (IX).

(II) A person who violates paragraphs (b) to (d) of this subsection (3) is subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(4) Blocking access.

(a) Regardless of whether a person displays an identifying plate or placard, a person shall not park a vehicle so as to block reasonable access to curb ramps, passenger loading zones, or accessible routes, as identified in 28 CFR part 36 appendix A, that are clearly identified unless the person is actively loading or unloading a person with a disability.

(b) A person who violates this subsection (4) is subject to the penalties in section 42-4-1701(4)(a)(VIII).

(5) Fraud and trafficking. A person is subject to the penalties in section 42-4-1701(4)(a)(X), if the person:

(a) Knowingly and fraudulently obtains, possesses, uses, or transfers an identifying placard issued to a person with a disability;

(b) Knowingly makes, possesses, uses, alters, or transfers what purports to be, but is not, an identifying placard; or

(c) Knowingly creates or uses a device intended to give the impression that it is an identifying placard when viewed from outside the vehicle.

(6) Enforcement of reserved parking.

(a) A peace officer or authorized and uniformed parking enforcement official may check the identification of a person using an identifying plate or placard in order to determine whether the use is authorized.

(b)(I) A peace officer or authorized and uniformed parking enforcement official may confiscate an identifying placard that is being used in violation of this section.

(II) The peace officer or parking enforcement official shall send a confiscated placard to the department unless it is being held as evidence for prosecution of a violation of this section. If the tag is being held as evidence, the peace officer or parking enforcement official shall notify the department of the confiscation and pending charges.

(III) The department shall hold a confiscated placard for thirty days and may dispose of the placard after thirty days. The department shall release the placard to the person with a disability to whom it was issued when the person signs a statement under penalty of perjury that he or she was unaware that the violator used, or intended to use, the placard in violation of this section.

(c) A peace officer and the department may investigate an allegation that a person is violating this section.

(d) A person who observes a violation of this section may submit evidence, including a sworn statement, concerning the violation to any law enforcement agency.

(e)(I) A peace officer may issue a penalty assessment notice for a violation of paragraph (b), (c), or (d) of subsection (3) of this section by sending it by certified mail to the registered owner of the motor vehicle. The peace officer shall include in the penalty assessment notice the offense or infraction, the time and place where it occurred, and a statement that the payment of the penalty assessment and a surcharge is due within twenty days after the issuance of the notice. The department receives payment of the penalty assessment by the due date if the payment is received or postmarked by the twentieth day after the vehicle owner received the penalty assessment notice.

(II) If the penalty assessment and surcharge are not paid within twenty days after the date the vehicle owner receives the assessment notice specified in subparagraph (I) of this paragraph (e), the peace officer who issued the original penalty assessment notice shall file

a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at the time and place specified.

(f)(I) The entering court shall send certification of the entry of judgment for each violation of paragraph (b), (c), or (d) of subsection (3) of this section to the department.

(II) Upon receipt of certification of an entry of judgment for a violation of paragraph (b), (c), or (d) of subsection (3) of this section, the department shall not register the person's vehicle until all fines imposed for the violations have been paid.

(III) Upon receipt of certification or independent verification of an entry of judgment, the department shall revoke an identifying plate or placard as provided in section 42-3-204(7)(d).

(g)(I) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section or section 42-3-204, or for any misuse of an identifying plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder furnishes sufficient evidence that the identifying plate or placard was, at the time of the violation, in the care, custody, or control of another person without the holder's knowledge or consent.

(II) A holder may avoid the liability described in subparagraph (I) of this paragraph (g) if, within a reasonable time after notification of the violation, the holder furnishes to the prosecutorial division of the appropriate jurisdiction the name and address of the person who had the care, custody, or control of the identifying plate or placard at the time of the violation or the holder reports the license plate or placard lost or stolen to both the appropriate local law enforcement agency and the department.

(h) An employer shall not forbid an employee from reporting violations of this section. A person shall not initiate or administer any disciplinary action against an employee because the employee notified the authorities of a possible violation of this section if the employee has a good-faith belief that a violation has occurred.

(i) A landlord shall not retaliate against a tenant because the tenant notified the authorities of a possible violation of this section if the tenant has a good-faith belief that a violation has occurred.

(j) In order to stop a vehicle from blocking access or illegally using reserved parking, a peace officer may order a vehicle that is used to violate subsection (4) of this section to be towed to an impound lot or a vehicle storage location. The peace officer shall verify that the vehicle has not been stolen and report the tow to the department of revenue in accordance with section 42-4-1804.

(k) The local authority issuing a citation under this section, or under any local ordinance defining a substantially equivalent offense, shall transfer one-half of the fine to the state treasurer, who shall credit the fine to the disabled parking education and enforcement fund created in section 42-1-226.

1209. Owner liability for parking violations.

In addition to any other liability provided for in this 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 prosecutorial division of the appropriate jurisdiction 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 of the vehicle is liable for payment of a parking violation fine incurred when 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 prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

1210. Designated areas on private property for authorized vehicles.

(1) The owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the board of county commissioners for use only by authorized vehicles and that said areas, upon acceptance in writing by the board of county commissioners, shall be clearly marked by the owner or lessee with official traffic control devices, as defined in section 42-1-102(64). Such a request shall be a waiver of any objection the owner or lessee may assert concerning enforcement of this section by peace officers of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding. When the owner or lessee gives written notice to the board of county commissioners that said request is withdrawn, and the owner or lessee removes all traffic control devices, the provisions of this section shall no longer be applicable.

(2) It is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided in this section.

(3) Any person who violates the provisions of subsection (2) of this section commits a class A traffic infraction. The disposition of fines and forfeitures shall be paid into the treasury of the county at such times and in such manner as may be prescribed by the board of county commissioners.

1211. Limitations on backing.

(1)(a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1212. Pay parking access for disabled.

(1) A person who owns, operates, or manages a parking space that requires remuneration shall not tow, boot, or otherwise take adverse action against an individual or motor vehicle parking in the space for failure to pay the remuneration if the motor vehicle bears a remuneration-exempt identifying placard issued pursuant to section 42-3-204.

(2) Notwithstanding any statute, resolution, or ordinance of the state of Colorado, a political subdivision of Colorado, or a governing board of a state institution of higher education, parking in a space without paying the required remuneration is not a violation of the statute, resolution, or ordinance if the conditions specified in subsection (1) of this section are met.

(3) A law or parking enforcement agency shall withdraw any penalty assessment notice or summons and complaint that is deemed not to be a violation under subsection (2) of this section within five business days after being shown proof that the individual cited has a valid remuneration-exempt identifying placard.

1213. Parking in electric motor vehicle charging stations.

(1)(a) For the purposes of this section, "official sign" means a sign identifying a parking space for electric motor vehicle charging that cites this section or the equivalent local ordinance and that clearly displays the penalties for violating this section or the equivalent local ordinance.

(b) The owner of public or private property may install official signs that identify a parking space as a dedicated charging station. The installation operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer. A peace officer may enforce this section on private property.

(2)(a) A person shall not park a motor vehicle within a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle.

(b) Except as provided in subsection (3) of this section, a person shall not park a plug-in electric motor vehicle in a parking space with a dedicated charging connector for the parking space unless the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle.

(c) A plug-in electric motor vehicle is rebuttably presumed to not be charging if the motor vehicle is:

(I) Parked in a charging station parking space with a dedicated charging connector for the space; and

(II) Not continuously and electrically connected to the charger for longer than thirty minutes.

(3)(a) A person may park a plug-in electric motor vehicle at a charging after the motor vehicle is fully charged in a parking lot:

(I) That serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;

(II) That serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or

(III) Between the hours of 11 p.m. and 5 a.m.

(b) The exception in subsection (3)(a) of this section is an affirmative defense to a violation of subsection (2) of this section.

(4) A person who violates this section commits a class B traffic infraction.

Part 13
Alcohol And Drug Offenses
(Omitted)

Part 14
Other Offenses

1401. Reckless driving – penalty.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in such a matter as to indicate either a wanton or a willful disregard for the safety of the persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, electrical assisted bicycle, or electric scooter is not subject to section 42-4-127.

1402. Careless driving – penalty.

(1) A person who drives a motor vehicle, bicycle, electr0069cal assisted bicycle, electric scooter, or low-power scooter in a careless and imprudent matter, 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, electrical assisted bicycle, or electric scooter is not subject to section 42-2-127.

1402.5 Vulnerable road user – prohibition – violations and penalties – definition.

1) Definition. As used in this section, unless the context otherwise requires, "vulnerable road user" means:

(a) A pedestrian;

(b) A person engaged in work upon a roadway or upon utility facilities along a roadway;

(c) A person providing emergency services within a right-of-way;

(d) A peace officer who is outside a motor vehicle and performing the peace officer's duties in a right-of-way;

(e) A person riding or leading an animal; or

(f) A person lawfully using any of the following on a public right-of-way, crosswalk, or shoulder of the roadway:

(I) A bicycle, electrical assisted bicycle, tricycle, or other pedal-powered vehicle;

(II) A farm tractor or similar vehicle designed primarily for farm use;

(III) A skateboard;

(IV) Roller skates;

(V) In-line skates;

(VI) A scooter;

(VII) A moped;

(VIII) A motorcycle;

(IX) An off-highway vehicle;

(X) An animal-drawn, wheeled vehicle;

(XI) Farm equipment;

(XII) A sled;

(XIII) An electric personal assistive mobility device;

(XIV) A wheelchair;

(XV) A baby stroller;

(XVI) A nonmotorized pull wagon; or

(XVII) An autocycle.

(2) Prohibition. A person who drives a motor vehicle in violation of section 1402 and whose actions are the proximate cause of serious bodily injury, as defined in section 1601(4)(b), to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.

(3) Violations and penalties. (a) Infliction of serious bodily injury to a vulnerable road user is a class 1 traffic misdemeanor.

(b) In addition to the penalties imposed in subsections (3)(a) and (3)(c) of this section, the court may order the violator to: (I) Attend a driver improvement course in accordance with section 1717; and (II) Perform useful public service for a number of hours, which must not exceed three hundred twenty hours, to be determined by the court in accordance with section 18-1.3-507.

(c) In addition to the penalties imposed in subsections (3)(a) and (3)(b) of this section, a person who is convicted of violating this section is subject to:

(I) License suspension in accordance with section 42-2-127; and

(II) An order of restitution under part 6 of article 1.3 of title 18.

1403. Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Any person who violates any provision of this section commits a class A traffic infraction.

1404. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire, alarm of fire, or practice runs or laid down on any street, private driveway, or highway without the

consent of the fire department official in command. Any person who violates any provision of this section commits a class B traffic infraction.

1405. Riding in trailers.

No person shall occupy a trailer while it is being moved upon a public highway. Any person who violates any provision of this section commits a class B traffic infraction.

1406. Foreign matter on highway prohibited.

(1)(a) No person shall throw or deposit upon or along any highway any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or other substance likely to injure any person, animal, or vehicle upon or along such highway.

(b) No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

(5)(a) Except as provided in paragraph (b) of this subsection (5), any person who violates any provision of this section commits a class B traffic infraction.

(b)(I) Any person who violates subsection (1)(b) of this section commits a petty offense and shall be punished as provided in section 18-1.3-501.

(II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars in lieu of the penalty and surcharge prescribed in section 1701(4)(a)(I)(N).

(6) As used in this section:

(a) "Container" includes, but is not limited to, a bottle, a can, a box, or a diaper.

(b) "Human waste" means urine or feces produced by a human.

1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

(1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from blowing, dropping,

sifting, leaking, or otherwise escaping therefrom; except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2) (Deleted by amendment, L. 99, p. 295, §1, effective July 1, 1999.)

(2.4)(a) A vehicle shall not be driven or moved on a highway if the vehicle is transporting trash or recyclables unless at least one of the following conditions is met:

(I) The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(II) The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(III) The load is required to be secured under and complies with 49 CFR parts 392 and 393; or

(IV) The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

(b) Paragraph (a) of this subsection (2.4) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one mile radius of the motor vehicle's last collection point.

(2.5)(a) No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:

(I) The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle; or

(II) The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Nothing in this subsection (2.5) shall apply to a vehicle:

(I) Operating entirely within a marked construction zone;

(II) Involved in maintenance of public roads during snow or ice removal operations; or

(III) Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to section 29-22-102.

(2.7) For the purposes of this section:

(a) "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

(b) “Recyclables” means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.

(c) “Trash” means material or objects that have been or are in the process of being discarded or transported.

(3)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a class A traffic infraction.

(c) Any person who violates any provision of this section while driving or moving a car or pickup truck and thereby proximately causes bodily injury to another person commits a class 2 misdemeanor traffic offense.

1407.5. Splash guards - when required.

(1) As used in this section, unless the context otherwise requires:

(a) “Splash guards” means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.

(b) “Splash guards” must, at a minimum, be wide enough to cover the full tread of the tire or tires being protected, hang perpendicular from the vehicle not more than ten inches above the surface of the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.

(2) Except as otherwise permitted in this section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle or motor vehicle is equipped with splash guards. However, vehicles and motor vehicles with splash guards that violate this section shall be allowed to remain in service for the time necessary to continue to a place where the deficient splash guards will be replaced. Such replacement shall occur at the first reasonable opportunity.

(3) This section does not apply to:

(a) Passenger-carrying motor vehicles registered pursuant to section 42-3-306(2);

(b) Trucks and truck tractors registered pursuant to section 42-3-306(4) or (5), having an empty weight of ten thousand pounds or less;

(c) Trailers equipped with fenders or utility pole trailers;

(d) Vehicles while involved in chip and seal or paving operations or road widening equipment;

(e) Truck tractors or converter dollies when used in combination with other vehicles;

(f) Vehicles drawn by animals; or

(g) Bicycles, electrical assisted bicycles, or electric scooters.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

(1) Any metropolitan recreation district, any park and recreation district organized pursuant to Code 1 of title 32, or any recreation district organized pursuant to the provisions of part 7 of Code 20 of title 30, referred to in this section as a "district", shall have the authority to designate areas on property owned or controlled by the district in which the operation of motor vehicles shall be prohibited. Areas in which it shall be prohibited to operate motor vehicles shall be clearly posted by a district.

(2) It is unlawful for any person to operate a motor vehicle in an area owned or under the control of a district if the district has declared the operation of motor vehicles to be prohibited in such area, as provided in subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

1409. Compulsory insurance - penalty - legislative intent.

(1) No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3)(a) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall 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.

(b) As used in this section, "evidence of a complying policy or certificate of self-insurance in full force and effect" includes the presentation of such a policy or certificate upon a cell phone or other electronic device.

(4)(a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by section 42-4-1701(3)(a)(II)(A), shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to section 42-4-1701(3)(a)(II)(A), the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars, and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of section 16-11-101.6, shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service, subject to the provisions of section 18-1.3-507.

(5) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) A person charged with violating subsection (1), (2), or (3) of this section shall not be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation. The court clerk's office may dismiss the charge if it verifies that the person had a valid policy in effect at the time of the alleged violation using the uninsured motorist identification database created in section 42-7-602.

(7) Repealed.

(8) (Deleted by amendment, L. 2003, p. 2648, § 7, effective July 1, 2003.)

(8.5) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:

(a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and

(b) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

(9) It is the intent of the general assembly that the money collected as fines imposed pursuant subsections (4)(a) and (4)(b) of this section are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general

assembly further determines that an authorized agent is supervising the public highways through his or her enforcement of the requirements for demonstration of proof of motor vehicle insurance pursuant to section 42-3-105(1)(d). Therefore, of the money collected from fines pursuant to subsections (4)(a) and (4)(b) of this section, fifty percent shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the money collected from fines for violations subsection (4)(a) or (4)(b) of this section shall be transmitted to the authorized agent for the county in which the violation occurred.

1410.5 Providing false evidence of proof of motor vehicle insurance – penalty.

(1) It is unlawful for any person to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle liability insurance required by state law to a law enforcement officer, judge, magistrate, prosecutor, or employee of a court clerk's office with the intent to mislead that official regarding the status or any motor vehicle liability insurance policy in the course of an official investigation, or for purposes of dismissing any charge under section 1409 or reducing any penalty imposed under section 1409, where such means, manner, type, or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.

(2) Violation of this section is a class B traffic infraction, punishable by a fine of up to five hundred dollars.

(3) A person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of this section shall be deemed, but only for purposes of section 18-1-408. to have been convicted of a criminal offense.

1411. Use of earphones while driving.

(1)(a) No person shall operate a motor vehicle while wearing earphones.

(b) For purposes of this subsection (1), "earphones" includes any headset, radio, tape player, or other similar device which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone.

(2) Any person who violates this section commits a class B traffic infraction.

(3) Nothing in this section authorizes the holder of a commercial driver's license issued pursuant to part 4 of article 2 of this title to act in violation of any federal law or regulation relating to driving a commercial vehicle.

1412. Operation of bicycles and other human-powered vehicles.

(1) A person riding a bicycle, or electrical assisted bicycle, or electric scooter has all of the rights and duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4, except as provided in section 1412.5, and except as to those provisions that by their nature can have no application. Said bicycle, electrical assisted bicycle, or electric scooter riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within incorporated cities and towns, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in section 111. Notwithstanding any contrary provision in this article 4, when a county or municipality has adopted an ordinance or resolution that regulates the operation of bicycles, electrical assisted bicycles, and electric scooters at controlled intersections, as defined in section 1412.5(4)(a), and that does not conflict with section 1412.5, riders are subject to the local ordinance or resolution.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the "Colorado Governmental Immunity Act", Code 10 of title 24.

(3) A bicycle, electrical assisted bicycle, or electric scooter shall not be used to carry more persons at one time than the number for which it is designed or equipped.

(4) A person riding upon a bicycle, electrical assisted bicycle, or electric scooter shall not attach the vehicle or the rider to any motor vehicle upon a roadway.

(5)(a) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(b) A bicyclist shall not be expected or required to:

(I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle, electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of the roadway as judged safe by the bicyclist, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)(a) Persons riding bicycles, electrical assisted bicycles, or electric scooter upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding bicycles, electrical assisted bicycles, or electric scooters two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the rider intends to proceed, the bicyclist may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause

official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle, electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle. electrical assisted bicycle, or electric scooter.

(10)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing the pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where the use of bicycles, electrical assisted bicycles, electric scooters is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, including the rights and duties granted and required by section 802.

(d) (Deleted by amendment, L. 2005, p. 1353, § 1, effective July 1, 2005.)

(11)(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk must not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of one or more bicycles or electric scooters near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles, electrical assisted bicycles, or electrical scooters parked anywhere on a highway must conform to the provisions of part 12 of this article 4 regulating the parking of vehicles.

(12)(a) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense; except that 42-2-127, shall not apply.

(b) Any person riding a bicycle, electrical assisted bicycle, or electric scooter who violates any provision of this Code other than this section that is applicable to such a vehicle and for which a penalty is specified, the person is subject to the same specified penalty as any other vehicle; except that 42-2-127, does not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if the accident does not involve a motor vehicle.

(14)(a)(I) A person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.

(II) A local authority may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or a pedestrian path under its jurisdiction.

(b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:

(I) The path is within a street or highway; or

(II) The local authority permits the operation of a class 3 electrical assisted bicycle on a path under its jurisdiction.

(15)(a) A person under sixteen years of age shall not ride a class 3 electrical assisted bicycle upon any street, highway, or bike or pedestrian path; except that a person under sixteen years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

(b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;

(II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and

(III) The protective helmet is secured properly on the person’s head with a chin strap while the class 3 electrical assisted bicycle is in motion.

(c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages.

1412.5. Statewide regulation of certain persons approaching intersections who are not operating motor vehicles – status of existing local ordinance or resolution – legislative declaration - definitions.

(1) The general assembly hereby finds and declares that:

(a) The regulation of persons approaching controlled intersections is a matter of mixed state and local concern; and

(b) It is necessary, appropriate, and in the best interest of the state to reduce injuries, fatalities, and property damage resulting from collisions at controlled intersections between motor vehicles and persons who are not operating motor vehicles by allowing most persons approaching controlled intersections who are fifteen years of age or older or who are under fifteen years of age and accompanied by an adult and who are not operating motor vehicles to approach controlled intersections in the manner set forth in this section.

(2)(a)(I) A pedestrian or a person who is fifteen years of age or older or who is under fifteen years of age and accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with a stop sign shall slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the pedestrian or person operating a low-speed conveyance shall slow to a reasonable speed and yield the right-of-way to any traffic or pedestrian in or approaching the intersection. After the pedestrian or person operating a low-speed conveyance has slowed to a reasonable speed and yielded the right-of-way if required, the pedestrian or person operating a low-speed conveyance may cautiously make a turn or proceed through the intersection without stopping.

(II) For purposes of this subsection (2)(a), a reasonable speed is ten miles per hour or less. A municipality, by ordinance, or a county, by resolution, may raise the maximum reasonable speed to twenty miles per hour if the municipality or county also posts signs at the intersection stating that higher speed limitation.

(b) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with an illuminated red traffic control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians. Once the person operating a lowspeed conveyance has yielded, the person operating a low-speed conveyance may cautiously proceed in the same direction through the intersection or make a right-hand turn. When a red traffic control signal is illuminated, a person operating a lowspeed conveyance shall not proceed through the intersection or turn right if an oncoming vehicle is turning or preparing to turn left in front of the person operating a low-speed conveyance.

(c) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance approaching an intersection of a roadway with an illuminated red traffic control signal may make a left-hand turn only if turning onto a one-way street and only after stopping and yielding to other traffic

and pedestrians. However, a person operating a low-speed conveyance shall not turn left if an oncoming vehicle is turning or preparing to turn right.

(d) Notwithstanding any other provision of this subsection (2), if a county or municipality has placed a traffic sign or a traffic control signal at a controlled intersection and the traffic sign or traffic control signal provides instructions only to one or more specified types of low-speed conveyances, the operator of a low-speed conveyance to which the traffic sign or traffic control signal is directed shall obey the instructions provided by the sign or traffic control signal.

(e) If a county or municipality adopted a valid ordinance or resolution that regulates bicycles or electrical assisted bicycles substantially as described in subsections (2)(a.5), (2)(b.5), and (2)(c.5) of this section prior to May 3, 2018, that ordinance or resolution remains valid to the extent that it applies to the operation of bicycles or electrical assisted bicycles by persons who are under fifteen years of age and who are not accompanied by an adult.

(2.5) This section supersedes any conflicting ordinance that a municipality, county, or city and county adopts, but nothing in this section affects the validity of any ordinance or resolution adopted by a municipality, county, or city and county that regulates the conduct of persons approaching controlled intersections and does not conflict with this section.

(3) This section does not diminish or alter the authority of the department of transportation or the state transportation commission, as those entities are defined in section 43-1-102, regarding the department's or commission's authority to regulate motor vehicle traffic on any portion of the state highway system as defined in section 43-2-101(1).

(3.5) This section does not create any right for a pedestrian or the operator of a low-speed conveyance to travel on any portion of a roadway where travel is otherwise prohibited by state law or by an ordinance or resolution adopted by a municipality, county, or city and county.

(4) As used in this section:

(a) “Controlled intersection” means an intersection of a roadway that is controlled by either a stop sign or a traffic control signal.

(b) “Low-speed conveyance” means:

(I) A vehicle, as defined in section 42-1-102(112), that is not a motor vehicle, as defined in section 42-1-102(58), a low-power scooter as defined in section 42-1-102(48.5), or a low-speed electric vehicle, as defined in section 42-1-102(48.6);

(II) A toy vehicle, as defined in section 42-1-102(103.5), that is exclusively human-powered; or

(III) An electric personal assistance mobility device or EPAMD, as defined in section 42-1-102(28.7), or a device that would be an electric personal assistance mobility device or EPAMD but for the fact that it has fewer or more than two wheels or has tandem wheels.

1413. (Removed)

1414. Use of dyed fuel on highways prohibited.

(1) No person shall operate a motor vehicle upon any highway of the state using diesel fuel dyed to show that no taxes have been collected on the fuel.

(2)(a) Any person who violates subsection (1) of this section commits a class B traffic infraction.

(b) Any person who commits a second violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4-1701(4)(a)(I)(N).

(c) Any person who commits a third or subsequent violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4- 1701(4)(a)(I)(N).

(3) Any person violating any provision of this section shall be subject to audit by the department regarding payment of motor fuel tax.

1415. Radar jamming devices prohibited - penalty.

(1)(a) No person shall use, possess, or sell a radar jamming device.

(b) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

(2)(a) For purposes of this section, "radar jamming device" means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. "Radar jamming device" includes but is not limited to devices commonly referred to as "jammers" or "scramblers".

(b) For purposes of this section, "radar jamming device" shall not include equipment that is legal under FCC regulations, such as a citizens' band radio, ham radio, or any other similar electronic equipment.

(3) Radar jamming devices are subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this section is charged.

(4) A violation of subsection (1) of this section is a class 2 misdemeanor traffic offense, punishable as provided in section 42-4-1701(3)(a)(II)(A).

(5) The provisions of subsection (1) of this section shall not apply to peace officers acting in their official capacity.

1416. Failure to present a valid transit pass or coupon - fare inspector authorization – definitions.

(1) A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.

(2) A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to subsection (4) of this section, a peace officer, or any other employee or agent of a public transportation entity.

(3) A violation of this section is a class B traffic infraction and is punishable by a fine of seventy-five dollars. Notwithstanding any other provision of law, fines for a violation of subsection (1) of this section shall be retained by the clerk of the court in the city and county of Denver upon receipt by the clerk for a violation occurring within that jurisdiction, or transmitted to the state judicial department if the fine is receipted by the clerk of the court of any other county.

(4)(a) Public transportation entities may appoint or employ, with the power of removal, fare inspectors as necessary to enforce the provisions of this section. The employing public transportation entity shall determine the requirements for employment as a fare inspector.

(b) A fare inspector appointed or employed pursuant to this section is authorized to enforce the provisions of this section while acting within the scope of his or her authority and in the performance of his or her duties. A fare inspector is authorized to issue a citation to a person who commits failure to provide a valid transit pass or coupon in violation of this section. The fare inspector shall issue a citation on behalf of the county in which the person occupying, riding in, or using a public transportation vehicle without paying the applicable fare is located at the time the violation is discovered. The public transportation entity whose fare inspector issued the citation shall timely deliver the citation to the clerk of the county court for the jurisdiction in which the accused person is located at the time the violation is discovered.

(5) As used in this section, unless the context otherwise requires:

(a) "Proof of prior fare payment" means:

(I) A transit pass valid for the day and time of use;

(II) A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or

(III) A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.

(b) "Public transportation entity" means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.

(c) "Public transportation vehicle" means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.

(d) "Transit pass" means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.

Part 15
Motorcycles

1501. Traffic laws apply to persons operating motorcycles - special permits.

(1) Every person operating a motorcycle or autocycle shall be granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4 and except as to those provisions of this article 4 that by their nature are not applicable.

(2) For the purposes of a prearranged, organized special event and upon a showing that safety will be reasonably maintained, the department of transportation may grant a special permit exempting the operation of a motorcycle or autocycle from any requirement of this part 15.

1502. Motorcycles and autocycles – protective helmet.

(1) A person driving a motorcycle or autocycle shall ride only upon the permanent and regular seat attached to the motorcycle or autocycle. The driver or a motorcycle or an autocycle shall not carry any other person and another person shall not ride on a motorcycle or autocycle unless the motorcycle or autocycle is designed to carry more than one person. If a motorcycle or autocycle is designed to carry more than one person, a passenger may ride upon the permanent seat if the permanent seat is designed for two persons or upon another seat firmly attached to the motorcycle or autocycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(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.

(4) A driver shall not carry any person, and another person shall not ride, in a position that will interfere with the operation or control of the motorcycle or autocycle or the view of the operator.

(4.5)(a) Except as provided in subsection (4.5)(c) of this section, a person shall not operate or ride as a passenger on a motorcycle, autocycle, or low-power scooter on a roadway unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

(II) The protective helmet conforms to the design and specifications set forth in paragraph (b) of this subsection (4.5); and

(III) The protective helmet is secured properly on the person's head with a chin strap while the motorcycle, autocycle, or low-power scooter is in motion.

(b) A protective helmet required to be worn by this subsection (4.5) shall:

(I) Be designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;

(II) Consist of lining, padding, and chin strap; and

(III) Meet or exceed the standards established in the United States department of transportation federal motor vehicle safety standard no. 218, 49 CFR 571.218, for motorcycle helmets.

(c) A person driving or riding an autocycle need not wear a helmet if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

1503. Operating motorcycles and autocycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle or autocycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) A person shall not operate a motorcycle or autocycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

1504. Clinging to other vehicles.

A person riding upon a motorcycle or autocycle shall not attach himself, herself, or the motorcycle or autocycle to any other vehicle on a roadway. Any person who violates this section commits a class A traffic infraction.

Part 16
Accidents And Accident Reports
(Omitted)

Part 17
Penalties And Procedure

Preface.

(1) Municipalities that have adopted the Code need to be aware of: sections 13-10-101, et. seq., section 42-4-110(2), and the Colorado Municipal Court Rules (C.M.C.R.).

(2) Counties that have adopted the Code need to be aware of: part 5 of Code 6 of title 13, section 16-2-201, sections 30-15-401(1)(h), 30-15-402, 30-15-407, section 42-4-1701, Colorado Rules for Magistrates - Rule 7, and Colorado Rules of Criminal Procedure - Rule 4.1.

(3) Counties additionally need to be aware of section 30-15-401(1)(h), which reads in part, emphasis added:

"To control and regulate the movement and parking of vehicles and motor vehicles on public property; except that misdemeanor traffic offenses and the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest.".

Pursuant to section 30-15-402, which reads in part, emphasis added:

(1) "Any person who violates any county ordinance adopted pursuant to this part 4 ... in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, and sections 42-4-1708 to 42-4-1718, shall apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.

(2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103".

1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.

(1) It is a traffic infraction for any person to violate any of the provisions of articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 unless such violation is, by articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 or by any other law of this state, declared to be a felony, misdemeanor, petty offense, civil infraction, or misdemeanor traffic offense. Such a traffic infraction constitutes a civil matter.

(2)(a) For the purposes of this part 17, "judge" shall include any county court magistrate who hears traffic infraction matters, but no person charged with a traffic violation other than a traffic infraction or class 2 misdemeanor traffic offense shall be taken before a county court magistrate.

(b) For the purposes of this part 17, "magistrate" shall include any county court judge who is acting as a county court magistrate in traffic infraction and class 2 misdemeanor traffic offense matters.

(3)(a)(I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	$15.00 Penalty	$100.00 Penalty
B	$15.00 Penalty	$100.00 Penalty

(II)(A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), subsections (4) and (5) of this section, and sections 42-4-1301.3, 42-4-1301.4 and 42-4-1307, or the section creating the offense, misdemeanor traffic offenses are vided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or $300 fine, or both	One year imprisonment, or $1,000 fine, or both
2	Ten days imprisonment, or $150 fine, or both	Ninety days imprisonment, or $300 fine, or both

(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense shall be required to pay restitution as required by article 18.5 of title 16, and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 18-1.3-507.

(b) Any traffic infraction or misdemeanor traffic offense defined by law outside of articles 1 to 4 of this title shall be punishable as provided in the statute defining it or as otherwise provided by law.

(c) The department has no authority to assess any points under section 42-2-127, upon entry of judgment for any class B traffic infractions.

(4)(a)(I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title 42 to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized,

and have a surcharge levied thereon pursuant to sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be four dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

(A) Drivers' license violations:

Section Violated	Penalty	Surcharge
42-2-101	$35.00	$10.00
42-2-101(2), (3), or (5)	$15.00	$6.00
42-2-103	$15.00	$6.00
42-2-105	$70.00	$10.00
42-2-105.5(4)	$65.00	$10.00
42-2-106	$70.00	$ 10.00
42-2-115	$35.00	$10.00
42-2-116(6)(a)	$30.00	$6.00
42-2-119	$15.00	$6.00
42-2-134	$35.00	$10.00
42-2-136	$35.00	$10.00
42-2-138	$100.00	$15.00
42-2-139	$35.00	$10.00
42-2-140	$35.00	$10.00
42-2-141	$35.00	$10.00
42-2-204	$70.00	$10.00
42-2-404	$100.00	$15.00

(B) Registration and taxation violations:

Section Violated	Penalty	Surcharge
42-3-103	$50.00	$16.00
42-3-113	$15.00	$6.00
42-3-202	$15.00	$6.00
42-3-116	$50.00	$16.00
42-3-121(1)(a)	$75.00	$24.00
42-3-121(1)(c)	$35.00	$10.00
42-3-121(1)(f), (1)(g), and (1)(h)	$75.00	$24.00
42-3-304 to 306	$50.00	$16.00
42-3-308	$50.00	$16.00

(C) Traffic regulation generally:

Section Violated	Penalty	Surcharge
Sec.[1] 1412	$15.00	$6.00
Sec. 109(13)(a)	$15.00	$6.00
Sec. 109(13)(b)	$100.00	$15.00
Sec. 1211	$30.00	$6.00
Sec. 1405	$15.00	$6.00

1[1] NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

(D) Equipment violations:

Section Violated	Penalty	Surcharge
Sec. 201	$35.00	$10.00
Sec. 202	$35.00	$10.00
Sec. 204	$15.00	$6.00
Sec. 205	$15.00	$6.00
Sec. 206	$15.00	$6.00
Sec. 207	$15.00	$6.00
Sec. 208	$15.00	$6.00
Sec. 209	$15.00	$6.00
Sec. 210	$15.00	$6.00
Sec. 211	$15.00	$6.00
Sec. 212	$15.00	$6.00
Sec. 213	$15.00	$6.00
Sec. 214	$15.00	$6.00
Sec. 215	$15.00	$6.00
Sec. 216	$15.00	$6.00
Sec. 217	$15.00	$6.00
Sec. 218	$15.00	$6.00
Sec. 219	$15.00	$6.00
Sec. 220	$15.00	$6.00
Sec. 221	$15.00	$6.00
Sec. 222(1)	$15.00	$6.00
Sec. 223	$15.00	$6.00
Sec. 224	$15.00	$6.00
Sec. 225(1)	$15.00	$6.00

1. NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

Sec. 226	$15.00	$6.00
Sec. 227(1)	$50.00	$16.00
Sec. 228(1), (2), (3), (5), or (6)	$15.00	$6.00
Sec. 229	$15.00	$6.00
Sec. 230	$15.00	$6.00
Sec. 231	$15.00	$6.00
Sec. 232	$15.00	$6.00
Sec. 233	$75.00	$24.00
Sec. 234	$15.00	$6.00
Sec. 235	$50.00	$16.00
Sec. 236	$65.00	$16.00
Sec. 237	$65.00	$6.00
Sec. 1411	$15.00	$6.00
Sec. 1412	$15.00	$6.00
Sec. 1901	$35.00	$ 10.00

(E) Emissions inspections:

Section Violated	Penalty	Surcharge
Sec. 313(3)(c)	$100.00	$15.00
Sec. 313(3)(d)	$15.00	$6.00
(E.5) Dispel Inspections:		
Sec. 412	$50.00	$16.00

(F) Size, weight, and load violations:

Section Violated	Penalty	Surcharge
Sec. 106(1), (3), (4), (6), or (7)	$35.00	$10.00
Sec. 106(5)(a)(I)	$100.00	$32.00
Sec. 106(5)(a)(II)	$500.00	$156.00
Sec. 106(5)(a)(III)	$500.00	$78.00
Sec. 106(5)(a)(IV)	$1,000.00	$156.00
Sec. 105(1) to (5)	$50.00	$16.00
Sec. 106	$50.00	$16.00
Sec. 502	$75.00	$24.00
Sec. 503	$15.00	$6.00
Sec. 504	$75.00	$24.00
Sec. 505	$75.00	$24.00
Sec. 506	$15.00	$6.00
Sec. 509	$50.00	$16.00
Sec. 510(12)(a)	$35.00	$10.00
Sec. 512	$75.00	$24.00

(G) Signals, signs, and markings violations:

Section Violated	Penalty	Surcharge
Sec. 603	$100.00	$10.00
Sec. 604	$100.00	$10.00
Sec. 605	$70.00	$10.00
Sec. 606	$15.00	$6.00
Sec. 607(1)	$50.00	$16.00
Sec. 607(2)(a)	$100.00	$32.00
Sec. 608(1)	$70.00	$6.00
Sec. 608(2)	$15.00	$6.00
Sec. 609	$15.00	$6.00
Sec. 610	$15.00	$6.00
Sec. 611	$100.00	$15.00
Sec. 612	$70.00	$10.00
Sec. 613	$35.00	$10.00

(H) Rights-of-way violations:

Section Violated	Penalty	Surcharge
Sec. 701	$70.00	$10.00
Sec. 702	$70.00	$10.00
Sec. 703	$70.00	$10.00
Sec. 704	$70.00	$10.00
Sec. 705	$70.00	$16.00
Sec. 706	$70.00	$10.00
Sec. 707	$70.00	$10.00
Sec. 708	$35.00	$10.00
Sec. 709	$70.00	$10.00
Sec. 710	$70.00	$10.00
Sec. 711	$100.00	$10.00
Sec. 712	$70.00	$10.00
Sec. 714	$70.00	$10.00
Sec. 715	$70.00	$11.00

(I) Pedestrian violations:

Section Violated	Penalty	Surcharge
Sec. 801	$15.00	$6.00
Sec. 802(1)	$30.00	$6.00
Sec. 802(3)	$15.00	$6.00
Sec. 802(4)	$30.00	$6.00
Sec. 802(5)	$30.00	$6.00
Sec. 803	$15.00	$6.00

Sec. 805	$15.00	$6.00
Sec. 806	$70.00	$10.00
Sec. 807	$70.00	$10.00
Sec. 808	$70.00	$10.00

(J) Turning and stopping violations:

Section Violated	Penalty	Surcharge
Sec. 901	$70.00	$10.00
Sec. 902	$70.00	$10.00
Sec. 903	$70.00	$10.00

(K) Driving, overtaking, and passing violations:

Section Violated	Penalty	Surcharge
Sec. 1001	$70.00	$10.00
Sec. 1002	$100.00	$10.00
Sec. 1003	$100.00	$10.00
Sec. 1004	$100.00	$10.00
Sec. 1005	$100.00	$10.00
Sec. 1006	$70.00	$10.00
Sec. 1007	$100.00	$10.00
Sec. 1008	$100.00	$10.00
Sec. 1009	$70.00	$10.00
Sec. 1010	$70.00	$10.00
Sec. 1011	$200.00	$32.00
Sec. 1012(3)(a)	$65.00	(NONE)
Sec. 1012(3)(b)	$125.00	(NONE)
Sec. 1013	$100.00	(NONE)

(L) Speeding violations:

Sec. 1101(1) or (8)(b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$30.00	$6.00

Sec. 1101(1) or (8)(b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$70.00	$10.00

Sec. 1101(1) or (8)(b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$135.00	$16.00

Sec. 1101(1) or (8)(b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$200.00	$32.00

Sec. 1101(8)(g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
$50.00	$6.00

Sec. 1101(8)(g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
$75.00	$10.00

Sec. 1101(8)(g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
$100.00	$16.00

Section Violated	Penalty	Surcharge
Sec. 1101(3)	$100.00	$10.00
Sec. 1103	$50.00	$6.00
Sec. 1104	$30.00	$6.00

(M) Parking violations:

Section Violated	Penalty	Surcharge
Sec. 1201	$30.00	$6.00
Sec. 1202	$30.00	$6.00
Sec. 1204	$15.00	$6.00
Sec. 1205	$15.00	$6.00
Sec. 1206	$15.00	$6.00
Sec. 1207	$15.00	$6.00
Sec. 1208	$150.00	$32.00
Sec. 1210	$50.00	$10.00
Sec. 1213	$150.00	$32.00

(N) Other offenses:

Section Violated	Penalty	Surcharge
Sec. 1301(2)(d)	$100.00	$16.00
Sec. 1305	$50.00	$16.00
Sec. 1305.5(2)	$50.00	$7.80
Sec. 1402	$150.00	$16.00
Sec. 1403	$30.00	$6.00
Sec. 1404	$15.00	$6.00
Sec. 1406	$35.00	$10.00
Sec. 1407(3)(a)	$35.00	$10.00
Sec. 1407(3)(b)	$100.00	$30.00
Sec. 1407(3)(c)	$500.00	$200.00
Sec. 314(1) and (2)	$35.00	$10.00
Sec. 314(6)(a)	$100.00	$10.00
Sec. 1408	$15.00	$6.00
Sec. 1414(2)(a)	$500.00	$156.00
Sec. 1414(2)(b)	$1,000.00	$312.00
Sec. 1414(2)(c)	$5,000.00	$1,560.00
Sec. 1416(3)	$75.00	$4.00
42-20-109(2)	$250.00	$66.00

(O) Motorcycle violations:

Section Violated	Penalty	Surcharge
Sec. 1502(1), (2), (3), or (4)	$30.00	$6.00
Sec. 1502(4.5)	$100.00	$15.00
Sec. 1503	$30.00	$6.00
Sec. 1504	$30.00	$6.00

(P) Offenses by persons controlling vehicles:

Section Violated	Penalty	Surcharge
Sec. 239(5)(a)	$50.00	$6.00
Sec. 239(5)(b)	$100.00	$6.00
Sec. 239(5.5)	$300.00	$6.00
Sec. 1704	$15.00	$6.00

(Q) Certificates of title:

Section Violated	Penalty	Surcharge
42-6-110	$100.00	$15.00
42-6-112	$100.00	$15.00

(R) Proof of financial responsibility:

Section Violated	Penalty	Surcharge
42-7-422	$100.00	$15.00
42-7-506	$50.00	$15.00
42-7-507	$100.00	$15.00
42-7-510	$100.00	$15.00

(S) Uninsured motorist identification database protection:

Section Violated	Penalty	Surcharge
42-7-606	$100.00	$15.00

(II)(A) A person convicted of violating section 507 or 508 shall be fined pursuant to this sub-subparagraph (A), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction. A person who violates section 507 or 508 shall be punished by the following fine plus a surcharge of sixteen percent of the fine as follows:

Excess Weight - Pounds	Penalty
1 - 1,000	$20.00
1,001 - 3,000	$25.00
3,001 - 5,000	0.03 per pound overweight
5,001 - 7,000	0.05 per pound overweight rounded to the nearest dollar
7,001 - 10,000	0.07 per pound overweight rounded to the nearest dollar
10,001 - 15,000	0.10 per pound overweight rounded to the nearest dollar
15,001 - 19,750	0.15 per pound rounded to the nearest dollar
Over 19,750	0.25 per pound overweight rounded to the nearest dollar

(B) The state, county, city, or city and county issuing a citation that results in the assessment of the penalties in sub-subparagraph (A) of this subparagraph (II) may retain and distribute the following amount of the penalty according to the law of the jurisdiction that assesses the penalty, but the remainder of the penalty shall be transmitted to the state treasurer, who shall credit the moneys to the commercial vehicle enterprise tax fund created in section 42-1-225:

Excess Weight - Pounds	Penalty Retained
1 - 3,000	$15.00
3,001 - 4,250	$25.00
4,251 - 4,500	$50.00
4,501 - 4,750	$55.00
4,751 - 5,000	$60.00
5,001 - 5,250	$65.00
5,251 - 5,500	$75.00

5,501 - 5,750	$85.00
5,751 - 6,000	$95.00
6,001 - 6,250	$105.00
6,251 - 6,500	$125.00
6,501 - 6,750	$145.00
6,751 - 7,000	$165.00
7,001 - 7,250	$185.00
7,251 - 7,500	$215.00
7,501 - 7,750	$245.00
7,751 - 8,000	$275.00
8,001 - 8,250	$305.00
8,251 - 8,500	$345.00
8,501 - 8,750	$385.00
8,751 - 9,000	$425.00
9,001 - 9,250	$465.00
9,251 - 9,500	$515.00
9,501 - 9,750	$565.00
9,751 - 10,000	$615.00
10,001 - 10,250	$665.00
Over 10,250	$30.00 for each 250 pounds additional overweight, plus $665.00

(III) Any person convicted of violating any of the rules promulgated pursuant to section 510, except section 510(2)(b)(IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Except as provided in sub-subparagraph (D) of this subparagraph (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by the following fine plus a surcharge of sixteen percent of the fine:

Excess Weight Above Maximum

Excess Weight - Pounds	Penalty Retained
1 - 2,500	$50.00
2,501 - 5,000	$100.00
5,001 - 7,500	$200.00
7,501 - 10,000	$400.00
Over 10,000	$150.00 for each 1,000 pounds additional overweight, plus $400.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or

loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(D) The fines for a person who violates the maximum permitted weight on an axle or on gross weight under a permit issued pursuant to section 510(1)(b)(II) shall be doubled.

(IV)(A) Any person convicted of violating section 42-3-114 who has not been convicted of a violation of section 42-3-114 in the twelve months preceding such conviction shall be fined as follows, whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

Number of days beyond renewal period that registration has been expired	Penalty	Surcharge
1-29	$35.00	$8.00
30 - 59	$50.00	$12.00
60 and over	$75.00	$18.00

(B) Any person convicted of violating section 42-3-114 who has been convicted of violating said section within the twelve months preceding such conviction shall be fined pursuant to subparagraph (I) of paragraph (a) of subsection (3) of this section.

(V) Any person convicted of violating section 42-20-204(2) shall be fined twenty-five dollars, whether the violator acknowledges guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction.

(VI)(A) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply, shall, in addition to any other fine or penalty or surcharge, be assessed a surcharge of one dollar, which amount shall be transmitted to the state treasurer for deposit in the family-friendly court program cash fund created in section 13-3-113(6). This surcharge shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate.

(B) Repealed.

(VII) The penalties and surcharges for a second or subsequent violation of section 42-20-109(2), within twelve months shall be doubled.

(VIII) A person who violates section 42-3-204(7)(f)(II), or section 1208(3)(a) or (4) commits a class A traffic infraction and, upon conviction, shall be punished by a surcharge of thirty-two dollars under sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), and:

(A) A fine of not less than three hundred fifty dollars but not more than one thousand dollars for the first offense;

(B) A fine of not less than six hundred dollars but not more than one thousand dollars for a second offense; and

(C) A fine of not less than one thousand dollars but not more than five thousand dollars, in addition to not more than ten hours of community service, for a third or subsequent offense.

(IX) A person who violates section 1208(3) by parking a vehicle owned by a commercial carrier commits a class A traffic infraction.

(X)(A) A person who violates section 1208(5) of this section commits a class A traffic infraction.

(B) A person who willfully receives remuneration for violating section 1208(5) commits a class A traffic infraction.

(b)(I) The schedule in subparagraph (I) of paragraph (a) of this subsection (4) shall not apply when the provisions of paragraph (c) of subsection (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in subparagraphs (II) and (III) of paragraph (a) of this subsection (4) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(c)(I) The penalties and surcharges imposed for speeding violations under subsection (4)(a)(I)(L) of this section shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the penalty for violating section 1101(1) or (8)(b) by twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.

(II)(A) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (II).

(B) There is hereby created, within the highway users tax fund, the highway construction workers' safety account.

(C) If a fine is doubled under subparagraph (I) or (II) of this paragraph (c), one-half of the fine allocated to the state by sections 42-1-217 and section 205, shall be transferred to

the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund to be continuously appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

(D) This subparagraph (II) is effective July 1, 2006.

(III) The penalties and surcharges imposed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b).

(IV) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (IV).

(d) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a school zone pursuant to section 615.

(d.5)(I) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a wildlife crossing zone pursuant to section 616.

(II)(A) There is hereby created, within the highway users tax fund, the wildlife crossing zones safety account.

(B) If a penalty and surcharge are doubled pursuant to subparagraph (I) of this paragraph (d.5), one-half of the penalty and surcharge allocated to the state by sections 42-1-217 and section 205, shall be transferred to the state treasurer, who shall deposit the moneys in the wildlife crossing zones safety account within the highway users tax fund to be continuously appropriated to the department of transportation for wildlife crossing zones signs and law enforcement.

(e)(I) An additional twenty dollars shall be assessed for speeding violations pursuant to subsection (4)(a)(I)(L) of this section in addition to the penalties and surcharge stated in subsection (4)(a)(I)(L) of this section. Money collected pursuant to this subsection (4)(e) must be transmitted to the state treasurer, who shall deposit such money in the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(II) If the surcharge is collected by a county, the surcharge shall be twenty-two dollars of which two dollars shall be retained by the county and the remaining twenty dollars must be transmitted to the state treasurer and credited to the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(III) An additional twenty dollars is assessed for a violation of a traffic regulation pursuant to subsection (4)(a)(I)(C) of this section for a violation of section 42-4-109(13)(b), in addition to the penalties stated in subsection (4)(a)(I)(C) of this section. An additional twenty dollars must be assessed for a motorcycle or autocycle violation pursuant to subsection (4)(a)(I)(O) of this section for a violation of section 42-4-1502(4.5), in addition to the penalties stated in subsection (4)(a)(I)(O) of this section. Money collected pursuant to this subsection (4)(e)(III) must be transmitted to the state treasurer, who shall deposit the money in the Colorado brain injury trust fund created pursuant to section 26-1-309, to be used for the purposes set forth in part 3 of article 1 of title 26.

(d.7)(I) the penalty and surcharge imposed for a violation under subsection (4)(a)(I)(L) of this section is doubled is the violation is committed by a driver of a commercial motor vehicle within an area of a state highway that the department of transportation has designated as a steep downhill grade zone pursuant to section 42-4-617.

(II)(A) there is created, within the highway users tax fund, the mountain highways commercial motor vehicle safety account, referred to within this subsection (4)(d.7) as the "account".

(B) notwithstanding any provision of law to the contrary, for each fine collected pursuant to section 424-617(4) and subsection (4)(d.7)(I) of this section, the state treasurer shall credit one-half of the amount of the fine to the account. All money credited to the account is continuously appropriated to the department of transportation and to the freight mobility and safety branch created within the transportation development division of the department of transportation pursuant to section 43-1-117 to pay costs associated with the provision of educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies of means by which the state may reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the mountains of the state.

(f)(I) In addition to the surcharge specified in sub-subparagraph (N) of subparagraph (I) of paragraph (a) of this subsection (4), the court shall assess a surcharge of five dollars for a violation of section 42-4-1301(2)(d). Moneys collected pursuant to this paragraph (f) must be transmitted to the state treasurer who shall deposit such moneys in the rural alcohol and substance abuse cash fund created in section 27-80-117(3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(II) If the additional surcharge is collected by a county court, the additional surcharge shall be six dollars of which one dollar shall be retained by the county and the remaining five dollars shall be transmitted to the state treasurer and credited to the rural alcohol and substance abuse cash fund created in section 27-80-117 (3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(III) This paragraph (f) is repealed, effective September 1, 2025, unless the general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117.

(5)(a)(I) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1707(3) or by section 1709, whichever is applicable. The fine or penalty specified in subsection (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant; except that the fine or penalty charged and the surcharge thereon shall be paid to the county if it relates to a traffic offense authorized by county ordinance. The department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. Except as otherwise provided in subparagraph (II) of this paragraph (a), in the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127. Except as otherwise provided in section 1710(1)(b), acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(II) In the case of an offense other than a traffic infraction that involves a minor under the age of eighteen years, the officer shall proceed in accordance with the provisions of section 1706(2) or 1707(1)(b) or (3)(a.5). In no case may an officer issue a penalty assessment notice to a minor under the age of eighteen years and require or offer that the minor consent to be taken by the officer to the nearest mailbox to mail the amount of the fine or penalty and surcharge thereon to the department.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the peace officer shall proceed in accordance with section 42-4-1705, or 1707 of this Code. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the department of revenue as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, and should the department of revenue not accept payment for such penalty and surcharge as evidenced by receipt, the defendant shall be allowed to pay such penalty and surcharge thereon and the

docket fee in the amount set forth in section 1710(4) to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two business days prior to the time for appearance as specified in the notice. If the penalty for a misdemeanor, misdemeanor traffic offense, or a petty offense and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the same manner as is provided by law for prosecutions of the misdemeanors not specified in subsection (4) of this section. If the penalty for a traffic infraction and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the manner provided for in this article for the prosecution of traffic infractions. In either case, the maximum penalty that may be imposed shall not exceed the penalty set forth in the applicable penalty and surcharge schedule in subsection (4) of this section.

(b.5) The provisions of section 1710(1)(b) shall govern any case described in paragraph (b) of this subsection (5) in which a minor under the age of eighteen years submits timely payment for an infraction or offense in a penalty assessment notice but such payment is not accompanied by the penalty assessment notice signed and notarized in the manner required by section 1707(3)(a.5) or 1709(1.5).

(c)(I) The penalty and surcharge schedules of subsection (4) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting misdemeanors, petty offenses, or misdemeanor traffic offenses not specified in said subsection (4) of this section, nor shall they apply to the violations constituting misdemeanors, petty offenses, misdemeanor traffic offenses, or traffic infractions specified in said subsection (4) of this section when it appears that:

(A) (Deleted by amendment, L. 96, p. 580, § 4, effective May 25, 1996.)

(B) In a violation of section 1101(1) or (8)(b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of seventy-five miles per hour by more than twenty-four miles per hour;

(C) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(D) The defendant has, in the course of the same transaction, violated one of the provisions of this title specified in the penalty and surcharge schedules in subsection (4) of this section and has also violated one or more provisions of this title not so specified, and the peace officer charges such defendant with two or more violations, any one of which is not specified in the penalty and surcharge schedules in subsection (4) of this section.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall be inapplicable; except that the penalty and surcharge provided in the schedule contained in sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (4) of this section for any violation of section 121 shall always apply to such a violation. In all cases where the penalty and surcharge schedule contained in

subparagraph (I) of paragraph (a) of subsection (4) of this section is inapplicable, the provisions of subsection (3) of this section shall apply.

(d) In addition to any other cases governed by this section, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall apply in the following cases:

(I) In all cases in which a peace officer was authorized by the provisions of this subsection (5) to offer a penalty assessment notice for the commission of a misdemeanor, petty offense, or misdemeanor traffic offense but such peace officer chose not to offer such penalty assessment notice;

(II) In all cases involving the commission of a misdemeanor, petty offense, or misdemeanor traffic offense in which a penalty assessment notice was offered by a peace officer but such penalty assessment notice was refused by the defendant.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharges thereon pursuant to sections 119(1)(f) and 104 to the Colorado department of revenue within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of the notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within the twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

(7) Notwithstanding the provisions of paragraph (b) of subsection (5) of this section, receipt of payment by mail by the department or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.

(8) The surcharges described in subsections (4) to (6) of this section are separate and distinct from a surcharge levied pursuant to section 24-33.5-415.6.

1702. Counties - traffic offenses classified - schedule of fines.

(1) Pursuant to sections 30-15-402(1), and 42-4-1701, it is a traffic infraction for any person to violate parts 1 and 2, and 5 to 19 of this Code except as otherwise provided in subsections (2), (3),(4), and (5) of this section.

(2) Violation of sections 238, 239, 607(2)(a), 1402(2), and 1409, of this Code are class 1 traffic misdemeanors

(3) Violations of sections 107, 228(8), 233, 507, 508, 509, 510, 1105, 1401, 1402(1), 1407, 1412, 1413, 1704, 1716(2) and 1903(1)(a) of this Code are class 2 traffic misdemeanors.

(4) In section 1101 of this Code a violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a traffic infraction; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense.

(5) Violation of subsection (1.5) of section 225 shall, upon conviction, be punished by a fine of five hundred dollars.

(6) The County Commissioners may adopt a fine and surcharge schedule for penalty assessment violations.

1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

1704. Offenses by persons controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

1705. Person arrested to be taken before the proper court

(1) Whenever a person is arrested for any violation of this article 4 punishable as a misdemeanor, the arrested person must be taken without unnecessary delay before a county judge who has jurisdiction of such offense as provided by law, in any of the following cases:

(a) When a person arrested demands an appearance without unnecessary delay before a judge;

(b) When the person is arrested and charged with an offense under this article causing or contributing to an accident resulting in injury or death to any person;

(c) When the person is arrested and charged with DUI, DUI per se, or UDD;

(d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(e) In any other event when the provisions of section 42-4-1701 (5)(b) and (5)(c) apply.

(2) Whenever any person is arrested by a police officer for any violation of this article 4 punishable as a misdemeanor and is not required to be taken before a county judge as provided in

subsection (1) of this section, the arrested person must, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 42-4-1707 or be taken without unnecessary delay before a county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(2.5) In any case in which the arrested person who is taken before a county judge pursuant to subsection (1) or (2) of this section is a child, as defined in section 19-1-103, of section 42-4-1706(2) applies.

(3) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with DUI, DUI per se, or UDD and who has been given a written notice or summons to appear in court as provided in section 42-4-1707 in a state-approved treatment facility for alcohol use disorders even though entry or other record of such arrest and charge has been made. Placement is governed by article 81 of title 27, except where in conflict with this section.

1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.

(1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, convicted of a misdemeanor traffic offense pursuant to this article 4, violating the conditions of probation imposed pursuant to this article 4, or found in contempt of court in connection with a violation or alleged violation pursuant to this article 4 must not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that receives and provides care for children or if the jail is located within forty miles of such facility. The court imposing penalties pursuant to this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to section 19-2.5-305(4).

(2)(a) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, arrested and incarcerated for an alleged misdemeanor traffic offense pursuant to this article 4, and not released on bond, must be taken before a county judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to section 19-2.5-305(4)(e). The child must not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time pursuant to this subsection (2), Saturdays, Sundays, and court holidays are included.

(b) In any case in which a child is taken before a county judge pursuant to paragraph (a) of this subsection (2), the child's parent or legal guardian shall immediately be notified by the

court in which the county judge sits. Any person so notified by the court under this paragraph (b) shall comply with the provisions of section 42-4-1716(4).

1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses--release—registration.

(1)(a) Whenever a person commits a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 1701(5)(a), and such person is not required by the provisions of section 42-4-1705, to be arrested and taken without unnecessary delay before a county judge, the peace officer may issue and serve upon the defendant a summons and complaint which must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; direct the defendant to appear in a specified county court at a specified time and place; and be signed by the peace officer. The summons and complaint submitted to the department of revenue and the county court before which appearance is required, either by paper or electronic submission, must contain the name and address of the defendant, the license of the vehicle involved, if any, and the number of the defendant's driver's license, if any.

(b) A summons and complaint issued and served pursuant to paragraph (a) of this subsection (1) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing an advisement to the minor that the minor's parent or legal guardian, if known, shall be notified by the court from which the summons is issued and be required to appear with the minor at the minor's court hearing or hearings.

(2) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

(3)(a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location of the offense, the amount of the penalty prescribed for the offense, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the offense pursuant to section 42-2-

127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(a.5) A penalty assessment notice issued and served pursuant to paragraph (a) of this subsection (3) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(I) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(II) Preprinted signature lines following the declaration on which the reviewing person described in subparagraph (I) of this paragraph (a.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(III) An advisement to the minor that:

(A) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(B) The parent or legal guardian of the minor is required by law to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(C) Noncompliance with the requirement set forth in sub-subparagraph (B) of this subparagraph (III) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 42-4-1710(1) (b), 42-4-1710(1.5), and 42-4-1716(4).

(b) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor within the department and such other copies sent as may be required by rule of the department to govern the internal administration of this article between the department and the Colorado state patrol.

(4)(a) The time specified in the summons portion of said summons and complaint must be at least twenty days after the date such summons and complaint is served, unless the defendant shall demand an earlier court appearance date.

(b) The time specified in the summons portion of said penalty assessment notice shall be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier court appearance date.

(5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a county court within the county in which the offense is alleged to have been committed.

(6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, must receive information on the penalty assessment notice or summons and complaint that directs the defendant to appear at a specified county court at a specified time and place in the event the penalty and surcharges are not paid, and other information that may be required by law to constitute the penalty assessment to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701. If the defendant does possess a valid Colorado driver's license, the defendant must not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. The peace officer shall not require any person who is eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 to produce or divulge such person's social security number.

(7) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

1708. Traffic Infractions – proper court for hearing, burden of proof - appeal – collateral attack.

(1) Every hearing in county court for the adjudication of a traffic infraction, as provided by this article, shall be held before a county court magistrate appointed pursuant to part 5 of article 6 of title 13, or before a county judge acting as a magistrate; except that, whenever a crime and a class A or class B traffic infraction or a crime and both such class A and class B traffic infractions are charged in the same summons and complaint, all charges shall be made returnable before a judge or magistrate having jurisdiction over the crime and the rules of criminal procedure shall apply. Nothing in this part 17 or in part 5 of article 6 of title 13, shall be construed to prevent a court having jurisdiction over a criminal charge relating to traffic law violations from lawfully entering a judgment on a case dealing with a class A or class B traffic infraction.

(2) When a court of competent jurisdiction determines that a person charged with a class 1 or class 2 misdemeanor traffic offense is guilty of a lesser-included offense which is a class A or class B traffic infraction, the court may enter a judgment as to such lesser charge.

(3) The burden of proof shall be upon the people, and the traffic magistrate shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt. The district attorney or the district attorney's deputy may, in the district attorney's discretion, enter traffic infraction cases for the purpose of attempting a negotiated plea or a stipulation to deferred prosecution or deferred judgment and sentence but shall not be required to so enter by any person, court, or law, nor shall the district attorney represent the state at hearings conducted by a magistrate or a county judge acting as a magistrate on class A or class B traffic infraction matters. The magistrate or county judge acting as a magistrate shall be permitted to call and question any witness and shall also act as the fact finder at hearings on traffic infraction matters.

(4) Appeal from final judgment on a traffic infraction matter shall be taken to the district court for the county in which the magistrate or judge acting as magistrate is located.

(5)(a) Except as otherwise provided in paragraph (b) of this subsection (5), no person against whom a judgment has been entered for a traffic infraction as defined in section 42-4-1701(3)(a) shall collaterally attack the validity of that judgment unless such attack is commenced within six months after the date of entry of the judgment.

(b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in subsection (5)(a) of this section are:

(I) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

(II) A case in which the court entering judgment did not have jurisdiction over the person of the violator;

(III) Where the court hearing the collateral attack 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 or certification of the violator to an institution for treatment as a person with a mental health disorder; or

(IV) Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

1709. Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license.

(1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location of the offense, the amount of the penalty prescribed for the traffic infraction, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(a) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(b) Preprinted signature lines following the declaration on which the reviewing person described in paragraph (a) of this subsection (1.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(c) An advisement to the minor that:

(I) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(II) The parent or legal guardian of the minor is required by this Code to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(III) Noncompliance with the requirement set forth in subparagraph (II) of this paragraph (c) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 1710 (1)(b), 1710 (1.5), and 1716 (4).

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the clerk of the court and such other copies sent as may be required by ordinance or the court.

(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be a court within the county in which the traffic infraction is alleged to have been committed.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

(6) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(7)(a) A person is not allowed or permitted to obtain or renew a permanent driver's, minor driver's, or probationary license if such person has, at the time of making application for obtaining or renewing such driver's license:

(VI) Issued a check or order to the department to pay a penalty assessment, a driver’s license fee, a license reinstatement fee, or a motor vehicle record fee an such check or order is returned for insufficient funds or a closed account and remains unpaid. For the purposes of this subsection (7), the term “insufficient funds” means having an insufficient balance on account with a bank or other drawee for the payment of a check or order when the check or order is presented for payment within thirty days after issue.

1710. Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice - procedures.

(1)(a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this Code and surcharge thereon pursuant to section 24-4.2-104 (1), the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a minor under the age of eighteen years shall be required to appear at a hearing on the date and time specified in the citation and answer the complaint if the penalty assessment was timely paid but not signed and notarized in the manner required by section 1709(1.5).

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

(2) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in section 18-1-405. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge thereon, a docket fee, and other applicable costs authorized by ordinance or the court. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to this Code.

1711. Compliance with promise to appear.

A defendant may comply with a requirement to appear in court through an appearance by counsel.

1712. Procedure prescribed not exclusive.

The foregoing provisions of this Code shall govern all police officers in making arrests without a warrant or issuing citations for violations of this Code, for offenses or infractions committed in their presence, but the procedure prescribed in this Code shall not otherwise be exclusive of any other method prescribed by law or ordinance for the arrest and prosecution of a person for an offense or infraction of like grade.

1713. Conviction record inadmissible in civil action.

Except as provided in sections 42-2-201 to 42-2-208, no record of the conviction of any person for any violation of this Code shall be admissible as evidence in any court in any civil action.

1714. Traffic violation not to affect credibility of witness.

The conviction of a person upon a charge of violating any provision of this Code or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

1715. Convictions, judgments, and charges recorded - public inspection.

(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2) Within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating any provision of this Code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made or the conviction was had or bail was forfeited shall prepare and immediately forward to the motor vehicle division of the department of revenue an abstract of the record of said court covering every case in which said person had a judgment entered against him or her, was so convicted, or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(3) Said abstract must be made upon a form furnished by the department of revenue and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture as the case may be.

1716. Notice to appear or pay fine - failure to appear - penalty.

(1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

(2) A person commits a traffic offense if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.

(3) Deleted.

(4)(a)(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), a person who is a parent or legal guardian of a minor under the age of eighteen years and who is required to appear in court with the minor pursuant to the provisions of this part 17 including but not limited to section 1706(2)(b) or 1710(1.5), shall appear in court at the location and on the date stated in the penalty assessment notice or in the summons and complaint or as instructed by the court.

(II) The provisions of subparagraph (I) of this paragraph (a) concerning the appearance of a parent or legal guardian shall not apply in a case where the minor under the age of eighteen years or the parent of the minor demonstrates to the court by clear and convincing evidence that the minor is an emancipated minor.

(III) For purposes of this subsection (4), "emancipated minor" means a minor under the age of eighteen years who has no legal guardian and whose parents have entirely surrendered the right to the care, custody, and earnings of the minor, no longer are under any duty to support or maintain the minor, and have made no provision for the support of the minor.

1717. Conviction - attendance at driver improvement school.

(1) Except as otherwise provided in subsection (2) of this section, whenever a person has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Such school shall be approved by the court.

(2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court may require the minor to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with section 1716 (4), of this Code, shall pay the cost of attending the designated driver improvement school. The court shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Such school shall be approved by the court.

1718. Electronic transmission of data—standards.

A municipal court, county court, district court, or any court with jurisdiction over violations of traffic rules and laws shall not dismiss any charges or refuse to enforce any traffic law or rule solely because a penalty assessment notice or summons and complaint issued pursuant to the standards established in this section is in electronic form or contains an electronic signature.

1719. Violations--commercial driver's license--compliance with federal regulation.

As to a holder of a commercial driver's license as defined in section 42-2-402 or the operator of a commercial motor vehicle as defined in section 42-2-402, a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.

Part 18
Vehicles Abandoned On Public Property

1801. Legislative declaration.

This jurisdiction hereby declares that the purpose of this part 18 is to provide procedures for the removal, storage, and disposal of motor vehicles that are abandoned on public property.

1802. Definitions. As used in this part 18, unless the context otherwise requires:

(1) "Abandoned motor vehicle" means:

(a) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, outside the limits of any incorporated town or city for a period of forty-eight hours or longer;

(b) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of any incorporated town or city for a period longer than any limit prescribed by any local ordinance concerning the abandonment of motor vehicles or, if there is no such ordinance, for a period of forty-eight hours or longer;

(c) Any motor vehicle stored in an impound lot at the request of a law enforcement agency and not removed from the impound lot within seventy-two hours after the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

(d) A motor vehicle fitted with an immobilization device that is on public property and deemed to be abandoned pursuant to section 1105(7)(c); or

(e) Any motor vehicle left unattended at a regional transportation district parking facility, as defined in section 32-9-119.9(6), that is deemed to be abandoned pursuant to section 32-9-119.9(4)(b).

(2) "Agency employee" means any employee of the department of transportation or other municipal, county, or city and county agency responsible for highway safety and maintenance.

(3) (Deleted by amendment, L. 2009, (HB09- 1279), ch. 170, p. 763, § 1, effective August 5, 2009.)

(4) "Appraisal" means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by any employee of the Colorado state patrol or of any sheriff's or police department whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department.

(5) "Disabled motor vehicle" means any motor vehicle that is stopped or parked, either attended or unattended, upon a public right-of-way and that is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.

(6) “Impound lot” means a parcel of real property that is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

(7) “Operator” means a person or a firm licensed by the public utilities commission as a towing carrier.

(8) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, as defined in section 31-1-101(6), or other governmental entity of this state.

(9) “Responsible law enforcement agency” means the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency’s jurisdiction.

1803. Abandonment of motor vehicles - public property.

(1)(a) No person shall abandon any motor vehicle upon public property. Any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, or agent of the Colorado bureau of investigation who finds a motor vehicle that such officer has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the law enforcement agency employing such officer.

(b) If an operator is used by the responsible law enforcement agency to tow or impound the motor vehicle pursuant to paragraph (a) of this subsection (1), the operator shall be provided with written authorization to possess the motor vehicle on a document that includes, without limitation, the year, make, model, vehicle identification number, and storage location.

(2) Whenever any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, agent of the Colorado bureau of investigation, or agency employee finds a motor vehicle, vehicle, cargo, or debris, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer or agency employee is authorized to cause the motor vehicle, vehicle, cargo, or debris to be moved to eliminate any such obstruction; and neither the officer, the agency employee, nor anyone acting under the direction of such officer or employee shall be liable for any damage to such motor vehicle, vehicle, cargo, or debris occasioned by such removal. The removal process is intended to clear the obstruction, but such activity should create as little damage as possible to the vehicle, or cargo, or both. No agency employee shall cause any motor vehicle to be moved unless such employee has obtained approval from a local law enforcement agency of a municipality, county, or city and county, the Colorado bureau of investigation, or the Colorado state patrol.

(3) The operator shall be responsible for removing the motor vehicle and the motor vehicle debris from the site pursuant to this section, but shall not be required to remove or clean up any hazardous or commercial cargo the motor vehicle carried. The commercial carrier shall be responsible for removal or clean-up of the hazardous or commercial cargo.

1804. Report of abandoned motor vehicles - owner's opportunity to request hearing.

(1)(a) Upon having an abandoned motor vehicle towed, the responsible law enforcement agency shall ascertain, if possible, whether or not the motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the towing carrier shall have the right to recover from the owner their reasonable costs and fees for recovering and securing the motor vehicle. Nothing in this section shall be construed to authorize fees for services that were not provided or that were provided by another person or entity.

(b) As soon as possible, but in no event later than ten working days after having an abandoned motor vehicle towed, the responsible law enforcement agency shall report the same to the department by first-class or certified mail, by personal delivery, or by internet communication. The report shall be on a form prescribed and supplied by the department.

(c) The report shall contain the following information:

(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, the identity of the responsible law enforcement agency, and the business address, telephone number, and name and signature of a representative from the responsible law enforcement agency;

(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(III) A description of the abandoned 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.

(2) Upon its receipt of a report made under subsection (1) or (6) of this section, the department shall search its records to ascertain the last-known owner of record for the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days after such receipt, the department shall complete its search and shall transmit such report, together with all relevant information, to the responsible law enforcement agency.

(3) The responsible law enforcement agency, upon its receipt of the report required under subsection (2) of this section, shall determine, from all available information and after reasonable inquiry, whether the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the operator shall have the right to recover from the owner their reasonable costs to recover and secure the motor vehicle.

(4)(a) If the responsible law enforcement agency, does not use an operator to store the motor vehicle, the responsible law enforcement agency, within ten working days after the receipt of the report from the department within ten working days after the receipt of the report from the department required in subsection (2) of this section, 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 of any lien under section 1806 and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty calendar days after the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(b) If the responsible law enforcement agency uses an operator to store the motor vehicle, the responsible law enforcement agency within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by first class mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of the report and the claim of any lien under section 1806. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from where it was towed, and that from the postmark on the notice, the motor vehicle is subject to sale.

(c) The responsible law enforcement agency shall include in the notices sent pursuant to either paragraph (a) or (b) of this subsection (4), a statement informing the owner of record of the opportunity to request a hearing concerning the legality of the towing of the abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose.

(d) If an owner or lienholder requests a hearing, the owner or lienholder shall make the request in writing to the responsible law enforcement agency within ten days after the notice was sent, as determined by the postmark. Such hearing, if requested, shall be conducted pursuant to the provisions of section 24-4-105, if the responsible law enforcement agency is the Colorado state patrol. If a local political subdivision is the responsible law enforcement agency, such hearing shall be conducted pursuant to local hearing procedures. If it is determined at the hearing that the motor vehicle was illegally towed upon request from a law enforcement agency, all towing charges and storage fees assessed against the vehicle shall be paid by such law enforcement agency.

(5) The department shall maintain department-approved notice forms satisfying the requirements of subsection (4) of this section and shall make them available for use by local law enforcement agencies.

(6)(a)(I) Except as provided in subparagraph (II) of this paragraph (a), an operator or its agent shall, no less than two days, but no more than ten days after a motor vehicle has been towed, determine who the owner is and if there is a lienholder and send a notice by certified mail, return receipt requested, to the last address of the owner, and any lienholder, as determined from the records of the department or from a national search performed by the department

(II) If the department conducts a national title search in accordance with paragraph (b) of subsection (2) of this section, each day elapsing between the department being notified and the department returning information on the motor vehicle as a result of the search does

not count against the tow operator's ten-day deadline to contact the motor vehicle's owner or any lienholder. This subparagraph (II) does not affect daily storage fees.

(III) The cost of complying with this paragraph (a) is a cost of towing; except that the total of all costs of complying with this section shall not exceed one hundred fifty dollars. To comply with this subsection (6), the notice to the owner and lienholder must be sent within five days after the operator receives the information from the department and must contain the following information:

(A) The fact of possession, including the date possession was taken, the location of storage of the motor vehicle, and the location from which it was towed;

(B) The identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(C) A description of the motor vehicle, including the make, model, color, and year and the number, issuing state, and expiration date of the license plate, or any other indicia of the motor vehicle's state of origin.

(b) The operator shall not be entitled to recover any daily storage fees from the day the vehicle is towed until the day the owner and lienholder are notified, unless the operator reasonably attempts to notify the owner and lienholder by the date specified in paragraph (a) of this subsection (6). Sending a notice by certified mail, return receipt requested, to the owner and the lienholder as represented in department records shall be deemed a reasonable attempt to notify the owner and the lienholder. Failure to notify the owner and the lienholder due to the receipt of erroneous information from the department or a failure of the law enforcement agency to comply with this section shall not cause the loss of such storage fees accrued from the date the vehicle is towed until the owner and the lienholder receive such notice.

1805. Appraisal of abandoned motor vehicles - sale.

(1)(a) Abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a tow from public property shall be appraised by a law enforcement officer or an independent motor vehicle dealer and sold by the responsible law enforcement agency at a public or private sale held not less than thirty days nor more than sixty days after the date the notice required by section 42-4-1804(4), was mailed.

(b) Subject to section 1804, the operator may continue to charge for daily storage fees until the responsible law enforcement agency complies with this section.

(2) If the appraised value of an abandoned motor vehicle sold pursuant to this section is three hundred fifty dollars or less, the sale shall be made only for the purpose of junking, scrapping, or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado certificate of title. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804(2), to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The responsible

law enforcement agency making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the department and shall deliver a copy of such report of sale to the purchaser of the motor vehicle. Upon receipt of any report of sale with supporting documents on any sale made pursuant to this subsection (2), the department shall purge the records for such vehicle as provided in section 42-4-1810(1)(b), and shall not issue a new certificate of title for such vehicle. Any certificate of title issued in violation of this subsection (2) shall be void.

(3) If the appraised value of an abandoned motor vehicle sold pursuant to this section is more than three hundred fifty dollars, the sale may be made for any intended use by the purchaser. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804 (2), and an application for a Colorado certificate of title signed by a legally authorized representative of the responsible law enforcement agency conducting the sale, to the person purchasing such motor vehicle. The purchaser of the abandoned motor vehicle shall be entitled to a Colorado certificate of title upon application and proof of compliance with the applicable provisions of the "Certificate of Title Act", part 1 of Code 6 of this title, within fourteen days after the sale; except that, if such vehicle is less than five years old, including the current year model, and if the department does not provide the name of an owner of record to the law enforcement agency, the purchaser shall apply for a bonded title and the department shall issue such bonded title upon the applicant meeting the qualifications for such title pursuant to rules promulgated by the department.

(4)(a) Transferring the title of a motor vehicle to an operator to satisfy a debt created pursuant to this part 18 shall not be deemed to be the sale of a motor vehicle.

(b) Nothing in this section requires an operator to be licensed pursuant to Part 1 of article 6 of title 12, for purposes of conducting activities under this part 18.

1806. Liens upon towed motor vehicles.

(1) Whenever an operator who is registered with the department in accordance with subsection (2) of this section recovers, removes, or stores a motor vehicle upon instructions from any duly authorized law enforcement agency or peace officer who has determined that such motor vehicle is an abandoned motor vehicle, such operator shall have a possessory lien, subject to the provisions of section 1804 (6), upon such motor vehicle and its attached accessories or equipment for all fees for recovering, towing, and storage as authorized in section 1809 (2) (a). Such lien shall be a first and prior lien on the motor vehicle, and such lien shall be satisfied before all other charges against such motor vehicle.

(2)(a) No operator shall have a possessory lien upon a motor vehicle described in subsection (1) of this section unless said operator is registered with the department. Such registration shall include the following information:

(I) The location of the operator's tow business;

(II) The hours of operation of the operator's tow business;

(III) The location of the impound lot where vehicles may be claimed by the owner of record; and

(IV) Any information relating to a violation of any provision contained in this part 18 or of any other state law or rule relating to the operation, theft, or transfer of motor vehicles.

(b) The executive director of the department may cancel the registration of any operator if an administrative law judge finds, after affording the operator due notice and an opportunity to be heard, that the operator has violated any of the provisions set forth in this part 18.

1807. Perfection of lien.

The lien provided for in section 1806 shall be perfected by taking physical possession of the motor vehicle and its attached accessories or equipment and by sending to the department within ten working days after the time possession was taken a notice containing the information required in the report to be made under the provisions of section 1804. In addition, such report shall contain a declaration by the operator that a possessory lien is claimed for all past, present, and future charges, up to the date of redemption, and that the lien is enforceable and may be foreclosed pursuant to the provisions of this part 18.

1808. Foreclosure of lien.

Any motor vehicle and its attached accessories and equipment or personal property within or attached to such vehicle that are not redeemed by the last known owner of record or lienholder after such owner or lienholder has been sent notice of such lien by the operator or responsible law enforcement agency shall be sold in accordance with the provisions of section 1805.

1809. Proceeds of sale.

(1) If the sale of any motor vehicle, personal property, and its attached accessories or equipment under the provisions of section 42-4-1805, produces an amount less than or equal to the sum of all charges of the operator who has perfected his or her lien, then the operator shall have a valid claim against the owner for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Failure to register such vehicle in accordance with this title shall constitute a waiver of such owner's right to be notified pursuant to this part 18 for the purposes of foreclosure of the lien pursuant to section 1808. Such charges shall be assessed in the manner provided for in paragraph (a) of subsection (2) of this section.

(2) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of section 1805 produces an amount greater than the sum of all charges of the operator who has perfected his or her lien:

(a) The entity receiving the proceeds shall first satisfy the operator's reasonable fee arising from the sale of the motor vehicle and the cost and fees of towing and storing the abandoned motor vehicle, subject to a maximum charge specified in rules promulgated by the public utilities commission that govern nonconsensual tows by towing carriers.

(b) Any balance remaining after payment pursuant to paragraph (a) of this subsection (2) shall be paid to the responsible law enforcement agency to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle, and any other costs of the responsible law enforcement agency including administrative costs, taxes, fines, and penalties due.

(b.5) In the case of the sale of an abandoned motor vehicle described in section 42-4-1802(1)(d), any balance remaining after payment pursuant to paragraph (b) of this subsection (2) shall be paid to the law enforcement agency that is owed a fee for the court-ordered placement of an immobilization device on the motor vehicle pursuant to section 1105.

(c) Any balance remaining after payment pursuant to paragraphs (b) and (b.5) of this subsection (2) shall be forwarded to the department, and the department may recover from such balance any taxes, fees, and penalties due and payable to it with respect to such motor vehicle.

(d) Any balance remaining after payment pursuant to paragraph (c) of this subsection (2) shall be paid by the department: First, to any lienholder of record as the lienholder's interest may appear upon the records of the department; second, to any owner of record as the owner's interest may so appear; and then to any person submitting proof of such person's interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty days after the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(e).

(3) The provisions of paragraphs (a) and (b) of subsection (2) of this section shall not apply to a responsible law enforcement agency operating under a towing contract.

1810. Transfer and purge of certificates of title.

(1) Whenever any motor vehicle is abandoned and removed and sold in accordance with the procedures set forth in this part 18, the department shall transfer the certificate of title or issue a new certificate of title or shall purge such certificate of title in either of the following cases:

(a) Upon a person's submission to the department of the necessary documents indicating the abandonment, removal, and subsequent sale or transfer of a motor vehicle, the department shall transfer the certificate of title or issue a new certificate of title for such abandoned motor vehicle.

(b) Upon a person's submission of documents indicating the abandonment, removal, and subsequent wrecking or dismantling of a motor vehicle, including all sales of abandoned motor vehicles with an appraised value under three hundred fifty dollars that are conducted pursuant to section 1805(2), the department shall keep the records for one year and then purge the records for such abandoned motor vehicle; except that the department shall not be required to wait before purging the records if the purchaser is a licensed motor vehicle dealer.

1811. Penalty.

Unless otherwise specified in this part 18, any person who knowingly violates any of the provisions of this part 18 commits a petty offense and shall be punished as provided in section 18-1.3-503.

1812. Exemptions.

(1) Nothing in this part 18 shall be construed to include or apply to the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved and main-traveled portion of a highway, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Nothing in this part 18 shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in, coming from, or going to an emergency.

1813. Local regulations.

(1) The state or any county, municipality as defined in section 31-1-101(6), or other governmental entity of the state may execute a contract or contracts for the removal, storage, or disposal of abandoned motor vehicles within the area of its authority to effectuate the provisions of this part 18.

(2) The provisions of this part 18 may be superseded by ordinance or resolution of a municipality, as defined in section 31-1-101, or any county that sets forth procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles on public property; except that such ordinance or resolution shall not deprive an operator of a lien attached and perfected under this part 18.

1814. Violation of motor vehicle registration or inspection laws - separate statutory provision.

Owners of motor vehicles impounded by the Colorado state patrol for violation of motor vehicle registration or inspection laws shall receive notice and the opportunity for a hearing pursuant to the provisions of section 42-13-106. If such a motor vehicle is found to be abandoned in accordance with the provisions of said section 42-13-106, the notice and hearing provisions to owners of motor vehicles under other sections of this part 18 shall be deemed to have been met for purposes of proper disposition of the motor vehicle under the terms of this part 18. Nevertheless, the notice and hearing provisions of the other sections of this part 18 as to lienholders are applicable and shall not be deemed to have been met by the provisions of section 42-13-106, or this section.

Part 19
School Bus Requirements

1901. School buses - equipped with supplementary brake retarders.

(1)(a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this section, passengers of any school bus being used on mountainous terrain by any school district of the state shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus during the period of such use.

(b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any road or street which the department of transportation has designated as being located on mountainous terrain.

(2)(a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:

(I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or

(II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.

(b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on or after April 17, 1991. The general assembly also encourages school districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses.

(3) For purposes of this section and section 1902:

(a) “Mountainous terrain” means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and sidehill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

(b) Repealed

1902. School vehicle drivers - special training required.

On and after July 1, 1992, the driver of any school vehicle as defined in section 42-1-102(88.5), owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 1901(3)(a), and driving in adverse weather conditions.

1903. School buses - stops - signs - passing.

(1)(a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet

before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren.

(b)(I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.

(II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.

(2)(a) Every school bus as defined in section 42-1-102(88), other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of schoolchildren shall:

(I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and

(II) Display eight visual signal lights meeting the requirements of 49 CFR 571.108 or its successor regulation.

(b)(I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

(II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

(c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.

(3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

(5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

(6)(a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.

(7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

1904. Regulations for school buses - regulations on discharge of passengers - penalty - exception.

(1) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this Code to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating

multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

(2) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be cancelled after notice and hearing by the responsible officers of such district.

(3) Any person who violates any provision of this commits a petty offense.

(4) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

Appendices

Definitions:

As used in this Code, unless the context otherwise requires:

(1) **"Acceleration lane"** means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

(2) **"Administrator"** means the property tax administrator.

(3) **"Alley"** means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

(4) **"Apportioned registration"** means registration of a vehicle pursuant to a reciprocal agreement under which the fees paid for registration of such vehicle are ultimately divided among the several jurisdictions in which the vehicle travels, based upon the number of miles traveled by the vehicle in each jurisdiction or upon some other agreed criterion.

(4.5) **"Appurtenance"** means a piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task, including awnings, support hardware, and extractable equipment. "Appurtenance" does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.

(5) **"Authorized agent"** means the county clerk and recorder in each county in the state of Colorado, the clerk and recorder in the city and county of Broomfield, and the manager of revenue or such other official of the city and county of Denver as may be appointed by the mayor to perform the functions related to the registration of, titling of, or filing of liens on motor vehicles, wheeled trailers, semitrailers, trailer coaches, special mobile machinery, off-highway vehicles, and manufactured homes.

(6) **"Authorized emergency vehicle"** means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

(a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or

(b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies

(7) **"Authorized service vehicle"** means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and

tow trucks, as determined by the department of transportation under section 42-4-214(5) Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

(7.5) **"Autocycle"** means a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in section 42-4-237(1)(b). For purposes of this subsection (7.5), "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

(7.7) **"Automated driving system"** means hardware and software that are collectively capable, without any intervention or supervision by a human operator, of performing all aspects of the dynamic driving task for a vehicle on a part-time or full-time basis, described as levels 4 and 5 automation in SAE International's standard J3016, as it existed in September 2016.

(8) **"Automobile"** means any motor vehicle.

(8.5) **"BAC"** means either:

(a) A person's blood alcohol content, expressed in grams of alcohol per one hundred milliliters of blood as shown by analysis of the person's blood; or

(b) A person's breath alcohol content, expressed in grams of alcohol per two hundred ten liters of breath as shown by analysis of the person's breath.

(9) **"Base jurisdiction"** means the state, province, or other jurisdiction which receives, apportions, and remits to other jurisdictions moneys paid for registration of a vehicle pursuant to a reciprocal agreement governing registration of vehicles.

(10) **"Bicycle"** means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(10.5) **"Bulk electronic transfer"** means the mass electronic transfer of files, updated files, or portions thereof, in the same form as those files exist within the department.

(11) **"Business district"** means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

(12) **"Calendar year"** means the twelve calendar months beginning January 1 and ending December 31 of any year.

(13) **"Camper coach"** means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

(14) **"Camper trailer"** means a wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

(15) **"Chauffeur"** means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(16) **"Classified personal property"** means any personal property which has been classified for the purpose of imposing thereon a graduated annual specific ownership tax.

(16.5) **"Colorado DRIVES"** is an acronym that stands for "Colorado driver's license, record, identification, and vehicle enterprise solution" and means the driver and vehicle services information technology system that the department uses to provide driver, identification, and vehicle title registration services to Colorado residents.

(17) **"Commercial carrier"** means any owner of a motor vehicle, truck, laden or unladen truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.

(17.5) **"Commercial vehicle"** means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This subsection (17.5) shall not apply for purposes of sections 42-4-235 and 42-4-707(1).

(18) **"Controlled-access highway"** means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(19) **"Convicted"** or **"conviction"** means:

(a) A plea of guilty or nolo contendere;

(b) A verdict of guilty;

(c) An adjudication of delinquency under title 19;

(d) The payment of a penalty assessment under section 42-4-1701, or this Code, if the summons states clearly the points to be assessed for the offense; and

(e) As to a holder of a commercial driver's license as defined in section 42-2-402, or the operator of a commercial motor vehicle as defined in section 42-2-402;

(I) An unvacated adjudication of guilt or a determination by an authorized administrative hearing that a person has violated or failed to comply with the law;

(II) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(III) The payment of a fine or court cost or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated; or

(IV) A deferred sentence.

(20) **"Court"** means any municipal court, county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.

(21) **"Crosswalk"** means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.

(22) **"Dealer"** means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under articles 1 to 4 of title 42, and who has an established place of business for such purpose in this state.

(23) **"Deceleration lane"** means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.

(23.5) **"Declared gross vehicle weight"** means the combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.

(24) **"Department"** means the Department of Revenue of this state acting directly or through its duly authorized officers and agents.

(24.5) **"Distinctive special license plate"** means a special license plate that is issued to a person because such person has an immutable characteristic or special achievement honor. Such special achievement honor shall not include a common achievement such as graduating from an institution of higher education. Such special achievement shall include honorable service in the armed forces of the United States. "Distinctive special license plate" shall include a license plate that is issued to a person or the person's family to honor such person's service in the armed forces.

(25) **"Divided highway"** means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbings, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

(26) **"Drive-away transporter"** or **"tow-away transporter"** means every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or transported singly, or by saddlemount, towbar, or fullmount methods, or by any lawful combination thereof.

(27) **"Driver"** means every person, including a minor driver under the age of twenty-one years, who drives or is in actual physical control of a vehicle.

(27.3) **"DUI"** means driving under the influence, as defined in section 42-4-1301(1)(f), and use of the term shall incorporate by reference the offense described in section 42-4-1301(1)(a).

(27.5) "**DUI per se**" means driving with a BAC of 0.08 or more, and use of the term shall incorporate by reference the offense described in section 42-4-1301(2)(a).

(27.7) "**DWAI**" means driving while ability impaired, as defined in section 42-4-1301(1)(g), and use of the term shall incorporate by reference the offense described in section 42-4-1301(1)(b).

(27.8) (a) "**Dynamic driving task**" means all of the following aspects of driving:

(I) Operational aspects, including steering, braking, accelerating, and monitoring the vehicle and the roadway; and

(II) Tactical aspects, including responding to events, determining when to change lanes, turning, using signals, and other related actions.

(b) "**Dynamic driving task**" does not include strategic aspects, including determining destinations or way points, of driving.

(28) "**Effective date of registration period certificate**" means the month in which a fleet owner must register all fleet vehicles.

(28.5) "**Electrical assisted bicycle**" means a vehicle having two or three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) "**Class 1 electrical assisted bicycle**" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) "**Class 2 electrical assisted bicycle**" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) "**Class 3 electrical assisted bicycle**" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

(28.7) "**Electric personal assistive mobility device**" or "**EPAMD**" means a self-balancing, nontandem 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 seven hundred fifty watts.

(28.8)(a) "**Electric Scooter**" means a device:

(I) Weighing less than one hundred pounds;

(II) With handlebars and an electric motor;

(III) That is powered by an electric motor; and

(IV) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) "**Electric Scooter**" does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

(29) "**Empty weight**" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.

(30) "**Essential parts**" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(31) "**Established place of business**" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where such dealer's or manufacturer's books and records are kept and a large share of his or her business transacted.

(31.5) "**Exceptions processing**" means the procedures the department uses to assist persons who are unable for reasons beyond their control to present all the necessary documents required by the department and must rely on alternative documents to establish identity, date of birth, or United States citizenship in lieu of lawful presence in the United States.

(32) "**Explosives and hazardous materials**" means any substance so defined by the code of federal regulations, title 49, chapter 1, parts 173.50 through 173.389.

(33) "**Farm tractor**" means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

(34) "**Flammable liquid**" means any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(35) "**Fleet operator**" means any resident who owns or leases ten or more motor vehicles, trailers, or pole trailers and who receives from the department a registration period certificate in accordance with article 3 of title 42.

(36) "**Fleet vehicle**" means any motor vehicle, trailer, or pole trailer owned or leased by a fleet operator and registered pursuant to section 42-3-125.

(37) "**Foreign vehicle**" means every motor vehicle, trailer, or semitrailer which is brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(38) "**Fullmount**" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

(39) "**Garage**" means any public building or place of business for the storage or repair of automobiles.

(39.5) "**Golf car**" means a self-propelled vehicle not designed primarily for operation on roadways and that has:

(a) A design speed of less than twenty miles per hour;

(b) At least three wheels in contact with the ground;

(c) An empty weight of not more than one thousand three hundred pounds; and

(d) A carrying capacity of not more than four persons.

(40) "**Graduated annual specific ownership tax**" means an annual tax imposed in lieu of an ad valorem tax upon the personal property required to be classified by the general assembly pursuant to the provisions of section 6 of article X of the state constitution.

(41) "**Gross dollar volume**" means the total contracted cost of work performed or put in place in a given county by the owner or operator of special mobile machinery.

(41.5) "**Group special license plate**" means a special license plate that is not a distinctive plate and is issued to a group of people because such people have a common interest or affinity.

(42) "**High occupancy vehicle lane**" means a lane designated pursuant to the provisions of section 42-4-1012(1), or this Code.

(43) "**Highway**" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or the entire width of every way declared to be a public highway by any law of this state.

(43.3) "**Human operator**" means a natural person in the vehicle with immediate access to controls for steering, braking, and acceleration.

(43.5) "**Immediate family**" means a person who is related by blood, marriage, or adoption.

(44)(a) On and after July 1, 2000, "**Implement of husbandry**" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 5 of article 4 of this title, be considered as component parts of such implements of husbandry.

(b) Effective July 1, 2013, for purposes of this section, "implements of husbandry" includes personal property valued by the county assessor as silvicultural.

(45) "**Intersection**" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways

thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

(45.5) "**Kit vehicle**" means a passenger-type motor vehicle assembled, by other than a licensed manufacturer, from a manufactured kit that includes a prefabricated body and chassis and is accompanied by a manufacturer's statement of origin.

(46) "**Lane**" means the portion of a roadway for the movement of a single line of vehicles.

(47) "**Laned highway**" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(47.3) "**Last-known address**" means:

(a) For notifications regarding motor vehicles, the most recent mailing address provided on a vehicle registration or vehicle registration mailing address change notification provided in accordance with section 42-3-113, or the corrected address as reported by an address correction service licensed by the United States postal service;

(b) For notifications regarding driving privileges, driver's licenses, or identification cards when there is a driver's license or identification card on file with the department, the most recent of either:

(I) The mailing address provided by an applicant for a driver's license or identification card;

(II) The mailing address stated on an address change notification provided to the department pursuant to subsection (47.3)(a) of this section; or

(III) The corrected address as reported by an address correction service licensed by the United States postal service;

(c) For notifications regarding driving privileges or identification cards when there is no driver's license or identification card on file with the department, the most recent address shown on any other record on file with the department pursuant to this article 1 and as may be corrected by an address correction service licensed by the United States postal service.

(47.5) "**Lien**" means a security interest in a motor or off-highway vehicle under article 9 of title 4, and this article.

(48) "**Local authorities**" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

(48.5)(a) "**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:

(I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

(II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "**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.

(48.6) "**Low-speed electric vehicle**" means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground;

(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(49) "**Manufacturer**" means any person, firm, association, corporation, or trust, whether resident or nonresident, who manufactures or assembles new and unused motor vehicles of a type required to be registered under articles 1 to 4 of this title.

(50) "**Manufacturer's suggested retail price**" means the retail price of such motor vehicle suggested by the manufacturer plus the retail price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle prior to the sale to the retail purchaser.

(51) "**Markings**" means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning, or guiding traffic.

(52) "**Metal tires**" means all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(52.5) "**Military vehicle**" means a vehicle of any size or weight that is valued for historical purposes, that was manufactured for use by any nation's armed forces, and that is maintained in a condition that represents its military design and markings.

(53) "**Minor driver's license**" means the license issued to a person who is at least sixteen years of age but who has not yet attained the age of twenty-one years.

(54) (Deleted by amendment, L. 2010, (HB 10-1172), ch. 320, p. 1486, § 1, effective October 1, 2010.)

(55) "**Motorcycle**" means an autocycle or a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three

wheels in contact with the ground, except that the term does not include a farm tractor, low-speed electric vehicle, or low-power scooter.

(56) (Deleted by amendment, L. 2009, (HB 09-1026), ch.281, p. 1260, § 22, effective October 1, 2009).

(57) "**Motor home**" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

(58) "**Motor vehicle**" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401, for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter..

(59) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1260, § 22, effective October 1, 2009.)

(60) "**Mounted equipment**" means any item weighing more than five hundred pounds that is permanently mounted on a vehicle, including mounting by means such as welding or bolting the equipment to a vehicle.

(60.3) "**Multipurpose trailer**" means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose trailer" is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

(60.5) (Deleted by amendment, L. 2009, (SB 09-075), ch. 418, p. 2320, § 4, effective August 5, 2009.)

(61) "**Noncommercial or recreational vehicle**" means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.

(62) "**Nonresident**" means every person who is not a resident of this state.

(63) "**Off-highway vehicle**" shall have the same meaning as set forth in section 33-14.5-101(3).

(64) "**Official traffic control devices**" means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(65) "**Official traffic control signal**" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(66) "**Owner**" means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of articles 1 to 4 of title 42. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

(67) "**Park**" or "**parking**" means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

(68) "Pedestrian" means any person afoot or any person using a wheelchair.

(68.5)(a) "**Persistent drunk driver**" means any person who:

(I) Has been convicted of or had his or her driver's license revoked for two or more alcohol-related driving violations;

(II) Continues to drive after a driver's license or driving privilege restraint has been imposed for one or more alcohol-related driving offenses;

(III) Drives a motor vehicle while the amount of alcohol in such person's blood, as shown by analysis of the person's blood or breath, was 0.15 or more grams of alcohol per one hundred milliliters of blood or 0.15 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving; or

(IV) Refuses to take or complete, or to cooperate in the completing of, a test of his or her blood, breath, saliva, or urine as required by section 18-3-106(4) or 18-3-205(4), or section 42-4-1301.1(2).

(b) Nothing in this subsection (68.5) shall be interpreted to affect the penalties imposed under this title for multiple alcohol- or drug-related driving offenses, including, but not limited to, penalties imposed for violations under sections 42-2-125(1)(g) and (1)(i) and 42-2-202(2).

(69) "**Person**" means a natural person, estate, trust, firm, copartnership, association, corporation, or business entity.

(69.5) "**Plug-in electric motor vehicle**" means:

(a) a motor vehicle that has received an acknowledgement of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. sec. 30D as amended, or successor statute; or

(b) any motor vehicle that can recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

(70) "**Pneumatic tires**" means all tires inflated with compressed air.

(71) "**Pole**," "**pipe trailer**," or "**dolly**" means every vehicle of the trailer type having one or more axles not more than forty-eight inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All the registration provisions of articles 1 to 4 of title 42, shall apply to every pole, pipe trailer, or dolly.

(72) "**Police officer**" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(72.2) "**Power takeoff equipment**" means equipment that is attached to a motor vehicle and is powered by the motor that powers the locomotion of the motor vehicle.

(72.5) "**Primary user**" means an organization that collects bulk data for the purpose of in-house business use.

(72.7) "**Principal office**" means the office in this state designated by a fleet owner as its principal place of business.

(73) "**Private road**" or "**driveway**" means every road or driveway not open to the use of the public for purposes of vehicular travel.

(74) Repealed.

(75) "**Railroad sign or signal**" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(76) "**Reciprocal agreement**" or "**reciprocity**" means an agreement among two or more states, provinces, or other jurisdictions for coordinated, shared, or mutual enforcement or administration of laws relating to the registration, operation, or taxation of vehicles and other personal property in interstate commerce. The term includes without limitation the "international registration plan" and any successor agreement providing for the apportionment, among participating jurisdictions, of vehicle registration fees or taxes.

(77) "**Reconstructed vehicle**" means any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(78) "**Registration period**" or "**registration year**" means any consecutive twelve-month period.

(79) "**Registration period certificate**" means the document issued by the department to a fleet owner, upon application of a fleet owner, which states the month in which registration is required for all motor vehicles owned by the fleet owner.

(80) "**Residence district**" means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(81) "**Resident**" means any person who owns or operates any business in this state or any person who has resided within this state continuously for a period of ninety days or has obtained gainful employment within this state, whichever shall occur first.

(82) "**Right-of-way**" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(83) "**Road**" means any highway.

(84) "**Road tractor**" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(85) "**Roadway**" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

(86) "**Saddlemount combination**" means a combination of vehicles in which a truck or laden or unladen truck tractor tows one or more additional trucks or laden or unladen truck tractors and in which each such towed truck or laden or unladen truck tractor is connected by a saddle to the frame or fifth wheel of the vehicle immediately in front of such truck or laden or unladen truck tractor. For the purposes of this subsection (86), "saddle" means a mechanism which connects the front axle of a towed vehicle to the frame or fifth wheel of a vehicle immediately in front of such towed vehicle and which functions like a fifth wheel kingpin connection. A saddlemount combination may include one fullmount.

(87) "**Safety zone**" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(88) "**School bus**" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. “School bus” does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.

(88.5)(a) "**School vehicle**" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity.

(b) "**School vehicle**" does not include:

(I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or

(II) A motor vehicle that is owned by or under contract to a child care center, as defined in section 26-6-102 (5), and that is used for the transportation of children who are served by the child care center.

(89) "**Semitrailer**" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

(90) "**Sidewalk**" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

(91) "**Snowplow**" means any vehicle originally designed for highway snow and ice removal or control or subsequently adapted for such purposes which is operated by or for the state of Colorado or any political subdivision thereof.

(92) "**Solid rubber tires**" means every tire made of rubber other than a pneumatic tire.

(93) "**Specially constructed vehicle**" means any vehicle which has not been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

(93.5)(a) "**Special mobile machinery**" means machinery that is pulled, hauled, or driven over a highway and is either:

(I) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or

(II) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways.

(b) "**Special mobile machinery**" includes vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

(94) "**Stand**" or "**standing**" means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

(95) "**State**" means a state, territory, organized or unorganized, or district of the United States.

(96) "**State motor vehicle licensing agency**" means the department of revenue.

(97) "**State traffic control manual**" means the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", including any supplement thereto, as adopted by the transportation commission.

(98) "**Steam and electric trains**" includes:

(a) "**Railroad**", which means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails;

(b) "**Railroad train**", which means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(c) "**Streetcar**", which means a car other than a railroad train for transporting persons or property upon rails principally within a municipality.

(99) "**Stinger-steered**" means a semitrailer combination configuration wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(100) "**Stop**" or "**stopping**" means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(101) "**Stop line**" or "**limit line**" means a line which indicates where drivers shall stop when directed by an official traffic control device or a police officer.

(101.5) "**Street rod vehicle**" means a vehicle manufactured in 1948 or earlier with a body design that has been modified for safe road use.

(102) "**Supervisor**" means the executive director of the department of revenue or head of a group, division, or subordinate department appointed by the executive director in accordance with article 35 of title 24.

(102.5) "**Surge brakes**" means a system whereby the brakes of a trailer are actuated as a result of the forward pressure of the trailer against the tow vehicle during deceleration.

(102.7) "**Temporary special event license plate**" means a special license plate valid for a limited time period that is issued to a person or group of people in connection with a special event. "Temporary special event license plate" does not mean a special plate for the purposes of section 42-3-207.

(103) "**Through highway**" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by law.

(103.5)(a) "**Toy vehicle**" means any vehicle, that has wheels and is not designed for use on public highways or for off-road use.

(b) "**Toy vehicle**" includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) "**Toy vehicle**" does not include off-highway vehicles or snowmobiles.

(104) "**Traffic**" means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any highway for the purposes of travel.

(104.5) "**Traffic Investigation or Survey**" means a documented, data driven, comprehensive analysis using methods consistent with an Engineering Study as defined in the latest edition of the Manual on Uniform Traffic Control Devices.

(105) "**Trailer**" means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers as defined in subsection (60.3) of this section.

(106)(a) "**Trailer coach**" means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

(b) "**Manufactured home**" means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

(107) "**Transporter**" means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(108) "**Truck**" means 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.

(109) "**Truck tractor - laden**" or "**laden truck tractor**" means any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing a semitrailer or trailer and its cargo load over the public highways.

(109.5) "**Truck tractor - unladen**" or "**unladen truck tractor**" means any motor vehicle not carrying cargo that is generally used to draw a semitrailer or trailer and its cargo load over the public highways.

(109.7) "**UDD**" means underage drinking and driving, and use of the term shall incorporate by reference the offense described in section 42-4-1301(2)(d).

(110) "**Used vehicle**" means every motor vehicle which has been sold, bargained for, exchanged, or given away, or has had the title transferred from the person who first acquired it from the manufacturer or importer, and has been so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.

(111) "**Utility trailer**" means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

(112) "**Vehicle**" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(112.5) "**Vendor**" means an organization that collects bulk data for the purpose of reselling the data.

(113) "**Wheelchair**" means a motorized or nonmotorized wheeled device designed for use by a person with a physical disability.

Appendix Part A.
Instructions For Adopting The Model Traffic Code By Reference

(Based on parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30; and on section 43-2-135(1)(g))

1. Adopting Ordinance (see specimen)

(a) Form and Content. The form and content of the adopting ordinance should be patterned as closely as possible after the specimen.

(b) Exceptions. Any and all sections of the Code that are inapplicable to the municipality or county and are thereby to be deleted must be enumerated in the adopting ordinance.

(c) Penalties. Any penalties shall be subject to sections 31-16-204 or 30-35-404.

2. Introduction:

The Board of Trustees, City Council or Board of County Commissioners shall meet and introduce the adopting ordinance.

3. Notice of Hearing: (see specimen)

After introduction of the adopting ordinance the Board of Trustees, City or Town Council, Board of County Commissioners must schedule a public hearing and give notice of such hearing. Notice of the hearing shall be published twice in a newspaper published or having a general circulation in the municipality, once at least eight days preceding the hearing, and once at least fifteen days preceding the hearing. If there is no such newspaper the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

4. Content of Notice:

The notice of public hearing shall state the time and place of the hearing and shall also state that copies of the Code, being considered for adoption, are on file at the office of the City (Town) Clerk or County Clerk and are open to public inspection during regular business hours. The notice shall also contain brief explanation of the purpose of the Code, the subject matter, the name and address of the agency by which it has been developed, and the date of publication of the Code. See sections 30-35-403 or 31-16-203.

5. Copies of Code:

A link to the current CDOT Model Traffic Code must be posted online along with a link to an accessible pdf of the Model Traffic Code adopted by the City (Town) Clerk or County Clerk. Not fewer than three copies of the Code, all certified to be true copies by the City (Town) Clerk or County Clerk, shall be filed in the Clerk's office fifteen days preceding the public hearing. The current CDOT Model Traffic Code, along with an electronic copy adopted by the City (Town) Clerk or County Clerk will be available online, without charge. The current CDOT Model Traffic Code is available here:
https://www.codot.gov/safety/traffic-safety/assets/documents

6. Deletions or Additions:

After the hearing, the governing body may amend, adopt or reject the adopting ordinance. If any deletions or additions are made in the Code by the Board of Trustees, City or Town Council, or Board of County Commissioners they must be duly noted in the adopting ordinance and will be available online, without charge on the City (Town) or Country website.

7. Colorado Department of Transportation Approval:

Approval by the Colorado Department of Transportation is required by law for all regulations pertaining to streets which are state highways. This approval will take the form of a written certification signed by the Chief Engineer or designee. Approval should be sought following the public hearing and before the actual publication of the adopting ordinance so that the Department will have time to certify its approval of the regulations and schedules prior to the date the ordinance is calendared to become effective.

8. Requirements for Department Approval:

For purposes of review and approval the Colorado Department of Transportation requires an authenticated copy of the adopting ordinance. A draft copy of the adopting ordinance may be submitted for review by CDOT prior to authentication.

9. Publication or Posting of Ordinance:

After passage by the City or Town Council, or Board of County Commissioners the adopting ordinance shall be published in full in some newspaper published within the corporate limits, or if there be none, then in some newspaper or online news publication of general circulation in the municipality or county. If there is no such newspaper or online news publication, the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

10. Effective Date:

The ordinance shall neither take effect nor be in force until the expiration of thirty days after it has been published or posted, except when the ordinance contains a special clause declaring that an emergency exists and that the ordinance is necessary for the immediate preservation of the public health and safety. The excepted ordinance shall take effect upon adoption and compliance with requirements for the mayor's approval as provided by section 31-16-104, provided it has been passed by an affirmative vote of two-thirds of the members of the governing body of the City or Town. However, in no case shall regulations pertaining to state highways become effective until approval has been obtained from the Colorado Department of Transportation.

11. Public Record:

After adoption of the Code by reference, the City, Town or County Clerk shall keep on file at least three copies for public inspection while the ordinance is in force, except that one of these copies may be placed in the office of the chief enforcement officer instead of in the office of the Clerk.

Appendix Part B:
Specimen Ordinance For Adopting
The Model Traffic Code By Reference

ORDINANCE NO. _____

TITLE: AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE

(CITY TOWN COUNTY) OF _____ COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL, BOARD OF TRUSTEES, BOARD OF COUNTY COMMISSIONERS OF THE (CITY TOWN COUNTY) OF _____ 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, there is hereby adopted by reference the 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City, Town, County. 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 Clerk of the (City Town County) of _____ Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2024 edition of the Model Traffic Code is adopted as if 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:

(The adopting municipality or county should list and cross reference to affected sections any deletions. If none, in the above statement write "none". – Delete from Ordinance)

Section 3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

(The adopting municipality or county should set forth in full any additions to or modifications of the adopted Code. If none, so indicate by inserting the word "None." – Delete from Ordinance))

Section 4. 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 adopted in this ordinance.

(b) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a surcharge in accordance with 42-4-1701(4)(e)(II).

(For use by Home Rule Towns and Cities– Delete from Ordinance))

(c) In addition to Section 4. Penalties.(b), every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceeding _____ dollars ($_____), or by imprisonment not exceeding _____ (00) days, or by both such fine and imprisonment.

{For use by Counties}

(c) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a minimum fine in accordance with Section 1701, not exceeding _____ ($_____), or by both such fine and imprisonment not exceeding _____(00) days.

(d)

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 parking area, either within or outside the corporate limits of this municipality or county, the use of which this municipality or county has jurisdiction and authority to regulate.

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 (City Town Council) (Board of County Commissioners) 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. Certification.

The City, Town, County 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.

PASSED BY THE (CITY COUNCIL - BOARD OF COUNTY COMMISSIONERS) AFTER A PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____ , 20___ .

_____

Mayor or Chairman

(SEAL) (CITY TOWN COUNTY) OF _____

ATTEST:

_____

(City Town County) Clerk

Appendix Part C:
Specimen Notice Of Hearing

NOTICE is hereby given of a public hearing before the (City Town Council Board of County Commissioners) of _____ Colorado, at _____(time) of the _____ day of _____, 20____, at _____(location)for the purpose of considering the adoption by reference of the "Model Traffic Code" 2020 edition, as the traffic ordinance of the (City, Town, County) of _____, Colorado.

Copies of the Model Traffic Code are on file at the office or the website of the (City, Town, County) Clerk and may be inspected during regular business hours. If enacted as an ordinance of this City or County the Model Traffic Code will not be published in full, but in accordance with state law, copies will be kept on file and on the website of the (City, Town, County).

The "Model Traffic Code" 2024 edition is published by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 West Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the (City Town County). The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

At its next regular meeting following this hearing, the (City Town Council) (Board of County Commissioners) will consider passage of the adopting Ordinance.

This notice given and published by the order of the (City Town Council) (Board of County Commissioners).

Dated this _____ day of _____, 20___.

(City Town County) Of _____, Colorado

_____ (City Town County) Clerk

First notice of hearing _____ 20__

Second notice of hearing _____ 20__

Appendix Part D:
Specimen Certification - Posting Of Ordinance

State Of Colorado

County Of _____

Town Of _____

The undersigned Clerk of the Town of _____ Colorado, hereby certifies, upon resolution of the Board of Trustees, that there is no newspaper published within or which has a general circulation within the municipality; that upon the authorization and direction of the Board of Trustees the undersigned has caused to be posted in three (3) public places namely:

1. _____
2. _____
3. _____

An ordinance entitled: "ADOPTING BY REFERENCE THE 2020 EDITION OF THE 'MODEL TRAFFIC CODE FOR COLORADO LOCAL GOVERNMENTS'; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR PENALTIES THEREOF."

The same being Ordinance No. _____

Dated this ___ day of _____ 20___.

The undersigned further attests that each of the copies of said Ordinance remained posted continuously and uninterruptedly for the period required by law.

WITNESS the hand and seal of the undersigned on this _____ day of _____ 20___

_____ _____

Town Clerk (SEAL)

Appendix Part E:
Instructions For Amending Model Traffic Code
Previously Adopted By Reference

(Based on parts 1 and 2 of article 16 of title 31, as amended, and section 43-2-135 (1)(g))

1. Amending Ordinance:

Colorado law provides that whenever a Code is amended by the agency which originally promulgated or adopted it, any municipality which has previously adopted the Code by reference may also adopt the amendments by reference through the same procedure as required for the adoption of the original Code; or an ordinance may be enacted in regular manner, setting forth the entire text of the amendments. The instructions which follow apply to the latter method.

2. Form and Content:

The form and content of the amending ordinance should conform to the requirements set forth in part 1 of article 16 of title 31, Colorado Revised Statutes, as amended.

Amendments pertaining to sections of the Code which are inapplicable to the municipality should be deleted in the amending ordinance.

3. Public Hearing:

No hearing is required if an ordinance is enacted setting forth the entire text of the amendments.

4. Publication or Posting:

Publication or posting requirements for the amending ordinance are the same as for any other ordinance adopted by a City or Town. Publication or posting procedures are described in Part D of this Appendix.

5. Colorado Department of Transportation Approval:

Colorado Department of Transportation approval of the amended regulations is required before any regulations pertaining to streets which are state highways become effective. This approval will take the form of a written certification signed by the Chief Engineer or designee.

6. Effective Date:

The amending ordinance will take effect upon adoption and compliance with requirements for the mayor's approval or thirty days after publication as provided by law. The procedure in each case is described in item no. 10 Part A of this Appendix.

7. Public Record:

After passage of the amending ordinance the City or Town Clerk should continue to keep on file at least three copies of the adopted code, for public inspection in the manner shown in item no. 11 in Part A of this Appendix.

Appendix Part F:
Listing Of Amendments For Updating Previous Edition Of Model Traffic Code Adopted By Reference

Colorado statutes grant municipalities the option of enacting an ordinance in the regular manner for the purpose of amending a code previously adopted by reference. To accomplish this, however, the entire text of the amendments must be set forth in such an ordinance. Local Governments that desire to follow this procedure instead of adopting the current edition of the Code by reference may obtain a listing and description of all pertinent changes from the Colorado Department of Transportation. The procedure for amending a code directly rather than by reference is set forth in Part E of this Appendix.

Whenever possible, municipalities should to adopt the latest edition of the Code by reference instead of resorting to an amending ordinance. This procedure has several important advantages:

(1) It avoids the problem of relating the various revisions and additions in an amending ordinance to the adopted edition of the Code;

(2) It enables a city or town to have on record the latest references to applicable State statutes and national recommendations as well as informative and current editorial notes relating to the various traffic regulations; and

(3) It facilitates the task of drafting the municipal ordinance pertaining to the Code.

Appendix Part G:
Specimen Certification Of Model Traffic Code

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

State Of Colorado

Certification

County Of _____

City (Town) Of _____

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 (City Town County) of _____, Colorado under Ordinance No. _____ pursuant to and as provided by parts 1 and 2 of article 16 of title 31 or part 4 of article 15 title 30.

Dated this _____ day of _____, 20_____ .

By_____

Mayor or Chairman

Attest: (City Town County) Of _____

_____

Clerk

(SEAL)

Appendix Part H:
Why A Model Traffic Code For Colorado?

1. Uniformity of basic road rules.
2. Uniformity of local traffic regulations.
3. Standardization of traffic regulation and control on streets that are state highways.
4. Compatibility of traffic ordinances with State and national vehicle codes.

All Contributing To
Greater Traffic Safety
And Operational Efficiency
In Moving People And Goods
Through And Within
Our Local Governments!

(See Forward to Code for details)





Colorado Motor Vehicle Handbook

2024 | Research Publication No. 812



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature



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Colorado Legislative Council Staff

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Alternative Fuel Vehicle Tax Credits

Since 1992, Colorado has offered the innovative motor vehicle income tax credit for people who purchase or lease alternative fuel vehicles, or who convert their existing vehicle to run on an alternative fuel source. Currently, qualifying vehicle types include electric vehicles and plug-in hybrid electric vehicles. Vehicle conversions no longer receive a credit. Electric and plug-in hybrid electric vehicles are propelled by an electric motor with a battery or a fuel cell that converts a mix of oxygen and hydrogen to electricity. The credit is worth up to $7,500 for passenger vehicles and more for trucks. For additional information, consult a dealership. The table below outlines the tax credits for the purchase or lease of qualifying vehicles.

State Income Tax Credits for Electric and Hybrid Electric Vehicles

Tax Year	2024	2025	2026	2027
Electric and Plug-in Hybrid Electric Motor Vehicles*				
MSRP of $35,000 to $80,000	$5,000	$3,500	$1,500	$1,000
MSRP under $35,000	$7,500	$6,000	$4,000	$3,500
Light Duty Electric and Plug-in Hybrid Electric Trucks**				
Any MSRP	$5,000	$3,500	$1,500	$1,000
Medium Duty Electric and Plug-in Hybrid Electric Trucks****				
Any MSRP	$12,000	$12,000	$4,000	$4,000
Heavy Duty Electric and Plug-in Hybrid Electric Trucks***				
Any MSRP	$12,000	$12,000	$8,000	$8,000

Source: Sections 39-22-516.7 and 39-22-516.8, C.R.S.
*Electric and plug-in hybrid electric motor vehicles have a GVWR of 8,500 pounds or less
** Light duty electric and plug-in hybrid electric trucks have a GVWR of 10,000 pounds or less.
*** Medium duty electric and plug-in hybrid electric trucks have a GVWR of 10,001 to 26,000 pounds
****Heavy duty electric and plug-in hybrid electric trucks have a GVWR of over 26,001pounds

Automobile Insurance

Mandatory Automobile Insurance in Colorado

Automobile owners in Colorado are required to carry liability insurance. Liability insurance covers bodily injury to another person or property damage to another's vehicle or property when the insured is at fault for an accident. The following minimum coverages are required by the state, although higher coverages may be purchased:

- $25,000 for bodily injury or death to any one person in an accident;
- $50,000 for bodily injury or death to all persons in any one accident; and
- $15,000 for property damage in any one accident.

Self-insurance. Any individual who has over 25 vehicles registered to his or her name may qualify as a self-insurer by applying for a certificate of self-insurance from the state Insurance Commissioner. The Insurance Commissioner must ensure that the individual will be able to pay the minimum coverages required by the state. For more information on self-insurance, contact the state's Division of Insurance within the Department of Regulatory Agencies (DORA).

Optional Automobile Insurance Coverage

Uninsured/underinsured motorist coverage. Uninsured/underinsured motorist (UM/UIM) coverage is optional in Colorado. This coverage pays for the insured's bodily injury losses caused by a hit-and-run driver, a driver with no automobile insurance, or a driver of an underinsured vehicle. UM/UIM coverage takes the place of the insurance the other driver should have purchased, or protects the insured when the at-fault driver's vehicle is insured, but the bodily injury liability limits of his or her policy are less than the limits of the insured's UM/UIM coverage. This coverage does not protect the other driver, and it does not cover damage to the insured's vehicle. Under current law, all insurers in the state must provide UM/UIM coverage in an amount equal to the policyholder's current level of liability coverage for bodily injury, unless this coverage is waived by the policyholder in writing. A policyholder making such a rejection may opt to carry a lower level of coverage or reject coverage completely.

Comprehensive and collision coverage. Comprehensive insurance protects the insured against other types of damage to his or her vehicle, such as falling objects, fire, natural disaster, theft, or vandalism,. Collision insurance pays for damage to a vehicle from a collision with another vehicle or object, or from a rollover. While not required by law, collision coverage may be required by lenders as a condition of vehicle financing.

Medical payments coverage. An individual's health insurance may cover injuries sustained in an accident. However, depending on the health insurance plan, the injured individual may be faced with high deductibles, copayments, or other significant medical costs. As a supplement to health insurance, or in the event the individual does not have health insurance, medical payments coverage can be purchased as part of an automobile insurance package. This coverage pays for medical expenses, including copayments or deductibles, for the insured vehicle driver and passengers, regardless of fault. Insurers generally offer medical payments coverage at a minimum of $5,000. Additional coverage may be purchased.

Automobile Insurance Resources

The Division of Insurance in DORA maintains a variety of automobile insurance resources on the DORA website.

Automobile Theft Law

Motor Vehicle Theft

Under Section 18-4-409, a person commits motor vehicle theft in the first degree if they take, operate, receive, or retain the vehicle of another person and:

- knows or reasonably should have known that the act was done without the person's permission or by threat or fraud; and
- the person has two prior convictions or adjudications for an offense involving motor vehicle theft or unauthorized use of a motor vehicle in Colorado or another state or U.S. territory.

A person commits motor vehicle theft in the second degree if they take, operate, receive, or retain the vehicle of another person and:

- knows or should have reasonably known the act was done without the person's permission or by threat or fraud; and
- engages in any actions that elevate the crime, which include but are not limited to:
  - ◊ retaining possession or control of the motor vehicle for more than 24 hours;
  - ◊ removing the motor vehicle from the state;
  - ◊ causing bodily injury to another person while exercising control of the motor vehicle.

A person commits motor vehicle theft in the third degree if the person knowingly:

- takes or operates a motor vehicle of another person and knows or should have reasonably known the act was done without the person's permission or was by threat or fraud; or
- receives or retains a motor vehicle from a person who is not the owner, operates the motor vehicle, and knows or should have reasonably known the act was done without the person's permission.

Motor vehicle theft in:

- the first degree is a class 3 felony;
- the second degree is a 4 felony:
- the third degree is a class 5 felony.

Unauthorized Use of a Motor Vehicle

Under Section 18-4-409.5, a person commits unauthorized use of a motor vehicle if the person takes or operates the motor vehicle of another person without the owner's authorization and:

- does not commit a criminal offense other than a misdemeanor traffic offense except eluding a police officer in the course of taking or operating the vehicle; and
- the motor vehicle is returned or recovered by law enforcement within 24 hours of being reported stolen by the owner, with no damage to the motor vehicle.

Unauthorized use of a motor vehicle is a class 1 misdemeanor, except that if it is the second or subsequent violation, it becomes a class 5 felony.

Chop Shop Activity

Chop shop activity involves possessing, receiving, storing, taking apart, or changing a stolen motor vehicle or stolen major component motor vehicle part for the purpose of using, selling, or disposing of the motor vehicle or part. Major component motor vehicle parts include, among other things, the engine, transmission, catalytic converter, wheels, tires, or bumpers. A chop shop is usually the place where stolen motor vehicles or parts are stored, disassembled, or changed.

The crime of ownership or operation of a chop shop involves any person who:

- owns or operates a chop shop;
- transports a stolen motor vehicle or part to or from a known chop shop;
- sells or transfers to or purchases or receives from a known chop shop a stolen motor vehicle or part;
- or works with another person related to these acts.

Owning or operating a chop shop is a class 4 felony resulting in a fine of $2,000 to $500,000. Transporting a stolen motor vehicle or part and selling or transferring a stolen motor vehicle part is a class 5 felony. Altering or removing a vehicle identification number, manufacturer number, or engine number intending to misrepresent the identity of the motor vehicle or part is a class 5 felony. Class 5 felonies result in a fine of $1,000 to $100,000.

Purchase of Detached Catalytic Converters

Owners or operators of junk yards or salvage yards must keep the details of any purchase of a detached catalytic converter, including:

- a signed affidavit from the seller that they are the owner or are entitled to sell the converter;
- the license plate number and description of the vehicle used to deliver the converter; and
- verification of the seller's identity.

Theft of License Plates

Any person who removes, detaches, or takes a license plate from a motor vehicle or aids, abets, or assists in any such act is guilty of theft of a license plate. Theft of a license plate is a class 2 misdemeanor.



Autonomous Vehicles

Autonomous vehicles rely on an automation system to drive the vehicle. Colorado law defines an "automated driving system" as an automation system that is collectively capable, without any intervention or supervision by a human operator, of performing driving tasks. The state legislature created a framework for autonomous vehicles in 2017. In 2021, the General Assembly tasked the Department of Transportation with creating a report by 2025 for the Transportation Legislation Review Committee that outlines the development and adoption of autonomous motor vehicles.

Chain Law

Under current state law, the Colorado Department of Transportation (CDOT) has the authority to close any portion of a state highway to public travel or to prohibit travel by vehicles that are unprepared for the conditions. CDOT may close the highway when it considers such a closure or restriction of use necessary for the protection and safety of the public. Highway closures and restrictions occur through cooperation with the Colorado State Patrol (CSP).

The state Transportation Commission has statutory authority to promulgate rules to implement Colorado's chain laws, which apply to all state, federal, and interstate highways.

Passenger Vehicle Chain Law

During the months when snow is possible, all passenger vehicles weighing 16,001 pounds or less and accommodating up to 15 passengers must be equipped with the following:

- tire chains or an alternate traction device;
- four wheel drive or all wheel drive vehicles with tires that have 3/16-inch tread depth and are adequate for the conditions;
- manufacturer rated all-weather tires that have 3/16-inch tread depth; or
- tires that have 3/16-inch tread depth that are imprinted by the manufacturer with a mountain-snowflake (M&S, M+S, or M/S) symbol.

Between September 1 and May 31 of each year, all vehicles traveling on I-70 between Dotsero and Morrison must carry sufficient chains or an alternate traction device. For further information, about the state's passenger chain law visit CDOT's website and the Colorado State Patrol.

Commercial Vehicle Chain Law

Between September 1 and May 31 of each year, all commercial vehicles traveling on I-70 between Dotsero and Morrison must carry sufficient chains. Commercial vehicles with a combined gross vehicle weight of 26,001 pounds or more are required to have four or more drive wheels covered with chains when the chain law is in effect. For more information about the state's chain law as it applies to commercial vehicles, CDOT has created trucker information on the COtrip web page.

Is the Chain Law in Effect?

Drivers can call 511 to determine whether the chain law is currently in effect. Further information about the chain law, including the location of chain-up stations for commercial vehicles, and tips for chaining vehicles, is available on COtrip web page.

Commercial Vehicle (Motor Carrier) Regulation

Under Colorado law, a commercial vehicle is defined as a vehicle used in commerce that weighs at least 16,001 pounds and is self-propelled, towed, or designed to transport 16 or more passengers. Vehicles that used for the commercial transportation of other motor vehicles or for hazardous materials transportation are included with the definition of a "commercial vehicle." School buses and certain agricultural vehicles are excluded from the definition.

Commercial Vehicle Driver Licenses

Commercial driver licenses are required for all persons operating a commercial vehicle. Visit the Driver License section of this guide for more information.

Minimum Standards for Commercial Vehicles

Any person operating a commercial vehicle on a public highway must comply with Colorado State Patrol rules. Visit the Colorado State Patrol's website for more information on Motor Carrier Safety.

Hours of Service

Federal regulations govern the maximum number of hours that commercial motor vehicle driver may be "on-duty." These rules limit commercial drivers to working a maximum of 14 hours within any 24-hour period. Further, commercial motor carrier drivers:

- may only drive up to 11 hours of the 14-hour "on-duty" period;
- must take 10 consecutive hours of off-duty time after driving 11 hours;
- may not extend the 14-hour on-duty window with off-duty time, meals, or fuel stops; and
- may not be on duty more than 60 hours in 7 consecutive days or 70 hours in 8 consecutive days.

Sleeper berth. A sleeper berth is a sleeping compartment typically accessible from the driver's seat in a commercial vehicle. In order to comply with hours of service restrictions, a driver using a sleeper berth must spend at least eight consecutive hours in the berth, and two more hours in either the berth or off-duty.

Penalties for violations. Potential penalties for drivers who violate the federal hours of service rules include:

- being placed "out-of-service" until the driver meets off-duty time requirements;
- fines by federal, state, or local enforcement officials;
- a downgrade of the motor carrier's safety rating; or
- federal criminal penalties against carriers or drivers knowingly and willfully violating hours of service regulations.

Size and Weight Limitations

Vehicle size and weight limits on state and interstate highways are established by the state and federal governments. In Colorado, the Colorado Department of Transportation (CDOT) is responsible for regulating the movement of oversize and overweight vehicles on the state's highways. CDOT accomplishes this by issuing permits and providing route guidelines for commercial vehicles that exceed the normal size and weight limits allowed by law. The table below outlines state and federal limitations for vehicle size and weight.



Federal and State Motor Vehicle Size and Weight Limits

	Federal Regulations	State Law
Overall Vehicle Length	No federal length limit is imposed on most truck tractor-semitrailers operating on the National Highway System (NHS). However, on the NHS, combination vehicles designed and used specifically to carry automobiles or boats in specially designed racks may not exceed a maximum overall vehicle length of 65 feet, or 75 feet, depending on the type of connection between the tractor and trailer.	45-foot maximum overall single vehicle length; 70-foot combination length on all roads
Trailer Length	Federal law provides that no state can impose a length limitation of less than 48 feet (or longer if provided for by grandfather rights) on a semitrailer operating in any truck tractor-semitrailer combination on the NHS. A state may permit longer trailers to operate on its national network highway. Similarly, federal law provides that no state can impose a length limitation of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination on the NHS.	57.3 foot semitrailer on state, supplemental, and NHS highways; 28.5 foot trailer length on state, supplemental, and NHS highways
Vehicle Width	On the NHS, states are restricted to vehicle width limitations of 8.5 feet.	8.5 feet
Vehicle Height	None	14.5 feet on NHS highways; CDOT designates highways with overhead structures that have a clearance of less than 14.5 feet
Single Vehicle Weight w/2 Axles	36,000 pounds	36,000 pounds NHS highways; 40,000 pounds state highways
Single Vehicle Weight w/3 or More Axles	54,000 pounds	54,000 pounds
Truck/Trailer or Combination of Vehicles	80,000 pounds	85,000 pounds

Source: Sections 42-4-502 through 42-4-509, C.R.S.

Vehicle weight. A commercial vehicle's gross combined weight rating (GCWR) is the maximum permissible loaded weight for a towing vehicle and its trailer. This includes the vehicle's fuel, passengers, and cargo. Trucks and truck/trailer combinations with an empty weight exceeding 16,000 pounds and any vehicle with a GCWR exceeding 26,000 pounds must receive clearance through the state's ports of entry managed by the Colorado State Patrol (CSP). Commercial vehicles must also clear all ports of entry that are within five miles of the route on which they are traveling, unless the operator has previously secured a clearance or obtained a special permit.

A vehicle's empty weight is captured during the titling process with the Department of Revenue (DOR). The state's registration and taxation systems rely on vehicle weight to:

- determine the vehicle's base registration fees;
- determine whether the vehicle must participate in the Federal Heavy Vehicle Use Tax program; and
- capture the operating gross vehicle weight maximum limit to print on the registration card that is used by port of entry and law enforcement.

Depending on the vehicle's tax class, the DOR also determines in which gross vehicle weight registration type the vehicle owner will participate (i.e. private carrier or commercial carrier), or, for tax class A vehicles, reports the weight to the International Registration Plan (IRP). The IRP is an agreement between the U.S. and Canada for payment of commercial motor carrier registration fees.

Oversize vehicles. If a commercial vehicle exceeds the size or weight standards established in law, the vehicle's operator must obtain an oversize or overweight permit from CDOT, which will allow the vehicle to operate legally on designated highways. For oversize and overweight vehicles operating on city and county roads, the operator must also obtain permission or the appropriate permit from the local government to operate. More information on commercial vehicle permits may be found on CDOT's website.

Special permits. The Colorado Department of Transportation (CDOT) issues permits relating to the safe operation of commercial motor vehicles moving extra large loads on the state's highways. These permits include "extra legal" permits for exceptions to size and weight limitations and "super load" permits for vehicles that weigh 500,000 pounds or more or that occupy two lanes and for unladen combination vehicles that occupy two lanes. Costs for the permits vary by the weight, size, and number of trips taken by the vehicle. More information about these permits can be found at CDOT's Commercial Vehicle Permits webpage. CDOT also accepts permit applications through its online permitting portal.

Penalties. Motorists in violation of size or weight limitations are subject to fines and surcharges.

Further information. More information is available in the Legislative Council Staff Issue Brief on oversize and overweight commercial vehicles. CDOT currently maintains detailed maps and information about state highway structures with less than 14 feet and 6 inches of vertical clearance on its website.

Hazardous Materials

Commercial carriers transporting hazardous materials in Colorado must obtain a permit from CDOT. Permitting and safety requirements for the transportation of such materials are enforced by the Colorado State Patrol (CSP). Vehicles carrying hazardous materials are subject to inspection by the CSP, must provide proof of liability insurance, may be taken out of service for violations, and are subject to fines and criminal penalties. Single-trip permits for hazardous materials transportation (for up to a 72-hour period) may be obtained from a port of entry or from CDOT. Additional permitting and fee requirements apply to permits for the transportation of radioactive materials. Certain radioactive materials are excluded from these permitting requirements, including radioactive materials used for research or medical purposes, radioactive ores, and radioactive materials used in national security activities.

CSP regulates and enforces both the interstate and intrastate transportation of hazardous materials in Colorado. CSP has the authority to designate which public roads may be used by vehicles transporting hazardous materials. Counties, municipalities, and CDOT may currently apply for new hazardous materials route designations or request changes to existing routes. CSP must provide adequate public notice before approving a hazardous materials route designation.

Fuels Impact Enterprise. The Fuels Impact Enterprise in CDOT aims to improve the transportation of fuel and monitor vehicle emissions. The enterprise imposes a fuels impact reduction fee of up to 0.6125 cents per gallon of fuel on licensed fuel excise tax distributors and licensed fuel distributors. The fee funds the Fuels Impact Reduction Grant Program, which makes grants to certain communities, governments, and transportation corridors for improving hazardous waste mitigation and projects related to emergency response, environmental mitigation, or fuel transportation.

Mud Flap Laws

Colorado law requires the use of splash guards, also referred to as "mud flaps," to minimize the spray of water and other road substances. This requirement is applicable to large trucks operating on Colorado highways. Flaps must be installed and functioning at all times. Torn or damaged flaps must be replaced at the first reasonable and safe opportunity to exit the road.

Commercial Vehicle Chain Laws

For more information about the state's chain law as it applies to commercial vehicles, CDOT has created trucker information_COtrip. For general information about chain law, visit the Chain Law subsection of this handbook.



Departments and Agencies Involved in Transportation Issues

The state departments that play a role in motor vehicle regulation in Colorado are the Energy Office and the Departments of Public Health and Environment, Public Safety, Regulatory Agencies, Revenue, and Transportation.

Colorado Energy Office (CEO)

The Colorado Energy Office (CEO) is a department within the Governor's office, tasked with reducing greenhouse gas (GHG) emissions and consumer energy costs. The transportation programs focused on this effort include the following.

E-bikes. CEO offers a state rebate program for e-bikes and helps local communities start rebate programs.

Transit. The Ozone Season Free Transit Grant Program offers grants to the Regional Transportation District and local transportation agencies. The grants provide free or reduced rides during the 30-day summer ozone season to reduce emissions that can adversely affect health.

Electric vehicles. In order to increase adoption of electric vehicles and charging infrastructure,

the office provides education and resources for the general public and fleet owners.

Zero emissions. The office is responsible for statewide goals to reduce GHG emissions and strategies for the transportation sector to meet those goals.

Department of Public Health and Environment (CDPHE)

The Department of Public Health and Environment includes the Motor Vehicle Emissions Program within the Air Pollution Control Division, which administers programs designed to reduce motor vehicle pollution in Colorado. For more information about the state's emissions programs, see the Emissions section.

Department of Public Safety (DPS)

The Department of Public Safety includes the Colorado State Patrol, which enforces traffic laws on interstates, state highways, and county roads, among other general law enforcement responsibilities.

Department of Regulatory Agencies (DORA)

The Department of Regulatory Agencies includes the Division of Insurance and the Public Utilities Commission (PUC). The Division of Insurance regulates the insurance industry in the state, including automobile insurance and insurance agents. The PUC's Transportation Section regulates transportation network companies (i.e. Lyft and Uber), common carriers (taxis, sightseeing services, shuttles), contract carriers (which provide service pursuant to a contract that addresses unique customer requirements at a price not less than a common carrier – i.e. children's activity bus), and towing companies. The PUC's Rail/Transit Section has primary jurisdiction over all public highway-rail crossings.

Department of Revenue (DOR)

The Department of Revenue includes the Division of Motor Vehicles (DMV), which administers the state's motor vehicle laws through four sections. Driver Control and Traffic Records; Driver License; Emissions; and Titles and Registration. Below is an overview of each DMV section. Visit the Contact Us page of the DMV website to contact any of these sections. The DOR's annual report is available here.

The Driver Control/Traffic Records Section of the DMV maintains the driving records of licensed Colorado drivers, including suspension and revocation of driver licenses, convictions for traffic violations, and accident records. The section also investigates misconduct and criminal activity involving motor vehicle records and related fraud, provides assistance to law enforcement in the prevention and detection of fraud, and administers the state's motorist insurance database. Visit the DMV's Motor Vehicle Record page for more information about accessing copies of your motor vehicle record.

The Driver License Section of the DMV issues Colorado driver licenses, commercial driver licenses, identification cards, and instruction permits. Visit the DMV's Licenses page or the Driver Licenses section of this handbook for more information about licenses, identification cards, and instruction permits.

The Emissions Section of the DMV administers enforcement and financial management aspects of the Automobile Inspection and Readjustment (AIR) program, while the Motor Vehicle Emissions Program in the Department of Public Health and Environment's Air Pollution Control Division certifies the AIR program's testing procedures and equipment, program development, and data analysis. The AIR program is designed to reduce motor vehicle pollution in the state by requiring motor vehicles operated in Boulder, Broomfield, Denver, Douglas, Jefferson, and parts of Adams, Arapahoe, Larimer, and Weld Counties to undergo emissions testing and be subject to requirements for emission-related repair work. To learn more about the state's emissions requirements, visit the Emissions section of this handbook.

The Titles and Registrations Section of the DMV administers the titling and registration of motor vehicles and performs a number of enforcement and fee collection functions involving commercial vehicles and the trucking industry. The section ensures that commercial vehicle operators and their motor vehicles are in compliance with all relevant state and federal laws and regulations including: compliance with weight and size limits, safety and insurance requirements, and possession of required licenses, registrations, and permits. Visit the DMV's International Registration Plan page for more information related to motor carriers. Specific travel permitting requirements are handled by the CDOT Commercial Vehicle Permits Office. Visit the DMV's Titling a Vehicle page for information related to titling a vehicle. Visit the DMV's Registration Requirements page for information related to vehicle registration.

Department of Transportation (CDOT)

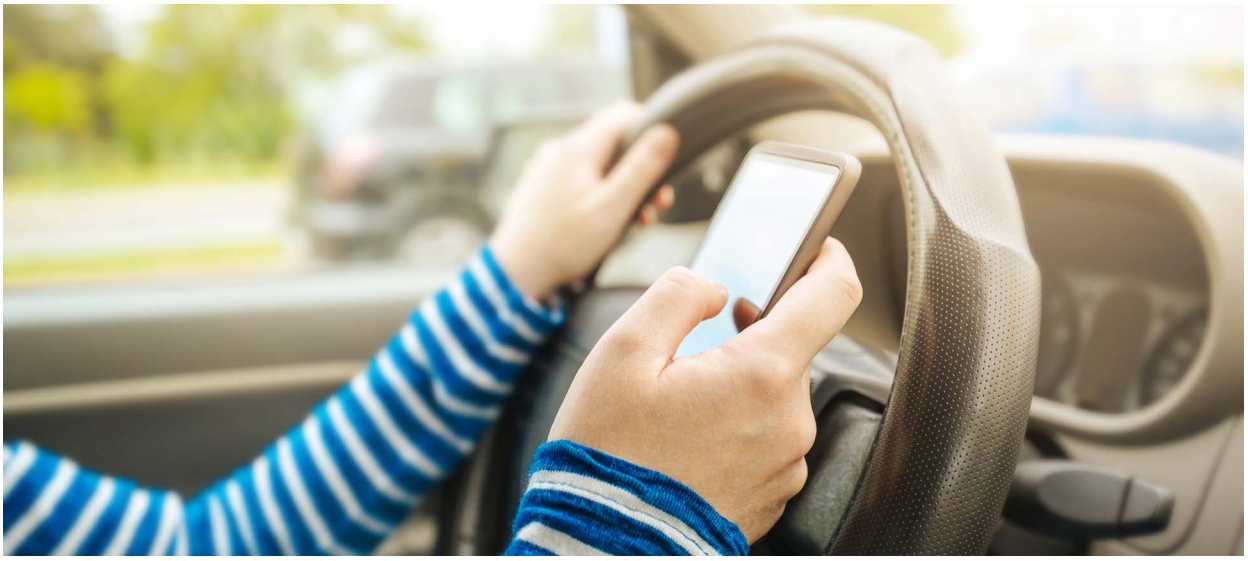
The Department of Transportation is responsible for maintaining, repairing, and plowing Colorado's state highway system, which includes interstates, U.S. highways, toll roads, and numbered state highways in Colorado, under the policy direction of the 11-member Transportation Commission.

Regional transportation plans. The state's transportation planning process begins at the regional level. CDOT gathers input from the 15 planning regions to develop regional transportation plans for each region. The plans typically establish a region's long-term transportation investment priorities, and are incorporated in the Statewide Transportation Plan.

Statewide Transportation Plan. State law requires CDOT to produce a 20-year plan, updated every five years. The current Statewide Transportation Plan (2045) estimates needs and revenue from 2020 to 2045. The plan outlines CDOT's overall funding plan, identifies the future needs of Colorado's transportation system, establishes CDOT's vision and goals for the state, and outlines strategies to achieve these goals.

Statewide Transportation Improvement Program. Federal regulations require CDOT to develop a Statewide Transportation Improvement Program (STIP), which is a four-year planning document for state transportation projects. CDOT updates this plan annually. Projects included in the annual plan come from the 20-year statewide transportation plan.

CDOT resources. CDOT maintains information about road and weather conditions at www.cotrip.org or by calling 511. Construction reports can also be accessed through CDOT's Travel Center. For information about CDOT's safety initiatives, visit the CDOT Safety page. This resource guide also includes more information about High Occupancy Vehicle and Toll lanes; visit CDOT's website for general information about Express Lanes.



Distracted Driving and Cell Phone Use

Adult drivers. Colorado law permits regular cell phone use for voice calls. Headphones may be worn in one ear for this purpose. However, adult drivers are prohibited from manual data entry and transmission on a cell phone (i.e., to send a text message or browse the internet) while behind the wheel.

Minor drivers. Any driver under 18 years of age is prohibited from using a cell phone while driving. The prohibition includes phone calls, text messaging, or similar forms of manual data entry and transmission. See the Minor License subsection for more information about rules related to minor drivers.

Exceptions. Exceptions to the law are provided under specified circumstances. Drivers, regardless of age, may use a wireless device for phone calls or sending or receiving text messages either to contact a public safety entity or during an emergency. An emergency is defined as any situation in which the following may occur:

- a person has reason to fear for his or her life or safety, or believes that a criminal act may be perpetrated against him or her or against another person;
- reporting of a fire, serious traffic accident, serious road hazard, or a medical or hazardous materials emergency; or
- reporting of a person who is driving in a reckless, careless, or unsafe manner.

Penalties. The table below lists penalties assessed for violating state laws pertaining to cell phone use and text messaging while driving and indicates fines for both initial and subsequent offenses. In addition to fines set in statute, offenders are assessed a surcharge credited to the Victims and Witnesses Assistance and Law Enforcement Fund and the Crime Victim Compensation Fund.

Penalties for Improper Cell Phone Use While Driving

Category	Violation	Points	Fine
Minor Drivers (all cell phone use)	**Initial Violation** Class A Traffic Infraction	1	$50
	Subsequent Violation Class A Traffic Infraction	1	$100
Adult Drivers (text messaging)	**Initial Violation** Class 2 Misdemeanor Traffic Offense	4	$150-$300, 10-90 days, or both
	Bodily Injury or Proximate Cause Of Death to Another, Class 1 Misdemeanor	4	$300-$1,000, 10 days-one year imprisonment, or both.

Source. Section 42-4-239, C.R.S.

Enforcement. Distracted driving violations are primary offenses. Current law states that a law enforcement officer must see the use of the mobile device to transmit data and that the driver was operating the motor vehicle in a careless or imprudent manner in order to issue a citation.



Driver Licenses

Regular Driver Licenses

All persons operating a motor vehicle on any public street or highway must hold a valid driver license or instruction permit. The Division of Motor Vehicles (DMV) administers the required physical, vision, physical aptitude, written, and driving tests. Applicants for a driver license, identification card, or instruction permit must provide proof of age, identity, and lawful presence in the United States (see the Real ID Act subsection for more information on this requirement). Driver licenses are categorized by vehicle type and by age group. Vehicle type licenses include: personal/passenger, motorcycle, and commercial. Age group licenses include adult and minor. Visit the DMV's website for more information on driver licenses. Use this map of state DMVs to find the DMV closest to you. DMV appointments for nearly all locations may be scheduled online.

Minor Drivers

Affidavit of liability. A minor driver application for an instruction permit must include an affidavit of liability, signed by the parent, stepparent, or grandparent. If the minor driver is a foster child they may be exempt from providing the affidavit if they have insurance in their name or the affidavit may be signed by a foster parent, guardian, or county department of human services.

Driver log. Drivers under the age of 18 must hold a permit for at least one year before applying for a driver license. In addition, minor drivers must submit a log sheet certifying that they have completed at least 50 hours of actual driving experience, including 10 hours driving at night. The only driving that counts toward the required hours of the log sheet are those hours that were supervised by:

- the person who signed the liability affidavit;
- the person appointed by the person who signed the liability affidavit; or
- the driver education instructor.

Anyone older than 21 with a valid driver license who provided driver instruction may sign a foster child's driver log. Individuals include aunts, uncles, grandparents, mentors, faith leaders, and others if they provided driver instruction.

Driver education. In Colorado, a driver education course is required for minors between 15 and 16 to obtain a minor's instruction permit. The course must include a minimum of six hours behind-the-wheel driving training with a certified education instructor. If no entity offers this type of training from a permanent location within 30 miles of the permit holder's address, or if the entity is open less than 20 hours a week, the minor driver may receive 12 hours of behind-the-wheel driving training from a parent, legal guardian, or an alternate permit supervisor instead. Minor drivers under 16 have three available options for driver education:

- At the age of 15, drivers can hold a minor instruction permit if enrolled in a driver education course, which is a 30-hour program that includes six hours behind the wheel training with an instructor. The permit is available to drivers at the earliest age of 15 years to 15½. The minor driver must hold the permit for 12 months before obtaining a driver license.
- A minor driver aged 15½ can obtain a minor instruction permit by completing an approved driving awareness program lasting five hours or less. The minor driver must hold the permit for 12 months, which would allow a minor to obtain a license, at the earliest, at the age of 16½. The four-hour driving awareness classes are offered through instructors approved by the Department of Revenue (DOR).
- If an underage driver chooses not to participate in a driver education or driving awareness course, the individual can obtain a temporary instruction permit at the age of 16, hold the permit for 12 months, and obtain a driver license at the age of 17.

Driver education programs must be approved by DOR. Visit DOR's website for a list of approved driver education schools.

The table below summarizes the requirements for minor drivers to obtain a driver license.

Obtaining a Minor Driver License

Age*	Description	Earliest Age Possible to Obtain Driver License
15 to 15½	Minor instruction permit available to minors enrolled in a driver education course.	16 years. If driver education permit is obtained at 15 years, driver license can be obtained at 16 years of age.
15½ to 16	Minor instruction permit available to minors who complete a driver awareness program or substitute a driver education course.	16½ years. If driver awareness permit is obtained at 15½ years, driver license can be obtained at 16½ years of age.
16 to 18	Temporary instruction permit available to all individuals in age group.	17 years. If instruction permit is obtained at 16 years, driver license can be obtained at 17 years of age.

Source: Section 42-2-101, et seq., C.R.S.
*Age groups represent the earliest age individuals can participate in educational programs. Individuals older than the ages listed for each category may also enroll.

The DMV maintains information related to minor driver licenses on its website. The Passenger and Curfew Laws for Minor Drivers section of this handbook explains these laws related to minor drivers on the road.

Driver License Renewal

Online license renewal. Drivers renewing their license online will not be issued a temporary document, and the license may take up to 30 business days to be delivered. Males between the ages of 18 to 25 will automatically be registered for selective service when renewing online. If you are registered to vote in Colorado, your voter registration will automatically update with the information provided on the application. In order to renew a license online, an individual must have had an eye examination by an optometrist or ophthalmologist within the last year. In order to be eligible to renew online, the following criteria must be met:

- U.S. citizen, permanent resident, or undocumented resident;
- 21 years or older;
- current adult license is valid or expired for less than one year;
- last license was issued in an office or was not renewed online the last two times;
- name on current driver license has not changed;
- the photograph on your license is not older than 10 years;
- social security number is on file with the Department of Revenue;
- no tests are required to renew the license;
- no pending actions on driving record;
- all outstanding tickets are paid; and
- no bad checks on file.

Office renewal. Drivers can schedule an appointment online to renew their driver license at an office. U.S. citizens, permanent residents, and individuals with lawful status in the U.S. may want to contact a driver license office during normal hours before visiting to see if visits without an appointment are allowed. When going to an office to renew a driver license, the following are required:

- a valid (or expired less than one year) Colorado driver license, instruction permit or identification card;
- social security number;
- proof of current Colorado address; and
- applicable fee.

Customers with an expired driver license must bring proof of lawful presence in the U.S. If an individual's driver license has been expired for more than one year, he or she will be required to pass a written exam, purchase an instruction permit, and successfully pass the drive skills test before purchasing a new license.

Drivers over 80. Drivers over the age of 80 may renew their driver license online with a signed statement from an optometrist or ophthalmologist, attesting that the driver has had an eye exam within the preceding 6 months and include the results of the exam. First-time applicants must visit an office.

Commercial Driver Licenses

Persons must be at least 18 years of age and hold a driver license to apply for a commercial driver instruction permit or commercial driver license (CDL). To apply for the instruction permit, applicants must provide a social security number, proof of physical address in Colorado, and proof of identity. Applicants must also pass a medical examination and show a current DOT medical card, the CDL Information System and National Driver Register records checks, the required CDL knowledge tests, and Entry Level Driver Training from an approved school. Commercial driver instruction permits are valid for 180 days and may be renewed once for an additional 180 days.

Persons may also test to receive CDL endorsements to operate double or triple trailers, passenger vehicles, tanker vehicles, vehicles hauling hazardous materials, school buses, or hazardous materials/tanker combination vehicles. Persons holding a CDL instruction permit may only operate the class of vehicle shown on the permit when accompanied by a person who is at least 21 years of age and who holds a valid CDL of the same class of license or higher, with the required endorsements for the vehicle being operated. Further information on CDLs can be found on the DMV's website, along with the CDL manual.

The table below summarizes the types of Commercial Driver Licenses.

Types of Commercial Driver Licenses

Class A Combination Vehicles	Any motor vehicle with a gross vehicle weight or combination vehicle weight rating equal to or greater than 26,001 pounds. Most Class A vehicles are trucks such as tractor-trailer or truck and trailer combinations. Skills for operating a Class A vehicle include those required for operating a Class B or Class C vehicle. Therefore, a driver holding a Class A license may also operate a Class B or Class C vehicle.
Class B Heavy Straight Vehicles	Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds, or any such vehicle towing a vehicle with a GVWR not greater than 10,000 pounds. Class B vehicles include straight trucks and large buses. Skills for operating a Class B vehicle include those required for operating a Class C vehicle. Therefore, a driver holding a Class B license may also operate a Class C vehicle.
Class C Small Vehicles	Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is designed to transport 16 or more passengers, including the driver. Class C vehicles also include any vehicle used to transport hazardous materials as defined by the federal hazardous material regulation.

Source: Section 42-2-401, et seq., C.R.S.

Disability Identifier on License or ID

House Bill 21-1014, the Disability Symbol Identification Document Act, allows Coloradans who might not be able to effectively communicate with first responders due to a cognitive, neurological, mental health, sensory needs, chronic illness, chronic pain and/or physical disability to add a disability symbol identifier to their driver license or identification card.. A person may remove the symbol at any time after the addition. The Colorado Division of Motor Vehicles (DMV) began allowing those eligible to add the disability symbol identifier to their driver license or identification on July 1, 2022.

Interested Coloradans must bring an Application for Disability Identifier Symbol, completed by a health care provider, to a state driver license office (appointment needed). The "i" symbol from the Invisible Disabilities Association is the symbol that will be printed on the driver license or ID card.

The symbol is placed on the front of a driver license or identification card to the lower right of the photograph. See samples of the identifier on the divisions website under the frequently asked questions, number five.

Motorcycle Endorsement

See the Motorcycles section for more information on licensing requirements for motorcyclists.

Noncitizen Driver Licenses (SB 13-251)

The Colorado Road and Community Safety Act, Senate Bill 13-251, allows the state to issue a driver license, minor's instruction permit, or identification card to a noncitizen resident of Colorado who cannot provide proof of lawful presence in the United States. There are currently eight DMV offices that issue identity documents to individuals who cannot demonstrate lawful presence: Alamosa; Aurora; Centennial; Colorado Springs; Denver Northeast; Durango; Ft. Morgan; Glenwood Springs; Golden; Grand Junction; Greeley, Lakewood Westgate; Lamar; Montrose; Northglenn; Parker; Pueblo; and Sterling. .

Individuals seeking to obtain SB 13-251 documents are currently required to meet several documentation requirements, which include:

- an individual taxpayer identification number (ITTN) issued by the U.S. Internal Revenue Service (IRS), a letter from the IRS, a certified state tax return, or a social security number;
- proof of Colorado income tax return filing for the immediately preceding year or documents demonstrating current, one-year prior, and two-year prior residency, including: first class mail (with dated postmark), credit card statement, insurance policy, typed rent receipt, phone bill, bank statement, pay stub, utility bill with service address, mortgage statement or lease agreement, and/or vehicle registration or title; an. one of the following from the applicant's country of origin: a passport, a consular identification card, or a military identification document.

Online renewals. Undocumented residents may renew a license online. Temporary legal residents must visit a driver license office to renew a license.

Real ID Act

Passed by Congress in 2005, the REAL ID Act authorizes the U.S. Department of Homeland Security to establish national standards for state-issued driver licenses and identification cards. The act requires:

- individuals to present verifiable forms of identification in order to apply for a driver license or identification card;
- state motor vehicle departments to verify and retain a copy of each identification document used to obtain a driver license or identification card; and
- that states include nine specific types of information on driver licenses and identification cards.

The act also prohibits certain individuals from obtaining a permanent driver license or identification card, requires that states participate in a national motor vehicle shared database, and prohibits individuals without a valid driver license or identification card from accessing specified federal services.

In accordance with the REAL ID Act, the Colorado DMV must verify an applicant's full legal name, identity, date of birth, and lawful presence in the United States when issuing a Colorado driver license or state identification card. Click here to view the DMV identification requirements.

All applicants who do not hold a valid Colorado driver license, identification card, or instruction permit are required to provide their Social Security number (SSN) either verbally or by

presenting a document that shows your social security number, such as a:

- Social Security Account Number card (not laminated);
- W-2 form; or
- SSA-1099 form.

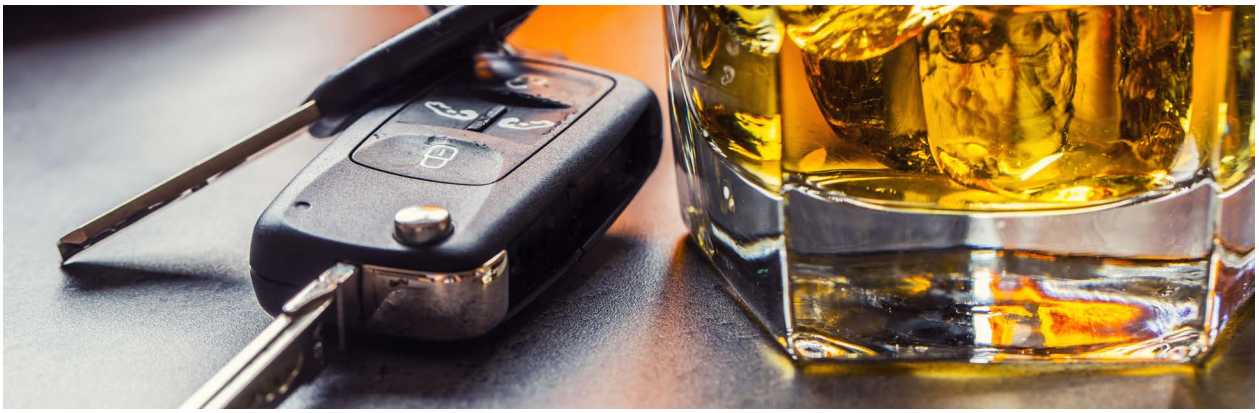
The DMV must also verify an applicant's SSN with the Social Security Administration (SSA). In order for the SSA's on-line verification system (SSOLV) to positively identify the applicant's SSN, the applicant's name on file with the SSA must appear identical to the full legal name of the applicant. This means that the SSA must have the full first, full middle, and current last name of the applicant on file. If the SSA has a middle initial on file, the applicant will not be approved for a Colorado driver license or identification card and will need to update his or her information with the SSA to include the full middle name before a license or identification card can be issued. Click here for more information on updating a name with the SSA.

Exceptions Processing

In order to be issued a Colorado driver license, instruction permit, or identification card, an applicant must prove his or her full legal name, identity, age, and lawful presence in the United States. The DMV has a list of official documents that an applicant may use to prove these four criteria. If an applicant does not provide the required documentation to prove name, identity, age, and lawful presence, he or she will be given a notice of incomplete application. The applicant can then return to the DMV with the required documentation, or, if the required documentation is not available, he or she can request to go through exceptions processing. Exceptions processing allows a person to prove the four criteria with additional or alternative documents.

To apply for exceptions processing, an individual must complete an application and visit one of three regional driver license offices (in Colorado Springs, Fort Collins, and Grand Junction), along with his or her additional documentation and the notice of incomplete application. These applications are processed the same day.

If a person cannot get to one of the three regional offices in order to have his or her application processed, he or she can submit an application for remote exceptions processing at any driver license office in the state. Such applications are forwarded to the regional centers for processing. It can take up to two to three weeks for an application to be processed remotely.



Driving Under the Influence/Driving While Ability Impaired

The two primary alcohol- and drug-related driving offenses in Colorado are driving while under the influence (DUI) or driving while ability impaired (DWAI). Except in certain circumstances, both of these offenses are misdemeanors. In 2015, Colorado enacted House Bill 15-1043 which establishes a felony offense for the fourth and subsequent offense of DUI, DUI per se, DWAI, or other serious vehicular crimes involving drugs and alcohol. For more information, please reference the Department of Revenue's website on Alcohol DUI, or the Department of Transportation's website on Alcohol and Impaired Driving.

To report a DUI Driver, dial *277 (*CSP). For more information on this program, visit the Colorado State Patrol's website.

Electric Bicycles and Electric Scooters

Electric bicycle and electric scooter riders are exempt from motor vehicle registration and license requirements. All electric bicycles in Colorado are required to conform to one of three classifications shown in the table below, and have a label showing the bicycle's classification, top assisted speed, and motor wattage. Any modification to an electric bicycle that changes the speed capability or motor wattage requires an updated label.

Classification of Electric Bicycles

Class 1	An electric bicycle that only provides assistance when the rider is pedaling; the motor ceases at 20 miles per hour (mph).
Class 2	An electric bicycle that provides assistance regardless of whether the rider is pedaling; the motor ceases at 20 mph.
Class 3	An electric bicycle that provides assistance only when the rider is pedaling; the motor ceases at 28 mph. Class 3 electric bicycles must have a speedometer.

Source. Section 42-1-102 (28.5), C.R.S.

Electric scooters. An electric scooter is defined as a device:

- weighing less than 100 pounds;
- with handlebars;
- that is powered by an electric motor; and
- that has a maximum speed of 20 miles per hour on a paved level surface when powered solely by the electric motor.

Local laws pertaining to electric scooters must be no more restrictive than those pertaining to class 1 electric bicycles.

Permissible routes for electric bicycles and scooters. Unless otherwise restricted, Class 1 and Class 2 electric bicycles, and scooters are allowed on the same bicycle and pedestrian paths as conventional bicycles. Class 3 electric bicycles may not be on a bicycle or pedestrian path unless the path is within a street or highway or permitted by the local jurisdiction. Local jurisdictions have the authority to prohibit the operation of electric bicycles and scooters on any bicycle or pedestrian path under its jurisdiction.

Age restrictions and helmet laws. No one under the age of 16 may ride a Class 3 electric bicycle, except as a passenger. Anyone on a Class 3 electric bicycle who is under the age of 18 must wear a helmet.

Penalties. Anyone who violates regulations pertaining to the manufacturing standards and classification of electric bikes and scooters is subject to a class B traffic infraction, with a fine of $15 and a surcharge of $6.

For information on e-bike rebates, visit the Colorado Energy Office Community Access to Electric Bicycles Rebate Program webpage or seek resources from the city or town where you live.

Emissions

Emissions testing of gas- and diesel-powered vehicles is required when registering or selling vehicles in Boulder, Broomfield, Denver, Douglas, and Jefferson counties, and in portions of Adams, Arapahoe, Larimer, and Weld counties, as shown in the Air Care Colorado program area maps. Parts of El Paso County also require diesel vehicles to obtain emissions testing prior to sale. Emissions tests for 1982 or newer motor vehicles are valid for 24 months, and tests for 1981 or older motor vehicles are valid for 12 months.

Required emissions testing. The table below highlights the vehicles requiring testing in Colorado emissions areas.

Does My Vehicle Need an Emission Test?

Vehicle Type	Emission Test Needed?	Notes
New car (gasoline)	No	Vehicles purchased from a dealer are exempt from testing for the first seven model years.
1982-and-newer gasoline vehicles over seven model years old	Yes	Every two years.
1981-and-older gasoline vehicles	Yes	Every year.
Selling car/Change of ownership	Yes	Responsibility of seller; if a vehicle is purchased with 12 or more months left on original seven-year exemption, no test is required at the time of sale.
Commuters (vehicles registered outside emissions area but driven into area 90 or more days per year for work or school)	Yes	Vehicle model year rules apply. Must inform county when no longer commuting.
Hybrids	Yes	Every two years for model year 2010 or older.
Collector vehicle model year 1975-and-older	No	Must be registered as a "collector's item."
Collector vehicle model years 1976 to 1985	Varies	If vehicle was registered as a collector's item prior to Sept. 1, 2009, and the registration has never lapsed or expired, no test is needed.
Alternative fuel vehicles	Varies	Vehicles that run on the following fuel types require emissions testing: ethanol, natural gas, propane, methanol, bio-diesel, propane/gas, methanol/gas, natural gas/diesel, natural gas/gas, and ethanol gas.
All electric vehicles (with no gas tank or tail pipe emission)	No	However, if the vehicle is a hybrid, an emissions test is required (see Hybrids).
Light-duty diesel vehicles 2007 and older	Yes	Every year.
Light-duty diesel vehicles 2008 and newer	Yes	Every two years.
New light-duty diesel vehicles	No	New vehicles are exempt from testing for the first four years.

Source: Section 42-4-301, et seq., C.R.S.

Exemptions. As noted above, there are several exemptions to emissions requirements. New vehicles are exempt from emissions testing requirements for the first seven model years. In addition, when a newer vehicle is sold with 12 months or more left on the original seven-year emissions inspection exemption, the vehicle does not require testing at the time of sale. Vehicles that are all-electric are exempt from emissions testing. New diesel vehicles are exempt for the first four model years. Heavy-duty diesels (26,000 GVWR or more) model year 2015 and newer are exempt from testing for the first six model years.

Waivers. The state Division of Motor Vehicles can issue repair or economic hardship waivers for the emissions test requirement under specific circumstances:

- **repair waivers:** 1968 or newer vehicles with $715 in emissions-related repairs and 1967 or older vehicles with $75 in emissions-related repairs; and
- **economic hardship waivers:** if a vehicle has failed at least one emissions test, no repairs are necessary, and the owner is receiving need-based financial assistance.

RapidScreen. RapidScreen is the mobile emissions testing program in Colorado. Instead of testing a vehicle at an emission testing location, owners drive by a mobile testing unit. Vehicles must drive by a testing unit and receive two clean readings at least 60 days prior to a vehicle's registration renewal month. If the vehicle passed inspection, owners will receive notification on their next renewal registration statement. Motor vehicle owners simply pay the emission testing fee during their registration renewal. RapidScreen unit locations can be found here.

Smoking vehicle. Report excessive smoking vehicles to the Smoking Vehicle Hotline at 303-692-3211.

For more about emission testing in Colorado, visit:

- Air Care Colorado;
- Colorado Department of Revenue; o.
- Colorado Department of Public Health and Environment.



Fraud

Driver record. The Colorado Division of Motor Vehicle's Investigations Unit works to investigate and prevent fraud concerning the use of driver licenses, identification cards, motor vehicle titles and registrations, and other documents issued by the division. If you have reason to believe that your motor vehicle record has been impacted by fraud, contact the Investigations Unit at 303-205-8383 or dor_investigationsunit@state.co.us.

Website. The official website of the Colorado DMV will always contain www.colorado.gov in the URL. If this is not in the link, the website is not associated with the Colorado DMV.



High Occupancy Vehicle/Toll Express Lanes

CDOT, the Colorado Investment Transportation Office, and its partners manage several high-occupancy vehicle and/or toll (HOV/HOT) lanes in the Denver metropolitan area and on I-70 in the mountains. These Express Lanes permit only vehicles carrying a specified number of persons (HOV) or that pay a toll (HOT).

Any traveler may use Express Lanes:

- for free with a motorcycle or if they have at least three passengers in the vehicle;
- by riding priority buses or bus rapid transit; or
- by paying the toll as a solo driver.

While the Express Lanes have the capability to charge license plate tolls at a higher rate, regular users of these lanes can register an ExpressToll account and install a switchable transponder in their vehicle – which has the ability to be switched into HOV mode when enough occupants are present – or a sticker on their motorcycle. Free transponders are currently available for HOV-only travelers who travel in the I-25 and US 36 Express Lanes. Please visit CDOT's website for further information on transponder fees.

The table below provides an overview of the HOV/HOT lanes currently operational or planned for the state highway system. Visit CDOT's website for a map of the Express Lane corridors.

Express Lanes and Toll Roads in Colorado

Corridor	Express Lanes Location	Year Opened/Opening
I-25 Corridor		
. I-25 Central	20th Street to I-25/US 36	2006
. I-25 Central	Central I-70	2022
. I-25 North	I-25/US 36 to 120th Avenue	2016
. I-25 North	120th Avenue to Northwest Parkway/E-470	2019
. I-25 North	Johnstown to Fort Collins	TBD
. I-25 South	Castle Rock to Monument	2022
US 36	I-25/US 36 to Table Mesa Drive	2015
I-70 Mountain	Empire to Veterans Memorial Tunnels	2015
C-470	I-25 to Wadsworth Boulevard	2020
I-70 Central	I-25 to Chambers Road	2022
Toll Roads		
Public Highway Authority	**Participating Local Governments**	
E-470	Adams, Arapahoe, and Douglas Counties; the cities of Aurora, Brighton, Commerce City, and Thornton; and the town of Parker	
Northwest Parkway	Weld County, Broomfield City and County, and the City of Lafayette	

Sources. Colorado Department of Transportation, E-470, and Northwest Parkway.

Mountain Express Lane. Additionally, the I-70 Mountain Express Lane is a 13-mile HOT lane on eastbound I-70. This lane is open for up to 100 days per year when the highway experiences high traffic congestion.

E-470. E-470 is primarily a 75 mile-per-hour (mph), four-lane toll highway that runs about 47 miles along the eastern perimeter of the Denver metropolitan area, connecting I-25 North to I-25 South. E-470 was formed in 1985, opened its first segment in 1991, and was completed in 2003. Toll rates for two-axle vehicles start at $2.60 and vary depending on distance traveled, time of day, and use of ExpressToll or License Plate Tolling. Commercial vehicles with more than two axles incur additional charges.

HOV3. Express Lanes require at least three passengers (HOV3) to be eligible for HOV travel. Visit CDOT's website for more information on HOV3. Any person who uses a HOV lane outside of current procedures commits a class A traffic infraction.

License Plates

Standard License Plates

At registration, the owner of a motor vehicle receives two license plates (one license plate for motorcycles) and two validating tabs. The validating tabs indicate the month and year of expiration and are affixed to the lower left (month) and right (year) corners of the rear license plate. License plates must be renewed within one month of their date of expiration (see the Vehicle Registration and Titling subsection for more information). Motor vehicle owners must notify their county motor vehicle office of changes in their name or address within one month of the change.

Group Special License Plates

The Division of Motor Vehicles (DMV) offers over 125 license plates types, including: military, alumni, and group license plates. Click the following link for more information on the license plate types available: Special License Plates.

Collector's Vehicles

Motor vehicles that are collectors' items are registered for periods of five years. The taxes and fees imposed for each five-year period of registration are equal to five times the annual taxes and fees that would otherwise be imposed for the registration of a motor vehicle. Visit the DMV's website for more information about other vehicle license plate types.

Persons with Disabilities

The Department of Revenue issues identifying license plates and placards to qualified persons with disabilities to park in reserved parking spaces. To apply for an identifying license plate or placard, a DR 2219 Persons with Disabilities Parking Privileges Application must be completed and submitted to the County Motor Vehicle Office.

To be considered "disabled" and eligible for an identifying license or placard, an applicant must meet one of the following criteria as outlined in the DR 2219:

- **Mobility.** Persons who cannot walk two-hundred feet without stopping to rest;
- **Assisted Mobility.** Persons who cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- **Respiratory.** Persons who are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second when measured by spirometry is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air or at rest;
- **Oxygen.** Persons who use portable oxygen;

- **Cardiac.** Persons who have a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or IV according to the standards of the American Heart Association; and

- **Other.** Persons who are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.

The table below outlines penalties for offenses related to disabled parking privileges:

Offenses Related to Disabled Parking Privileges

Offense	Classification and Penalty under Current Law
Attempting to obtain a disabled parking plate or placard while revoked	Class A traffic infraction, punishable by a $32 surcharge and fines of: • $350 to $1,000 for first offense; • $600 to $1,000 for second offense; • $1,000 to $5,000 and up to 10 hours of community service for third and subsequent offenses.
Parking in reserved parking without a disabled parking plate or placard	Class A traffic infraction, punishable by $32 surcharge and fines of: • $350 to $1,000 for first offense; • $600 to $1,000 for second offense; • becomes misdemeanor and fined $1,000 to $5,000 and up to 10 hours of community service for third and subsequent offenses.
Blocking reasonable access	Class A traffic infraction, punishable by $32 surcharge and fines of: • $350 to $1,000 for first offense; • $600 to $1,000 for second offense; • becomes misdemeanor and fined $1,000 to $5,000 and up to 10 hours of community service for third and subsequent offenses.
Fraud and trafficking of disabled parking plates or placards	Class A traffic infraction

Source: Sections 42-3-204 and 42-4-1208, C.R.S.

Remuneration exempt parking. Under current law, a person is exempt from paying at a meter if his or her vehicle bears a disability placard or license plate, and the method of payment is not reasonably accessible to a person with the disability. The Department of Revenue issues remuneration exempt placards. Only individuals with the remuneration exempt placard will be exempt from paying at meters. To qualify for this placard, individuals must have a qualifying disability that limits their:

- fine motor control in both hands;

- ability to reach a height of 42 inches from the ground; or

- ability to reach or access a parking meter due to the use of wheelchair or other device.



Low-Power Scooters

A "low-power scooter" is a self-propelled vehicle with no more than three wheels in contact with the ground, no manual clutch, and either a cylinder capacity under 50 cubic centimeters if powered by internal combustion, or a wattage under 4,476 watts if electric-powered.

In Colorado, an operator of a low-power scooter is required to have a valid driver license. Registration for a low-power scooter is evidenced by a numbered decal on the frame, with registration lasting for three years. In order to register a low-power scooter, the owner must have a motor vehicle insurance policy or a certificate of self-insurance. Low-power scooters may not drive on the interstate system (except where bicycles are allowed) or on any limited-access road of the state highway system. Persons under the age of 18 may not operate or ride on a low-power scooter without a protective helmet. Unless wearing a helmet with eye protection, all persons must wear eye protection when operating a low-power scooter on public highways. Local authorities may regulate low-power scooter operation under their jurisdiction.

Low-Speed Electric Vehicles

A low-speed electric vehicle (LSEV) is a vehicle that:

- is self-propelled utilizing electricity as its primary propulsion method;
- has at least three wheels in contact with the ground;
- does not use handlebars to steer; and
- displays a VIN pursuant to state law

LSEVs can only operate on a roadway that has a speed limit of 35 mph or less, but they may cross a roadway with a speed limit of greater than 35 mph at an at-grade crossing. LSEVs are not allowed on limited-access highways.

LSEVs can operate on or cross a state highway with a speed limit of 40 mph if:

- the roadway's lane width is eleven feet or greater;
- the roadway has two or more lanes in either direction; and
- the Colorado Department of Transportation (CDOT) determines, in consultation with local government and law enforcement, upon the basis of a traffic investigation, or survey, that the operation of LSEVs on the roadway poses no substantial safety risk or hazard to motorists, bicyclists, pedestrians, or other persons.

LSEVs are titled and registered as tax class C vehicles, and registration fees for LSEVs are the same as other passenger vehicles of the same size and weight.

Class B low-speed electric vehicles. Class B LSEVs are motor vehicles with speed capabilities of 25 to 45 mph, and are only permitted to be on roads with 45 mph. They may cross a roadway that has a speed limit above 45 miles per hour in an at-grade crossing.

The state Division of Motor Vehicles (DMV) will not register or issue a title for class B LSEV until the U.S. Department of Transportation adopts motor vehicle safety standards for LSEVs that authorize operation at greater than 25 mph and less than 45 mph.

For more information on LSEVs, visit the DMV's LSEV webpage.



Motorcycles

A motorcycle is a motor vehicle that uses handlebars or any other device connected to the front wheel to steer, a seat the rider sits astride, and is designed to travel on no more than three wheels; except that the term does not include farm tractors, low-power scooters, or low-speed electric vehicles.

In Colorado, motorcycle operators must obtain a motorcycle endorsement on their driver license, marked by either the letter "M" or a "3". An "M" endorsement permits the operator to drive either a two-wheeled or three-wheeled vehicle. The "3" endorsement permits the operator to drive only three-wheeled vehicles. There are two ways to obtain a motorcycle endorsement. The first method requires an operator to pass a written exam, purchase a motorcycle instruction permit, and pass a driving test. If the operator seeks the "M" endorsement, the driving test must be taken on a two-wheeled vehicle. If the operator seeks the "3" endorsement, then the driving test is taken on a three-wheeled vehicle. The second method requires an operator to complete a Motorcycle Safety Foundation course and present their original Motorcycle Safety Foundation Card in a driver license office.

Motorcycles must meet motor vehicle registration and insurance requirements, but are exempt from emissions testing requirements. Persons under the age of 18 may not operate or ride on a motorcycle or scooter without a protective helmet. Unless wearing a helmet with eye protection, all persons must wear eye protection when operating on public highways in the state. In Colorado, motorcycles may not pass a vehicle in the same lane as the vehicle being overtaken, nor can a motorcycle operate between lanes of traffic or rows of vehicles. Motorcycle drivers may not operate more than two abreast in a single lane.

Currently, the Colorado Department of Public Safety (CDPS) offers a Motorcycle Operator Safety Training (MOST) program, which is funded by a $2 surcharge for a motorcycle endorsement on a driver license and a $4 surcharge on the registration of a motorcycle. For information about the training program, visi. CDPS' MOST page.

A motorcycle may drive through a malfunctioning traffic signal. A malfunctioning traffic signal is defined as one that does not recognize a motorcycle, is out of order, or stays steady red or yellow through several cycles.

Autocycles. An autocycle is a three-wheeled motor vehicle. Drivers and passengers ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants. An autocycle is not a motorcycle. A driver does not need a motorcycle endorsement on his or her driver license to operate an autocycle, but must possess a driver license. Additionally, autocycles are no longer subject to a $2 license fee and $4 registration fee for motorcycle operator safety training, but will otherwise continue to pay the same taxes and fees for licensing, titling and registration, and will continue to use motorcycle license plates.



Motor Vehicle and Powersports Industries Laws & Regulations

For information about the laws and regulations governing the motor vehicle and powersports industry, as well as recent legislation affecting motor vehicle law in general, visit DORA's Auto Industry Division webpage.



Off-Highway Vehicles

Off-highway vehicles (OHVs) include motorcycles, dirt bikes, three-wheelers, ATVs, surplus military vehicles, and dune buggies that are operated on public lands and trails in Colorado. OHVs must be registered with Colorado Parks and Wildlife. All OHVs owned and operated in Colorado must display current registration stickers when in an OHV staging area or operated on designated trails or routes. OHVs from out of state must also display a current Colorado OHV use permit sticker. The annual registration fee is $25.25, and registrations are valid from April 1 to March 31 every year.

Local enforcement. Under current law, local governments may enact an ordinance or resolution requiring OHV operations to:

- have a driver license;
- carry liability insurance;
- use seatbelts;
- use child restraint systems;
- use eye protection;
- use a helmet (for riders 18 and younger); or
- limit the number of occupants in an OHV.

Ordinances will vary by county. For example, on the Alpine Loop Trail in southwest Colorado, which cuts through Hinsdale, Ouray, San Juan, and San Miguel Counties, all OHV operators are required to possess a valid driver license and carry liability insurance.

Passenger and Curfew Laws for Minor Drivers

Unless a minor driver's parent or legal guardian is present, state law prohibits any driver under age 18 from driving with:

- any passenger under age 21 who is not a member of the driver's immediate family until having held a driver license for at least six months; and
- two or more passengers under age 21 who are not members of the driver's immediate family until having held a driver license for at least one year.

In addition, occupants of vehicles driven by persons under the age of 18 must wear a seatbelt or be properly restrained.

The law allows exceptions to the passenger restrictions when:

- the minor's parent, legal guardian, or other responsible adult who has legally signed an affidavit of liability is in the vehicle;
- an adult who has held a valid driver license for at least one year is in the vehicle;
- a passenger who is under the age of 21 is in the vehicle due to a medical emergency; or
- a passenger who is under the age of 21 is an immediate family member and wearing a seatbelt.

Minor drivers who have not held a driver license for at least one year are also prohibited from driving between the hours of 12:00 and 5:00 a.m. Exceptions are provided if:

- the driver's parent or legal guardian is present in the vehicle;
- the vehicle contains a person over age 21 who has held a valid driver license for at least one year;
- or the minor is driving on account of medical emergency, to school or a school-related activity, or to his or her place of employment.

A person in violation of the requirements commits a traffic infraction punishable by:

- 8 to 24 hours of community service;
- a fine of up to $50; and
- an assessment of two license suspension points.

A second or subsequent violation results in:

- 16 to 40 hours of community service;
- a fine of up to $150; and
- an assessment of two license suspension points.

Visit the Division of Motor Vehicles for additional information about minor drivers.

Ports of Entry

The State of Colorado created its first port of entry in 1927, primarily for tax collection purposes. Since that time, the role of the ports of entry has expanded to include enforcement of truck size and weight restrictions, safety inspections, collection of fees and fines, and checks of required permits, vehicle registrations, operator licenses, and directing traffic when necessary. The Colorado State Patrol (CSP) operates ten fixed ports in the state. Cortez, Dumont, Fort Collins, Fort Morgan, Lamar, Limon, Loma, Monument, Platteville, and Trinidad. The fixed ports are strategically located in positions throughout the state that receive high volumes of truck traffic.

The following vehicles are required to clear a port of entry:

- all commercial vehicles in excess of 16,000 pounds empty weight;
- all commercial vehicles in excess of 26,000 pounds gross vehicle weight rating;
- all vehicles displaying apportioned or gross vehicle weight license plates; and
- any vehicle carrying an amount of hazardous materials requiring a placard.

Further information on ports of entry, permits, fees, and related topics can be found on the CSP's website.

Regulation of Vehicles and Traffic

Colorado Driver Handbook

The Colorado Division of Motor Vehicles and the Colorado State Patrol maintain the Colorado Driver Handbook, which provides extensive information on the following topics:

- driver licenses;
- understanding Colorado motor vehicle laws;
- safe driving tips;
- emergencies;
- pedestrians and bicycles;
- organ donation; and
- service centers.

Traffic Rules and Guidelines

Several Colorado municipalities have adopted a set of traffic rules known as the Model Traffic Code for Colorado Municipalities, last updated in 2020, to promote a unified state policy on rules of the road. Additional traffic manuals and guidelines are available on CDOT's Traffic Manuals and Guidelines webpage.

Road Conditions

The Colorado Department of Transportation maintains cotrip.org, which provides drivers with a variety of trip planning tools:

- travel alerts;
- route information;
- road conditions;
- speeds;
- road work;
- snowplows; and
- chain laws in effect.

Most of these tools are available through an interactive map that features live video and recent snapshots of the state highway system.

Safety

Seat Belt Law

Colorado law requires the driver and every front seat passenger of a motor vehicle and the driver and every passenger in an autocycle equipped with a safety belt system to wear a seat belt whenever the vehicle is in operation on a street or highway. In addition, Colorado's child restraint law requires that children 15 years old and younger riding in a vehicle be properly secured regardless of seating position (see below). This requirement does not apply to individuals with a diagnosed physical or psychologically disabling condition preventing the use of a seat belt, or if federal law does not mandate that the vehicle be equipped with seat belts. Violating the seat belt law is a secondary offense, meaning that drivers may not be cited for failure to wear a seat belt unless stopped by a law enforcement officer for an alleged violation of another law. A driver in violation of the seat belt law commits a Class B traffic infraction and is subject to a $65 fine and a $6 surcharge.

Child Restraint Requirements

Colorado law requires that children up to 15 years old riding in a motor vehicle be properly secured. Children under 8 years old must be restrained in the appropriate child restraint system. Older children must use a seat belt or a child restraint system. A child restraint system is defined as a seating system that meets federal motor vehicle standards which is permanently attached to a motor vehicle or its safety belt system and is designed to protect, hold, or restrain a child so as to prevent or minimize injury.

The table below presents child restraint requirements by age and size of a child.

Colorado Child Restraint Requirements

Child Age/Size	Statutory Requirement
Less than 1 year and weighing less than 20 pounds	Properly secured in a rear-facing child restraint system in a rear seat of the vehicle
1 year to 4 years, and weighing 20 to 40 pounds	Properly secured in a rear-facing or forward-facing child restraint system
Children up to 8 years	Properly secured in a child restraint system, such as a booster seat, according to the manufacturer's instructions
8 to 15 years	Properly restrained in a safety belt or child restraint system according to manufacturer's instructions

Source: Sections 42-4-236 and 42-4-237, C.R.S.

Child restraint requirements do not apply to a child who:

- is less than 8 years of age and is being transported in a motor vehicle as the result of a medical or other life-threatening emergency and a child restraint system is not available;
- is being transported in a commercial motor vehicle that is operated by a child care center; or
- is being transported in a motor vehicle operated by, or on behalf of, a common carrier, contract carrier, or luxury limousine service.

Violating Colorado's child restraint law is a primary enforcement action. This means a driver does not have to be stopped for another driving offense before he or she can be ticketed for not properly securing a child in the vehicle. A driver in violation of this law commits a Class B traffic infraction and is subject to a $65 fine and a $6 surcharge.

Seat Belt Requirements for Minor Drivers

Drivers under the age of 18 years whose occupants in motor vehicles are not properly restrained or wearing a seat belt commit a Class A traffic infraction. The table below summarizes the penalties for violations of the minor driver seat belt laws.

Penalties for Violation of Minor Driver Seat Belt Laws

Violation	Fine	Hours of Community Service	License Suspension Points
1st offense	up to $65	8 to 24	2
2nd offense	up to $130	16 to 40	2
Subsequent Offense	$195	16 to 40	2

Source: Section 42-2-105.5, C.R.S.



Helmets

Any motorcycle, autocycle, or low-power scooter operator or passenger under age 18 is required to wear a helmet while in motion. A person under age 18 driving or riding in an autocycle does not need to wear a helmet if the autocycle has only three wheels, a maximum speed of 25 miles per hour or less, a windshield, and seatbelts. A person in violation of the requirements commits a class A traffic infraction.

Online Accident Report

The Colorado State Patrol (CSP) offers the Colorado Online Accident Report application. For questions about your accident, contact the law enforcement agency that has jurisdiction over the location of your accident.

Traffic Safety Statistics

The Colorado State Patrol (CSP) evaluates the safety of state roads by monitoring the fatality rates. The statistics and the CSP's strategic plan are available on the CSP's Community Outreach page.

Specific Ownership Tax

The specific ownership tax was enacted in 1937 and is contained in Article X, Section 6, of the Colorado Constitution. The tax is based on the value of the vehicle and is paid each year that a vehicle is registered in Colorado. It is imposed on cars, trucks, trailers, mobile homes, and special mobile machinery. Further information on the specific ownership tax is available in Legislative Council Staff's Issue Brief on the Specific Ownership Tax.

Speed Limits

State Speed Limits

Colorado law establishes speed limits for roads and highways within the state. The Colorado Department of Transportation (CDOT) and local authorities may change the speed limit for any road under their respective jurisdictions if the department or local authority determines that the speed limit established by law is greater or less than what is reasonable or safe for road or traffic conditions. Neither CDOT nor any local authority, however, may increase the speed limit above 75 miles per hour (mph) on any highway. The table below provides speed limits on Colorado roadways.

State Speed Limits

Type of Road or Highway	Speed Limit
Narrow, winding mountain highways, or blind curves	20 mph
Any business district	25 mph
Any residential district	30 mph
Open mountain highways	40 mph
Open highways that are not a part of the interstate system and are not four-lane freeways or expressways	55 mph
Surfaced, four-lane highways that are a part of the interstate system or expressways	65 mph

Source: Section 42-4-1101, C.R.S.

If hazardous conditions exist on a roadway, Colorado drivers must slow to a reasonable and prudent speed, although this may require driving at a speed below the posted limit. Colorado law also grants cities and towns in the state authority to adopt maximum speed limits for their jurisdictions. CDOT and local authorities may also set minimum speeds. Colorado law prohibits motor vehicle operators from driving at such a slow speed that they impede the normal and reasonable forward movement of traffic, unless their slow speed is necessary for the safe operation of the vehicle. In these situations, the driver must drive in the right-hand lane if there is one available on the roadway, or pull off the roadway when possible to allow any impeded traffic to pass.

In addition, Colorado law prohibits driving on a 6 percent uphill grade of I-70 at a speed that is less than 10 miles per hour below the speed limit or less than the minimum speed set by CDOT, except if necessary to:

- obey traffic control devices;
- enter or exit I-70;
- compensate for weather or traffic conditions; or
- navigate a lane closure or blockage.

Also, current Colorado law states that a driver must mov. one lane over or, if moving over is not

possible, reduce and maintain a safe speed when overtaking an emergency, tow, public utility vehicle, or any other stationary vehicle giving a hazard signal. Safe speed, if conditions allow, is defined as:

- 25 miles per hour (mph) if the speed limit is less than 45 mph; or
- 20 mph less than the speed limit if the speed limit is 45 mph or higher.

CDOT is required to post signs notifying drivers of the restriction.

Penalties for Speeding Violations

Under Colorado law, a violation of driving 1 to 24 mph over the posted speed limit is a Class A traffic infraction. A violation of driving 25 mph or more over the posted limit is a Class 2 misdemeanor traffic offense. A violation of driving 25 mph or more over the posted limit in a construction zone is a Class 1 misdemeanor traffic offense. Failure of a driver to reduce vehicle speed to a reasonable and prudent level under hazardous conditions is a Class A traffic infraction.

Traffic infractions in Colorado are separated into two categories: Class A traffic infractions and Class B traffic infractions. Generally, the penalty range for the commission of Class A or Class B traffic infractions is a fine of $15 to $100, although higher penalties are specified for certain infractions.

Misdemeanor traffic offenses in Colorado are separated into Class 1 misdemeanor traffic offenses and Class 2 misdemeanor traffic offenses. Persons convicted of a Class 1 misdemeanor traffic offense are subject to a minimum sentence of 10 days in jail or a $300 fine, or both, and a maximum sentence of one year in jail or a $1,000 fine, or both. Persons convicted of a Class 2 misdemeanor traffic offense are subject to a minimum sentence of 10 days in jail or a $150 fine, or both, and a maximum sentence of 90 days in jail or a $300 fine, or both. Persons convicted of Class 1 or Class 2 misdemeanor traffic offenses must also pay restitution and may be sentenced to community service.

In addition to fines, surcharges are assessed for traffic infractions. Revenues generated by these surcharges are credited to the Crime Victim Compensation Fund and the Victims and Witness Assistance and Law Enforcement Fund.

Statutory penalties for violations that are traffic infractions and misdemeanor traffic offenses are shown in the table below.

Penalties for Speeding Violations

Violation	Fine	Surcharge	Jail Time
1 to 4 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$30	$6	None
5 to 9 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$70	$10	None
10 to 19 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$135	$16	None
20 to 24 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$200	$32	None
25 or more mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (a fine, or jail time, or both may be imposed) (Class 2 misdemeanor traffic offense)	Minimum $150 Maximum $300	Not Applicable	Minimum 10 days Maximum 90 days
25 or more mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph in a construction zone (a fine, or jail time, or both may be imposed) (Class 1 misdemeanor traffic offense)	Minimum $300 Maximum $1,000	Not Applicable	Minimum 10 days Maximum 1 year
Driving at a speed that is not reasonable and prudent given road conditions (Class A traffic infraction)	$100	$10	None
Driving at such a slow speed that the normal and reasonable forward movement of traffic is impeded (Class A traffic infraction)	$50	$6	None
Exceeding a safe speed on a bridge or elevated structure (Class A traffic infraction)	$30	$6	None

Source: Section 42-4-1701 (4)(a)(I)(L), C.R.S.

Point Suspension

Colorado law permits the point suspension of licenses of drivers who have been convicted of traffic violations and have exceeded a threshold number of points. Traffic citations received by drivers may result in a certain number of points being recorded against a driver license. Drivers who exceed the threshold within a certain time period are at risk of having their licenses suspended.

State law sets forth a schedule of points that may be assessed for specific traffic violations. The number of points necessary for the point suspension of a license and the periods during which these points may be accumulated vary with the age of the driver. The table below provides point assessments specifically for speeding violations.

Points Assessed against Driver Licenses for Speeding

Speeding Violation	Points Assessed
1 to 4 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	0
5 to 9 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	1
10 to 19 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	4
20 to 39 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	6
40 or more mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	12
Driving at a speed that is not reasonable and prudent given road conditions	3
Source: Section 42-2-127 (5)(f), C.R.S.	



Speed Photo Radar and Red Light Cameras (Automated Vehicle Identification Systems)

Automated Vehicle Identification Systems (AVIS) include red light cameras and photo speed vans. State law establishes the maximum original penalty for traffic violations detected by these systems. The maximum penalty for a violation captured by a red light camera is $75. The maximum penalty for a speed violation captured by a photo speed van is $40. However, the photo speed van maximum is doubled in a school zone and does not apply within a maintenance, construction, or repair zone. If it is an individual's first offense captured by a photo speed van and he or she is detected driving less than 10 miles per hour over the speed limit, the governmental entity is required to issue a warning. Subsequent fees for violations captured by either system may apply due to failure to respond, personal service, and default. In the case of default, the penalty may be sent to a collection agency.

AVIS cannot be used to detect a violation unless a sign is posted to notify the public that such a system is in use. A penalty assessment notice or summons must be delivered within 30 days after the alleged violation if the motor vehicle involved is registered in the state, and 60 days if the motor vehicle involved is registered outside of the state. Governmental entities are not permitted to enforce a penalty by immobilizing a vehicle or reporting it to the Division of Motor Vehicles. No points may be assessed against an individual's driver license for a violation detected through the use of AVIS. There are limits on the use of photo speed van enforcement that do not apply to red light cameras, which limit the use of photo speed van use to school zones, residential neighborhoods, within maintenance, construction, or repair zones, or along a street that borders a municipal park.

Citation issuance. Current law requires that penalty assessment notices or summons and

complaints are issued to the registered owner of a motor vehicle. State and local governments may not require that a registered owner of a vehicle disclose the identity of the driver of vehicle, but registered vehicle owners may be required to submit evidence that the owner was not the driver at the time of the alleged violation. For example, if a husband was driving a car registered to his wife alone, his wife would receive the summons for the traffic violation. The spouse could be required to prove that she was not the person driving the car at the time of the incident, but would not have to provide her husband's identity as the driver.

As of 2022, 12 local governments use AVIS: Aurora, Boulder, Cherry Hills Village, Colorado Springs, Commerce City, Denver, Fort Collins, Greenwood Village, Lone Tree, Northglenn, Pueblo, and Sheridan. The state of Colorado does not currently use AVIS to enforce traffic laws on state highways.

Legislative Council Staff has prepared an Issue Brief on AVIS, which provides more information about these regulations



Transportation Network Companies

Colorado has a limited regulatory structure for Transportation Network Companies (TNCs), such as Uber and Lyft, which sets forth certain requirements for both the driver and the TNC. Legislative Council Staff has prepared an Issue Brief on Transportation Network Companies, which provides more information about these regulations.



Transportation Systems in Colorado

Colorado's transportation system consists of the state highway system, county and municipal roads, mass transit, airports, railroads, and bicycle and pedestrian routes. The system is primarily managed by the Colorado Department of Transportation (CDOT). Cities, counties, transit authorities, regional transportation authorities, public highway authorities, and the Colorado Public Utilities Commission (PUC) also manage portions of the system. The Colorado Transportation Commission provides direction to CDOT, a role authorized by the General Assembly in state law. Both state and local governments administer the transportation system using federal, state, and local funding.

For more information on Colorado's transportation system, Legislative Council Staff has prepared an in-depth Transportation Handbook that covers infrastructure, organization, planning, and funding.



Vehicle Identification Number

A vehicle identification number (VIN) verification is a physical inspection to determine whether the VIN on a vehicle matches the VIN on the title. The verification also entails checking the VIN number on the vehicle against state and national databases of wanted and stolen vehicles. Vehicle owners new to the state of Colorado, or who recently purchased a vehicle with an out-of-state title, must get a VIN verification. VIN verifications are performed by Colorado law enforcement officers, licensed motor vehicle dealers, and licensed emissions testing stations, such as Air Care Colorado.

Certified VIN Inspections

In some cases, a certified VIN inspection is required. The inspection conducted by a Peace Officers Standards and Training (P.O.S.T.) certified inspector uses forms provided by the Department of Revenue. The certified inspector checks both the public VIN (on the dashboard or another highly visible area) and discreet VINs (location provided by the vehicle manufacturer to law enforcement). The inspector checks both VINs against state and national databases of wanted and stolen vehicles. The following vehicles require a certified VIN inspection:

- bonded title vehicles;
- rebuilt vehicles;
- reconstructed vehicles; and
- vehicles assembled from a kit (including trailers).

The Colorado State Patrol conducts certified VIN inspections. A list of CSP locations and other agencies offering certified VIN inspections is available on the CSP website.



Vehicle Titling and Registration

In Colorado, motor vehicles are titled and registered through the county clerk's office in the motor vehicle owner's county of residence. The owner may be able to title and register their vehicle at a self-service kiosk, located in specific counties throughout Colorado. Visit the self-service kiosk section of the DMV website for more information. Title and registration is required in Colorado:

- within 60 days of purchase;
- within 90 days of becoming a Colorado resident;
- within 45 days after returning to the United States from a foreign jurisdiction;
- for an owner of a foreign vehicle operated within the state; and
- for nonresident business owners who own and operate a motor vehicle trailer, a semi-trailer, or a trailer coach.

Vehicle Titling

The following documents are required when titling a vehicle in Colorado.

- proof of insurance (if registering the vehicle at the same time);
- identification;
- the current title or other ownership documents properly endorsed by the previous owner;
- proof of a Colorado vehicle emissions test, if applicable;
- complete odometer disclosure;

- a bill of sale for sales tax purposes;
- if a lien is to be recorded, an acceptable mortgage document or security agreement that contains the vehicle description, including year, make, VIN, lienholder's name and address, lien amount, and owner's signature;
- if the vehicle has never been titled before in Colorado, manufacturer's Statement of Origin (MSO) and valid registration or title with a weight slip.
- if the vehicle has more than one owner, all owners are required to declare their intent to have the Certificate of Title issued in Joint Tenancy with Rights of Survivorship. This may be accomplished by completing the Joint Tenancy with Rights of Survivorship Acknowledgement of Intent form located within the Title and/or Registration Application.
- if the vehicle was titled in another state or is being transferred on an out-of-state MSO, a Verification of VIN form is required to be completed by either a:
    - Colorado law enforcement officer;
    - licensed Colorado motor vehicle dealer; or
    - licensed Colorado emissions testing station.

Visit the DOR's Taxes and Fees page for more information about vehicle title fees, registration fees, and applicable sales taxes. For general information about vehicle titling, visit the DOR's Titling a Vehicle webpage.

Vehicle Registration

The requirements for completing vehicle registration can be found here. Vehicles in Colorado are registered for a 12-month period, with registration expiring on the last day of the month of the 12-month registration period. Certain vehicles (utility trailers, special mobile machinery) qualify for a five-year registration period. Vehicles may be registered at intervals of less than one year to allow a multi-vehicle owner's registrations to expire simultaneously.

Persons titling or registering a vehicle in Colorado pay registration fees and surcharges, specific ownership taxes, and title fees. Registration fees are based on the empty weight and type of vehicle. The table below provides a summary of fees and their use.

Motor Vehicle Fees

Motor Vehicle Fee	Fee Amount	Use
Registration Fee	$3.00 for motorcycles and autocycles $6.00 for passenger vehicles up to 2,000 pounds, plus $0.20 extra per 100 pounds up to 4,500 pounds; and $12.50 for passenger vehicles 4,500 pounds or more, plus $0.60 each additional 100 pounds	This fee is credited to the Highway Users Tax Fund, counties, and cities. (Section 42-3-306 (2), C.R.S.)
Road Safety Surcharge	$16.00 for motorcycles, autocycles, trailer coaches, and vehicles weighing 2,000 pounds or less; $23.00 for vehicles weighing 2,001 to 5,000 pounds; $28.00 for vehicles weighing 5,001 to 10,000 pounds; $37.00 for passenger buses and vehicles weighing 10,001 to 16,000 pounds; and $39.00 for vehicles weighing more than 16,000 pounds.	This fee is credited to the Highway Users Tax Fund. (Section 43-4-804 (1), C.R.S.)
Bridge Safety Surcharge	$13.00 maximum surcharge for motorcycles, trailer coaches, multipurpose trailers, and any vehicle weighing 2,000 pounds or less; $18.00 maximum surcharge for vehicles weighing 2,001 to 5,000 pounds; $23.00 maximum surcharge for vehicles weighing 5,001 to 10,000 pounds; $29.00 maximum surcharge for vehicles weighing 10,001 to 16,000 pounds or passenger buses; and $32.00 maximum surcharge for vehicles weighing more than 16,000 pounds.	This fee is credited to the Bridge Special Fund. (Section 43-4-805 (3)(a), C.R.S.)

Motor Vehicle Fee	Fee Amount	Use
Public Highway Authority Fee	No more than $10.00	This fee is collected annually for vehicles registered within public highway authority boundaries. The fee is applied to the financing, construction, operation, or maintenance of public highways. (Section 43-4-506 (1)(k), C.R.S)
Emissions Control Fees	$0.50 for all vehicles, plus $0.70 extra, to be collected and retained by the county, for vehicles in the emissions program area; and $1.50 for vehicles in the emissions program area.	These fees are assessed at registration and are credited to the AIR account. The fees are used for emissions program enforcement efforts and administration of the program by the Department of Public Health and Environment and the Department of Revenue. (Section 42-3-304 (18)(a) and (18)(b), C.R.S.)
Additional Highway Fee (based on the age of the vehicle)	$9.00 for vehicles under 7 years old; $7.00 for vehicles between 7 and 10 years old; an. $5.00 for vehicles 11 years old and older	There is a temporary reduction of these fees through June 30, 2026. $1.00 is credited to the Licensing Services Cash Fund to assist in collecting late registration fees. The remainder of these fees is credited to the Highway Users Tax Fund, counties, and cities. (Section 42-3-306 (2)(b)(II), C.R.S.)
Emergency Medical Services Fee	$2.00	This fee is credited to the Emergency Medical Services Account in the Highway Users Tax Fund. (Section 42-3-304 (21), C.R.S.)
Additional Registration Fee	$0.50 for motor vehicles not exempted from the Motor Insurance Identification Fee; and $0.10 for motor vehicles exempted from the Motor Insurance Identification Fee.	This fee is credited to the Colorado Driver License, Record, Identification, and Vehicle Enterprise Solution Vehicle Services Account in the Highway Users Tax Fund. (Section 42-3-306 (14)(a), C.R.S.)
Motorist Insurance Identification Fee	adjusted annually	This fee is credited to Colorado State Titling and Registration Account. (Section 42-1-211 (2), C.R.S.)
Motorcycle Surcharge Fee	$4.00	This fee is collected for all motorcycle registrations and credited to the Motorcycle Operator Safety Training Fund. (Section 42-3-304 (4),C.R.S.)

Motor Vehicle Fee	Fee Amount	Use
Diesel Fee	$10.00	This fee is collected for all qualified diesel vehicles registering within the AIR program area and credited to the AIR account in the Highway Users Tax Fund. (Section 42-3-304 (20), C.R.S)
Peace Officers Standards and Training (P.O.S.T.) Board Fee	$1.00	This fee is collected at registration on Class A, B, and C vehicles to support the training activities of the P.O.S.T. Board. (Section 42-3-304 (24), C.R.S)
County Road and Bridge Fees	$.94	The fee is adjusted annually until June 30, 2026. This fee is collected for the maintenance of county highways, roads, and bridges. (Section 42-3-310, C.R.S.).
Electric Motor Vehicle Fee	$50.00	This fee is adjusted annually for inflation. $30 of the fee is credited to the Highway Users Tax Fund, and $20 is credited to the Electric Vehicle Grant Fund. (Section 42-3-304 (25)(a), C.R.S.)
Electric Motor Vehicle Road Usage Equalization Fee	$3.0 to $96 depending on type of car and year registered	After FY 2031-32, the fee is adjusted for inflation. The fee is credited to the Highway Users Tax Fund, counties, and cities. (Section 42-3-304 (25)(a.5), C.R.S.)

Prepared by Legislative Council Staff

Late Vehicle Registration Fees

Failure to register a vehicle on time results in a $25-per-month late fee after the 90-day period during which initial registration was required, up to $100 total. Vehicle owners must pay the taxes and fees to register the vehicle and pro-rated taxes and fees from the date the vehicle should have been registered to the date the owner registered the car. A supplemental unregistered vehicle fine may be imposed if a person is convicted of misdemeanor, knowingly failing to register a vehicle, within 90 days of becoming a resident of the state.

Exemptions from the late fee include vehicles that are:

- used for operating a commercial business and were idled for a full registration period;
- owned by military personnel serving outside Colorado when the grace period for renewal has passed and the vehicle is not operated on a public highway until re-registration; and
- stolen, and the registration expired during the time, or duration of, the theft.
- The division may establish rules for additional exemptions including:
- acts of God and weather-related delays;

- office closures and furloughs;
- medical hardships; and
- information technology failures.

Towing and Booting

The Public Utilities Commission oversees towing and vehicle booting companies. Companies must have a permit to operate in the state. Application for a permit must include evidence of insurance and financial responsibility. Vehicles and facilities are subject to inspection by the commission or State Patrol.

Vehicle booting involves the placement of a wheel clamp to immobilize a vehicle, typically for too many parking tickets or other fines. Nonconsensual towing involves law enforcement or a private lot owner requesting that a car be towed. These tows usually occur because of illegal parking. Permanent parking signs at the entrances and on lamp posts in a private lot must notify vehicle owners about infractions that could result in booting or towing. The Towing Task Force handles issues related to towing charges and overcharges. For in-depth information about towing and booting, reference the staff issue brief, Vehicle Towing and Booting.



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Board of Trustees Meeting

Date: October 22, 2024
Subject: Ordinance No. 09-2024 - An Ordinance Adjusting the Town of Wellington Marijuana Sales Tax

- **Nic Redavid, Finance Director/Treasurer**

BACKGROUND / DISCUSSION

At the November 2021 General Election, the residents of the Town of Wellington approved an ordinance to allow recreational sales of marijuana in the Town and an ordinance approving a special marijuana sales tax on those sales. The current marijuana special sales tax in the Town of Wellington, as approved by voters and codified in Chapter 2, Article 15 of the Wellington Municipal Code, is set at 3.5%. This tax is levied in addition to the Town's standard sales tax of 3%, Larimer County's sales tax of 0.8%, the Colorado state sales tax of 2.9%, and the state's marijuana sales tax of 15%. Under the Colorado Taxpayer Bill of Rights (TABOR), any tax increase must be put to a vote of the citizens, which is why this measure appeared on the November 2021 ballot. However, the ballot measure authorized the Town Board of Trustees to increase the marijuana sales tax to a maximum of 5% through the adoption of an ordinance, without requiring further voter approval.

Section 2-15-40 of the Wellington Municipal Code outlines that the purpose of the Retail Marijuana Sales Tax is to generate revenue for the construction of a new community or recreation center, and/or for other general operating expenses, as determined by the Town on an annual basis.

Prior to the opening of the Town's first licensed dispensary, discussions took place between the Finance Committee Advisory Board and the Board of Trustees regarding the intended use of these funds. At that time, staff expressed uncertainty as to whether reliable revenue estimates could be provided. As a result, it was recommended that, during the initial years of the tax's collection, the revenue be allocated to the General Fund for general operating expenses. This approach would allow the Town to track the revenue generated and later allocate it to specific projects once a clearer understanding of the tax's financial impact could be established.

To maintain the confidentiality of the single contributing business, the Town has refrained from publicly disclosing the specific revenue generated from the marijuana special sales tax. Releasing such figures would reveal sensitive financial information about the individual business.

For comparison purposes, attached is a report from the Colorado Municipal League regarding marijuana sales tax rates across the state. Some notable municipalities have implemented the following rates:

- Berthoud: 7%
- Fort Collins: 0%
- Boulder: 3.5% (plus a 5% excise tax)

Ordinance 9-2024 proposes to increase the Town's retail marijuana special sales tax from 3.5% to the maximum of 5%.

STAFF RECOMMENDATION

Proposed Motion: Move to adopt Ordinance No. 09-2024 - An Ordinance Adjusting the Town of Wellington Marijuana Sales Tax

ATTACHMENTS

1. CML 2024 Marijuana Status Report
2. Ord 09-2024 Marijuana Tax

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Aguilar									Aguilar Municipal Code
Akron									Akron Municipal Code
Alamosa				√			5% sales tax on retail sales (not currently allowed)		Alamosa Municipal Code
Alma	√	√	√	√					Alma Municipal Code
Antonito	√								Antonito Retail Store
Arriba								Permanent moratorium	Link to Town Ordinances
Arvada									Arvada Municipal Code
Aspen	√	√	√	√					Aspen Municipal Code
Ault	√						Sales tax on retail sales	Approved by voters fall 2023	Ault Municipal Code, Chapter 9.34
Aurora	√	√	√	√	√		5% excise tax, 4% sales tax on retail with authority up to 10%		Aurora Marijuana Enforcement Division
Avon									Avon Municipal Code
Basalt	√						5% sales tax on retail marijuana		Basalt Municipal Code
Bayfield							$10 per retail transaction (sales not currently allowed)		Bayfield Municipal Code
Bennett									Bennett Municipal Code
Berthoud	√						7% sales and excise tax on retail		Berthoud Municipal Code (Retail marijuana not yet codified)
Bethune									
Black Hawk	√						5% sales on retail and medical		Black Hawk Municipal Code
Blanca		√	√				5% excise on sale or transfer of unprocessed retail marijuana		
Blue River									Blue River Municipal Code
Boone									
Boulder	√	√	√	√			5% excise tax, 3.5% sales tax		Boulder Municipal Code
Bow Mar									Bow Mar Municipal Code
Branson									
Breckenridge	√	√	√				5% excise tax on all sales of marijuana		Breckenridge Municipal Code
Brighton								Rejected by voters November 2021	Brighton Municipal Code
Brookside									Brookside Marijuana Ordinance
Broomfield	√			√	√		5% excise tax	Prohibition ordinance for cult and mfg set to repeal in April 2025	Broomfield Municipal Code
Brush									Brush Municipal Code
Buena Vista	√						5% sales tax with authority up to 15%	Approved by voters November 2020	Buena Vista Municipal Code
Burlington								Rejected by voters April 2022	Burlington Municipal Code
Calhan									Calhan Zoning Code
Campo									
Cañon City							5% excise and sales, authority up to 10%	Moratorium with Ordinance 7-2014	Canon City Ordinances
Carbonate									
Carbondale	√	√	√	√			5% sales tax, 5% excise tax		Carbondale Municipal Code
Castle Pines									Castle Pines Zoning Ordinance Section 206
Castle Rock									Castle Rock Municipal Code
Cedaredge	√						5% sales tax	Approved by voters November 2020	Cedaredge Municipal Code
Centennial									Centennial Municipal Code
Center								Rejected by voters November 2019	
Central City	√						5% on retail sales		Central City Municipal Code
Cheraw									
Cherry Hills Village									Cherry Hills Municipal Code
Cheyenne Wells									
Coal Creek									

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Cokedale									
Collbran								Permanent moratorium	Collbran Municipal Code
Colorado Springs						√			Colorado Springs Municipal Code
Columbine Valley									
Commerce City	√	√	√	√			7% sales tax, 5% excise tax		Commerce City Municipal Code
Cortez	√	√		√					Cortez Municipal Code
Craig	√	√	√	√			Up to 4% sales tax	Approved by voters November 2019	Craig Municipal Code
Crawford							5% sales with authority up to 10%, 5% excise (sales not currently allowed)		Crawford Marijuana Ordinances
Creede									Creede Ordinance 375
Crested Butte	√		√	√					Crested Butte Municipal Code
Crestone	√						5% sales tax		
Cripple Creek									Cripple Creek Municipal Code
Crook									
Crowley									
Dacono									Dacono Municipal Code
De Beque	√	√	√	√			5% excise tax on sales and cultivation		Marijuana Page on De Beque Website
Deer Trail									
Del Norte									Del Norte Municipal Code
Delta							5% excise tax, 2% sales tax (sales not currently allowed)		Delta Municipal Code
Denver	√	√	√	√	√	√	5.5% sales tax, authorized up to 15%	Approve April 2021	Link to Denver's Marijuana Business Licenses Page
Dillon	√						5% sales tax, 5% excise tax		Dillon Municipal Code
Dinosaur	√	√	√	√			5% excise tax, 10% sales tax		Dinosaur Ordinance 3
Dolores	√	√	√	√			$5 occupation tax per sales transaction; 5% excise tax	Approved by voters April 2020	
Dove Creek									
Durango	√			√			3% sales tax		Durango Municipal Code
Eads									
Eagle	√	√	√	√			2.5% sales and 2.5% excise each increasing .5% per year up to 5%		Link to Eagle Marijuana Regulations Page
Eaton									Eaton Municipal Code
Eckley								Rejected by voters November 2020	
Edgewater	√	√	√	√					Edgewater Municipal Code
Elizabeth									Elizabeth Municipal Code
Empire	√	√	√				$5 per transaction		Empire Ordinance 238
Englewood	√						3.5% with authority up to 5%		Englewood Municipal Code
Erie									Erie Municipal Code
Estes Park								Rejected by voters December 2019	Estes Park Municipal Code
Evans									Evans Municipal Code
Fairplay									Fairplay Municipal Code
Federal Heights	√	√	√	√			5% sales tax with authority up to 10%, 5% excise tax with authority up to 10%		Federal Heights Marijuana Ordinance
Firestone									Firestone Municipal Code
Flagler									
Fleming									
Florence				√			5% excise tax on wholesale		Florence Municipal Code
Fort Collins	√	√	√	√					Link to Fort Collins Marijuana Page
Fort Lupton	√						3.1% sales tax with authority up to 10%	Approved by voters November 2020	Fort Lupton Marijuana Ordinance
Fort Morgan									Fort Morgan Municipal Code
Fountain									Fountain Municipal Code
Fowler									Fowler Municipal Code
Foxfield									Foxfield Municipal Code

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Fraser	√						5% sales tax		Fraser Municipal Code
Frederick									Frederick Municipal Code - Chapter 6
Frisco	√	√	√				5% sales tax		Frisco Taxation Code
Fruita							5% excise tax		Fruita Ordinance 2013-13
Garden City	√	√	√	√					Garden City Municipal Code
Genoa									
Georgetown	√		√				$5 per transaction		Georgetown Municipal Code
Gilcrest									Gilcrest Municipal Code
Glendale	√	√	√	√		√	1.85% sales tax		Glendale Municipal Code
Glenwood Springs	√	√	√	√			5% sales tax up to 15%; 3% excise tax up to 5%		Glenwood Springs Municipal Code
Golden	√						6% sales tax	Approved by voters November 2021	Golden Municipal Code
Granada									
Granby									Granby Municipal Code - Chapter 16
Grand Junction	√	√	√	√			5% sales tax up to 15%; 3% excise tax up to 10%	Approved by voters April 2021	Grand Junction Marijuana Licensing Page
Grand Lake									Grand Lake Municipal Code - Chapter 7
Greeley									Greeley Municipal Code
Green Mountain Falls									Green Mountain Falls Ordinance 01-2013
Greenwood Village									Greenwood Village Municipal Code
Grover									
Gunnison	√	√	√	√			5% sales tax, 5% excise tax		Gunnison Municipal Code
Gypsum									Gypsum Municipal Code
Hartman									
Haswell									
Haxtun									
Hayden	√	√					7.5% excise tax with authority up to 15%		Hayden Municipal Code
Hillrose									
Holly									Holly Marijuana Prohibition Ordinance
Holyoke									Holyoke Ord. 7-2016
Hooper								Rejected by voters April 2022	
Hot Sulphur Springs									Hot Sulphur Springs - Ordinance
Hotchkiss							2% sales tax (up to 10%) in event sales are permitted by election		
Hudson									Hudson Land Development Code - Chapter 16
Hugo									Hugo Ordinance 237
Idaho Springs	√	√					5% excise tax		Idaho Springs Municipal Code
Ignacio								Rejected by voters April 2022	Ignacio Ordinance 308 - Permanent Ban
Iliff									
Jamestown								Permanent moratorium	Jamestown Ordinance 2013-01
Johnstown									Johnstown Ordinance 2016-143
Julesburg									
Keenesburg									Keenesburg Municipal Code
Kersey									Kersey Municipal Code
Kim									
Kiowa								Rejected by voters November 2020	Kiowa Municipal Code - Chp. 6
Kit Carson									
Kremmling									
La Jara									
La Junta									La Junta Municipal Code
La Salle									

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
La Veta	√	√	√	√				Rejected by voters April 2022	La Veta Municipal Code
Lafayette	√	√	√	√			5% sales and excise tax up to 10%		Lafayette Municipal Code
Lake City									Lake City Municipal Code
Lakeside									
Lakewood	√	√						Approved by voters November 2020	Lakewood Municipal Code
Lamar								Approved by voter initiative November 2021; election results nullified in March 2022 because petition requirements were not met	Lamar Municipal Code - Chp. 6
Larkspur									Larkspur Municipal Code
Las Animas	√	√	√	√			5.75% sales tax; 5% excise tax, up to 10%	Approved by voters Nov. 2018	
Leadville	√	√	√	√			5% excise tax, up to 10%		Leadville Municipal Code
Limon									Limon Municipal Code
Littleton	√						Special 3% sales tax on retail	Approved by voters November 2020	Littleton Municipal Code - Chp. 21
Lochbuie								Voters clarify that they don't support marijuana sales November 2023	Lochbuie Municipal Code
Log Lane Village	√	√	√	√			5% excise tax		
Lone Tree									Lone Tree Municipal Code
Longmont	√						3.5% sales tax; 3% excise tax with authority up to 15%		Longmont Marijuana Ordinance
Louisville	√	√		√			5% excise tax on cultivation		Louisville Municipal Code
Loveland								Defeated by voters November 2019	Loveland Municipal Code - 7.65.20
Lyons	√	√	√	√			3.5% sales; 5% excise tax; both up to 10%		Lyons Municipal Code
Manassa									
Mancos	√	√	√	√			Occupation tax up to $10/transaction		Mancos Municipal Code
Manitou Springs	√			√			6%, authority up to 10%	Cultivation and manufacturing prohibited	Manitou Springs Municipal Code
Manzanola									
Marble									Marble Ordinance 8-2014
Mead								Defeated by voters in November 2019 and 2021	Mead Municipal Code
Meeker									Meeker Municipal Code
Merino									
Milliken	√	√	√	√			Occupation tax up to $10/transaction		Milliken Municipal Code
Minturn									Minturn Municipal Code
Moffat	√	√	√				2% sales tax first year, increasing to 5% in year two	Rejected revisions to excise tax November 2023	
Monte Vista							18% excise tax, 18% sales tax		Monte Vista Municipal Code
Montezuma									Montezuma Ordinance 3-2014
Montrose									Montrose Ordinance 2321
Monument									Monument Municipal Code
Morrison	√						6.25% sales tax, with authority up to 11.25%		Morrison Municipal Code
Mountain View	√	√	√	√			5% sales tax		Mountain View Marijuana Ordinance
Mountain Village									
Mt. Crested Butte									Mt. Crested Butte Chp. 21
Naturita	√	√	√	√			2% sales tax, with authority up to 10; excise tax of 5%		
Nederland	√	√	√				3.75% sales tax		Nederland Municipal Code
New Castle									New Castle Municipal Code
Northglenn	√	√	√		√		4% sales tax, up to 10%	Delivery approved June 2021	Northglenn Municipal Code

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Norwood	√		√	√			2% sales tax, up to 10%; 5% excise tax	Approved by voters April 2020	
Nucla									
Nunn		√					5% excise tax		
Oak Creek	√	√	√	√					Oak Creek Municipal Code
Olathe	√						5% sales tax	Sales and sales tax approved by voters November 2023	Olathe Municipal Code, Title IV, Chapter 4
Olney Springs									
Ophir									
Orchard City							Up to 5% sales tax, up to 5% excise tax, up to $10 occupation tax for each sale transaction		Orchard City July 2017 Minutes
Ordway	√		√	√					Ordway Municipal Code
Otis									Otis Ordinance 173
Ouray							5% with authority up to 10%		Ouray Council Minutes
Ovid									
Pagosa Springs	√	√							Pagosa Springs Municipal Code
Palisade	√	√	√	√			5% excise tax; Occupation tax of $5.00 for each sales transaction that is less than $100, $10.00 for each sales transaction between $100.00 and $500.00 and $25.00 for each sales transaction of $500.00 or more		Link to Palisade Marijuana Information
Palmer Lake		√					5% sales tax with authority up to 10% (sales not currently allowed); 5% excise tax with authority up to 10%		Palmer Lake Municipal Code, Section 5.40
Paoli									
Paonia	√						5% excise and sales tax, both with authority up to 10%; $5.00 occupation tax per sales transaction	Approved by voters November 2020	Paonia Ordinance 2021-01
Parachute	√	√	√	√	√	√	5% excise tax		Parachute Municipal Code
Parker									Parker Municipal Code
Peetz									
Pierce									
Pitkin									
Platteville									Platteville Municipal Code
Poncha Springs							5% sales tax; 5% excise tax (sales not currently allowed)		Poncha Springs Ordinance 2013-1
Pritchett									
Pueblo	√	√	√	√			10%	Excise tax passed by ordinance	Pueblo Municipal Code
Ramah									
Rangley									
Raymer									
Red Cliff	√	√	√	√			5% sales tax, 15% excise tax		
Rico	√	√	√	√			10% sales and 10% excise on unprocessed retail marijauna sold or transferred from cultivation facility to retail facility		Rico Marijuana Ordinance
Ridgway	√	√	√	√					Ridgway Municipal Code
Rifle	√	√					5% excise tax		Rifle Municipal Code
Rockvale									
Rocky Ford	√						6% sales tax with authority up to 8%		Rocky Ford Municipal Code
Romeo	√	√	√	√			3.9% sales tax	Approved by voters November 2020	

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Rye									
Saguache									Saguache Ordinance 2013-1
Salida	√								Salida Municipal Code
San Luis	√	√	√						San Luis Municipal Code
Sanford									
Sawpit									
Sedgwick	√	√	√	√			5% sales tax; 2% excise tax on cultivation; occupation tax of $5-$25 per wholesale manufacturing transaction		
Seibert									
Severance							7% sales tax (sales not currently allowed)		Severance Municipal Code
Sheridan							5% excise tax		Sheridan Municipal Code
Silt	√	√	√	√			3.5% sales tax on retail		Silt Municipal Code
Silver Cliff									
Silver Plume	√						4% and no greater than 8%		
Silverthorne	√	√					5% excise tax		Silverthorne Municipal Code
Silverton	√	√	√	√			1% sales tax and 3% excise tax		Silverton Municipal Code
Simla									Simla Municipal Code - Chp. 2
Snowmass Village	√						5% sales tax, up to 15%		Snowmass Village Municipal Code
South Fork							5% sales tax		South Fork Ordinance 15-06
Springfield									
Starkville									
Steamboat Springs	√	√	√	√					Steamboat Springs Municipal Code
Sterling	√							Passed sales in November 2023, rejected associated 5% sales tax	
Stratton									
Sugar City	√								
Superior					√				Superior Municipal Code
Swink									
Telluride	√	√	√	√					Telluride Municipal Code
Thornton	√			√	√		5% sales tax	Approved delivery April 2021	Thornton Municipal Code
Timnath									Timnath Municipal Code
Trinidad	√	√	√	√			5% sales tax		Trinidad Marijuana Licensing Application
Two Buttes									
Vail									Vail Municipal Code
Victor									Victor Municipal Code
Vilas									
Vona									
Walden									
Walsenburg	√	√	√	√			5% excise tax		Link to Walsenburg's Marijuana Page
Walsh									
Ward									
Wellington	√						3.5% sales tax, up to 5%	Approved by voters November 2021	
Westcliffe									Westcliffe Municipal Code
Westminster								Voters approved businesses in November 2021 but will not go into effect because was contingent on tax that failed	Westminster Municipal Code
Wheat Ridge	√	√	√	√			3.5% sales tax		Wheat Ridge Municipal Code
Wiggins									Wiggins Marijuana Ordinance
Wiley									
Williamsburg									
Windsor									Windsor Municipal Code

Municipal Retail Marijuana Status									
	Sales	Cultivation	Manufacturing	Testing	Delivery	On-site Consumption	Tax Information	Notes	Site/Code
Winter Park	√						5% sales tax	Dales approved by ordinance in July 2021 to begin 2022	Winter Park Municipal Code
Woodland Park									Woodland Park Municipal Code
Wray								Voters rejected November 2021	
Yampa									
Yuma							5% sales tax with authority up to 10 (sales not currently allowed)		Yuma Municipal Code

√	Permitted					
Totals:	96	64	58	57	7	4

TOWN OF WELLINGTON
ORDINANCE 09-2024

AN ORDINANCE ADJUSTING THE TOWN OF WELLINGTON MARIJUANA SALES TAX

WHEREAS, in 2021, proponents of a ballot measure filed with the Town of Wellington an initiated ordinance that would allow the sale of marijuana within the Town of Wellington; and

WHEREAS, an additional ballot measure was adopted at that time imposing a 3.5% special sales tax on the sale of recreational marijuana within the Town; and

WHEREAS, the special sales tax, codified in the Wellington Municipal Code at Chapter 2, article 15, may be modified by ordinance to a maximum rate of 5%; and

WHEREAS, the adopted ordinance included language that the tax rate could not be modified by the Town of Wellington Board of Trustees until June 1, 2022; and

WHEREAS, the Wellington Board of Trustees desires to amend the Wellington Municipal Code to increase the special sales tax imposed on the sale of marijuana.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Wellington, Colorado:

SECTION 1

Chapter 2, Article 15, Section 30, subpart (a) is amended to read:

> Sec. 2-15-30. Imposition of tax
> (a) In addition to the sales tax imposed by Article 4, Chapter 4 of the Code, there is imposed upon all sales of Retail Marijuana and Retail Marijuana Products to a Consumer by a Retail Marijuana Store a tax at the rate of five percent (5%) of the amount of the sale.

SECTION 2. Validity. The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

SECTION 3. Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

SECTION 4. Certification. The Town 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.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 22nd day of October, 2024 and ordered to become effective 30 days from the date of publication.

TOWN OF WELLINGTON, COLORADO

By:_____
Calar Chaussee, Mayor

ATTEST:

_____
Kelly Houghteling, Deputy Town Administrator

Board of Trustees Meeting

Date: **October 22, 2024**

Subject: **Resolution No. 53-2024 - A Resolution of the Town of Wellington Authorizing an Application for WaterSMART Grant Funding through the Bureau of Reclamation.**

- **Kelly Houghteling, Deputy Town Adminstrator**

EXECUTIVE SUMMARY

Over the past five years, Wellington has been replacing outdated meters with an advanced metering infrastructure (AMI). The Town has already replaced 3,176 meters and radios in preparation to bring a full AMI system online. The Town would be able to complete the transition to a full AMI system with the requested grant funds by installing 1,300 meters and radios and two base stations, as well as onboard the necessary software and training for Town staff over a three-year period. The Town is seeking funding to implement an AMI project aimed at promoting leak detection and water savings within the community. This innovative initiative will enable Town staff to accurately monitor water usage, identify leaks promptly, and educate residents on conservation best practices.

BACKGROUND / DISCUSSION

Grant Background

The objective of the WaterSMART Water and Energy Efficiency Grants Notice of Funding Opportunity (NOFO) is to invite states, Indian tribes, irrigation districts, water districts, other organizations with water or power delivery authority, and partnering nonprofit conservation organizations to leverage their money and resources by cost sharing with Reclamation on projects that seek to conserve and use water more efficiently; increase the production of renewable energy; mitigate conflict risk in areas at a high risk of future water conflict; and accomplish other benefits that contribute to water supply sustainability in the western United States.

CONNECTION WITH ADOPTED MASTER PLANS

Strategic Plan, "Proactively maintain & improve utilities, streets, and built environment."

FISCAL IMPLICATIONS

The total project cost is estimated at $990,000, with the Town requesting $495,000 in grant funding from the Bureau of Reclamation. This grant requires a 50/50 cost share.

The Town’s matching funds are already allocated in the 2025 Capital Improvement Project Budget under the water fund. This $990,000 allocation will cover the full cost of upgrading 1,300 residential meters to smart meters, as well as the installation of the necessary networking infrastructure and software to implement a fully Automated Metering Infrastructure (AMI), including a customer-facing portal.

Key Grant Dates

- November 13, 2024: Application Period Closes
- May 2025: Selections Expected to be Announced

- October 2025: Award of Funding

STAFF RECOMMENDATION

Staff recommends adoption of Resolution No. 53-2024.

ATTACHMENTS

1. Resolution 53-2024 -WaterSmart Grant Application

TOWN OF WELLINGTON

RESOLUTION NO. 53-2024

A RESOLUTION OF THE WELLINGTON BOARD OF TRUSTEES AUTHORIZING AN APPLICATION FOR WATERSMART GRANT FUNDING THROUGH THE BUREAU OF RECLAMATION.

WHEREAS, the United States Bureau of Reclamation is offering grant opportunities through WaterSMART Water and Energy Efficiency Grant Program for fiscal year 2025; and

WHEREAS, the Town of Wellington's Automated Meter Reading project will assist with leakage reduction, improve customer education, and increase data availability and analysis of customer usage; and

WHEREAS, the Bureau of Reclamation requires that the Town of Wellington submit a resolution adopted by the Town's governing body in support of the application submitted for the WaterSMART Water and Energy Efficiency Grant program.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

1. The Board of Trustees supports Town Staff to allocate time to develop a competitive application for the WaterSMART Water and Energy Efficiency Grant Program.
2. The Town has budgeted matching funds to meet the terms and obligation of the grant awarded. The Town's financial obligations under any grant awarded are contingent upon appropriation, budgeting, and availability of specific funds to discharge those obligations. Nothing in this resolution or any grant awarded constitutes a debt, a direct or indirect multiple fiscal year financial obligation, a pledge of the Town's credit, or a payment by guarantee by the Town.
3. The Town Administrator or designee is authorized to execute all documents necessary to enter into an agreement for the WaterSMART Grant Program should the Town's application for that program be granted by the United State Bureau of Reclamation.
4. The Town will work with the United States Bureau of Reclamation to meet established deadlines for entering into a grant agreement for the WaterSMART Grant Program.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 22nd day of October, 2024.

TOWN OF WELLINGTON, COLORADO

By:_____
Calar Chaussee, Mayor

ATTEST:

_____
Patti Garcia, Town Clerk

Board of Trustees Meeting

Date: **October 22, 2024**
Subject: **Treasurer's Report (June 2024)**

BACKGROUND / DISCUSSION

A draft Treasurer's Report for June 2024 was provided at the August 27, 2024, meeting of the Board of Trustees due to a delay in revenue reporting. The Treasurers's Report for June 2024 is now finalized and is enclosed for review.

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. Treasurer's Report (June 2024)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	TAX REVENUE					
201-01-3110	PROPERTY TAXES	.00	.00	2,086,000.00	2,086,000.00	.0
201-01-3130	SALES TAX	190,589.26	1,220,809.73	2,774,000.00	1,553,190.27	44.0
201-01-3135	SEVERANCE TAX	.00	.00	108,000.00	108,000.00	.0
201-01-3140	USE TAX - BUILDING MATERIALS	27,280.01	114,738.09	461,152.00	346,413.91	24.9
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
	TOTAL TAX REVENUE	231,393.88	1,376,498.12	5,436,152.00	4,059,653.88	25.3
	BUILDING PERMITS					
201-02-3155	TOWN PLAN REVIEW FEES	1,330.00	6,815.00	55,356.00	48,541.00	12.3
201-02-3430	COUNTY TAX VENDORS FEE	242.49	1,019.90	3,933.00	2,913.10	25.9
201-02-3435	FIRE DEPT. VENDOR FEE	.00	.00	2,358.00	2,358.00	.0
201-02-3450	BLDG. ADMIN. FEE	1,851.78	8,153.41	43,265.00	35,111.59	18.9
201-02-3462	BLDG. INSPECTION FEES	21,995.17	92,645.77	326,924.00	234,278.23	28.3
	TOTAL BUILDING PERMITS	25,419.44	108,634.08	431,836.00	323,201.92	25.2
	FRANCHISE FEES					
201-03-3160	FRANCHISE FEE-ELECTRICITY	32,319.12	86,900.55	193,000.00	106,099.45	45.0
201-03-3170	FRANCHISE FEE-NATURAL GAS	1,666.67	10,000.02	17,000.00	6,999.98	58.8
201-03-3180	FRANCHISE FEE-TELEPHONE	.00	26,373.91	.00	(26,373.91)	.0
201-03-3190	FRANCHISE FEE-CABLE TELEVISION	.00	.00	25,000.00	25,000.00	.0
	TOTAL FRANCHISE FEES	33,985.79	123,274.48	235,000.00	111,725.52	52.5
	LICENSES & PERMITS					
201-04-3210	LIQUOR LICENSE	.00	1,826.25	.00	(1,826.25)	.0
201-04-3220	CONTRACTOR LICENSE	700.00	14,050.00	19,000.00	4,950.00	74.0
	TOTAL LICENSES & PERMITS	700.00	15,876.25	19,000.00	3,123.75	83.6
	FEES FOR SERVICE					
201-05-3420	LAND USE FEES	340.00	4,662.00	81,500.00	76,838.00	5.7
201-05-3460	GENERAL CHARGES FOR SERVICES	.00	10,125.00	.00	(10,125.00)	.0
201-05-3510	COMMUNITY CENTER USER FEES	325.00	1,475.00	3,000.00	1,525.00	49.2
201-05-3520	WEED / REFUSE REMOVAL	971.25	971.25	.00	(971.25)	.0
	TOTAL FEES FOR SERVICE	1,636.25	17,233.25	84,500.00	67,266.75	20.4

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	FINES & PENALTIES					
201-06-3550	COURT FINES & COSTS	2,220.27	10,698.27	20,000.00	9,301.73	53.5
201-06-3555	LCSO ADMINISTRATIVE FEES	100.00	560.00	1,500.00	940.00	37.3
	TOTAL FINES & PENALTIES	2,320.27	11,258.27	21,500.00	10,241.73	52.4
	CEMETERY REVENUES					
201-07-3470	CEMETERY-GRAVE OPENINGS	1,600.00	5,400.00	.00	(5,400.00)	.0
201-07-3480	CEMETERY-PERPETUAL CARE	450.00	2,100.00	.00	(2,100.00)	.0
201-07-3490	CEMETERY-SALE OF LOTS	2,200.00	8,650.00	9,500.00	850.00	91.1
	TOTAL CEMETERY REVENUES	4,250.00	16,150.00	9,500.00	(6,650.00)	170.0
	MISCELLANEOUS REVENUE					
201-08-3350	GRANTS	.00	.00	52,500.00	52,500.00	.0
201-08-3351	GRANTS - JULY 4TH CELEBRATION	1,500.00	1,500.00	.00	(1,500.00)	.0
201-08-3354	GRANTS - LIBRARY	.00	7,921.00	.00	(7,921.00)	.0
201-08-3355	INVESTMENT EARNINGS - LIBRARY	2,072.03	12,551.30	22,000.00	9,448.70	57.1
201-08-3373	LIBRARY CONTRIB./FINES/MISC.	410.00	6,997.66	3,500.00	(3,497.66)	199.9
201-08-3610	INVESTMENT EARNINGS-GENERAL	33,362.39	202,092.99	356,000.00	153,907.01	56.8
201-08-3630	CAR SHOW REVENUE	540.00	540.00	.00	(540.00)	.0
201-08-3690	MISCELLANEOUS REVENUE	15.00	6,545.13	5,000.00	(1,545.13)	130.9
201-08-3910	SALE OF ASSETS	.00	78.01	.00	(78.01)	.0
	TOTAL MISCELLANEOUS REVENUE	37,899.42	238,226.09	439,000.00	200,773.91	54.3
	TOTAL FUND REVENUE	337,605.05	1,907,150.54	6,676,488.00	4,769,337.46	28.6

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	LEGISLATIVE					
201-11-5102	BENEFITS	70.65	423.90	910.00	486.10	46.6
201-11-5107	ELECTED OFFICIAL COMPENSATION	900.00	5,400.00	10,800.00	5,400.00	50.0
201-11-5192	COMMUNITY EVENTS	7,567.40	54,046.47	98,820.00	44,773.53	54.7
201-11-5214	OFFICE SUPPLIES	633.18	679.12	700.00	20.88	97.0
201-11-5321	PRINTING SERVICES	.00	203.00	.00	(203.00)	.0
201-11-5335	DUES & SUBSCRIPTIONS	.00	5,220.00	5,114.00	(106.00)	102.1
201-11-5352	MUNICIPAL LEGAL SERVICES	3,060.00	23,919.00	40,000.00	16,081.00	59.8
201-11-5363	R&M COMPUTER/OFFICE EQUIPMENT	.00	1,263.85	4,000.00	2,736.15	31.6
201-11-5380	PROFESSIONAL DEVELOPMENT	575.03	2,629.46	4,550.00	1,920.54	57.8
201-11-5951	BOARD DISCRETIONARY FUND	.00	10,000.00	30,000.00	20,000.00	33.3
201-11-5952	HARDSHIP UTILITY GRANT	470.02	2,570.02	12,000.00	9,429.98	21.4
	TOTAL LEGISLATIVE	13,276.28	106,354.82	206,894.00	100,539.18	51.4
	JUDICIAL					
201-12-5109	MAGISTRATE	750.00	3,000.00	9,000.00	6,000.00	33.3
201-12-5214	OFFICE SUPPLIES	.00	86.90	500.00	413.10	17.4
201-12-5359	PROSECUTING ATTORNEY	1,052.00	6,060.00	12,000.00	5,940.00	50.5
201-12-5380	PROFESSIONAL DEVELOPMENT	.00	672.18	1,500.00	827.82	44.8
201-12-5394	JURY FEES	.00	.00	1,000.00	1,000.00	.0
201-12-5498	COURT APPOINTED COUNSEL	.00	.00	1,000.00	1,000.00	.0
201-12-5499	TRANSLATOR FEES	.00	225.00	500.00	275.00	45.0
	TOTAL JUDICIAL	1,802.00	10,044.08	25,500.00	15,455.92	39.4
	ADMINISTRATION					
201-13-5100	WAGES & SALARIES	21,484.47	245,505.95	582,960.79	337,454.84	42.1
201-13-5102	BENEFITS	5,822.20	62,476.13	125,904.17	63,428.04	49.6
201-13-5214	OFFICE SUPPLIES	46.05	90.05	1,500.00	1,409.95	6.0
201-13-5335	DUES & SUBSCRIPTION	25.99	2,066.33	8,500.00	6,433.67	24.3
201-13-5352	LEGAL SERVICES	4,155.00	22,879.37	65,000.00	42,120.63	35.2
201-13-5356	PROFESSIONAL SERVICES	.00	147.51	30,000.00	29,852.49	.5
201-13-5363	R&M COMPUTER/OFFICE EQUIPMENT	1,525.81	1,550.02	7,000.00	5,449.98	22.1
201-13-5380	PROFESSIONAL DEVELOPMENT	65.91	1,728.10	10,500.00	8,771.90	16.5
201-13-5496	COMMUNICATIONS DIVISION	59.99	4,125.91	16,460.00	12,334.09	25.1
201-13-5933	WELLINGTON SENIOR RESOURCE CEN	376.69	10,156.67	10,900.00	743.33	93.2
201-13-5934	OPIOID SETTLEMENT REDIRECTION	6,453.87	6,453.87	.00	(6,453.87)	.0
	TOTAL ADMINISTRATION	40,015.98	357,179.91	858,724.96	501,545.05	41.6

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	FINANCE					
201-14-5100	WAGES & SALARIES	12,386.03	106,458.96	282,244.80	175,785.84	37.7
201-14-5102	BENEFITS	4,200.05	34,967.99	69,935.92	34,967.93	50.0
201-14-5214	OFFICE SUPPLIES	197.80	370.56	1,000.00	629.44	37.1
201-14-5311	POSTAGE	83.71	2,660.70	1,800.00	(860.70)	147.8
201-14-5335	DUES AND SUBSCRIPTIONS	30.00	395.00	2,000.00	1,605.00	19.8
201-14-5353	ACCOUNTING & AUDITING	.00	12,000.00	68,300.00	56,300.00	17.6
201-14-5356	PROFESSIONAL SERVICES	724.50	78,307.88	90,000.00	11,692.12	87.0
201-14-5363	R&M COMPUTER/OFFICE EQUIP	.00	314.75	2,000.00	1,685.25	15.7
201-14-5380	PROFESSIONAL DEVELOPMENT	884.90	2,081.90	8,500.00	6,418.10	24.5
201-14-5381	MILEAGE REIMBURSEMENT	.00	.00	200.00	200.00	.0
201-14-5510	INSURANCE & BONDS	39,163.77	121,259.09	158,655.10	37,396.01	76.4
201-14-5640	PAYING AGENT FEES	250.00	500.00	500.00	.00	100.0
201-14-5950	DOCUMENT SHREDDING	25.00	25.00	200.00	175.00	12.5
201-14-5960	OVER/SHORT	13,188.53	9,853.53	.00	(9,853.53)	.0
	TOTAL FINANCE	71,134.29	369,195.36	685,335.82	316,140.46	53.9
	TOWN CLERK					
201-15-5100	WAGES & SALARIES	6,989.61	85,477.98	183,380.00	97,902.02	46.6
201-15-5102	BENEFITS	3,034.01	23,907.70	38,657.52	14,749.82	61.8
201-15-5214	OFFICE SUPPLIES	.00	235.18	1,500.00	1,264.82	15.7
201-15-5331	PUBLISHING & LEGAL NOTICES	.00	497.89	4,500.00	4,002.11	11.1
201-15-5335	DUES & SUBSCRIPTIONS	.00	.00	826.00	826.00	.0
201-15-5356	PROFESSIONAL SERVICES	24.00	676.00	4,000.00	3,324.00	16.9
201-15-5363	R&M COMPUTER/OFFICE EQUIP.	.00	254.94	3,500.00	3,245.06	7.3
201-15-5380	PROFESSIONAL DEVELOPMENT	.00	.00	4,000.00	4,000.00	.0
201-15-5414	ELECTION EXPENSES	19,399.54	27,701.08	32,000.00	4,298.92	86.6
201-15-5530	CODE REVIEW & UPDATE	.00	.00	5,000.00	5,000.00	.0
	TOTAL TOWN CLERK	29,447.16	138,750.77	277,363.52	138,612.75	50.0

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	HUMAN RESOURCES					
201-16-5100	WAGES & SALARIES	7,665.36	86,877.68	198,906.80	112,029.12	43.7
201-16-5102	BENEFITS	2,584.60	27,963.70	48,008.29	20,044.59	58.3
201-16-5103	TEMPORARY EMPLOYMENT SERVICES	.00	.00	10,000.00	10,000.00	.0
201-16-5214	OFFICE SUPPLIES	.00	68.50	500.00	431.50	13.7
201-16-5226	EXECUTIVE SEARCH	.00	.00	29,000.00	29,000.00	.0
201-16-5335	DUES & SUBSCRIPTIONS	.00	8,144.00	8,000.00	(144.00)	101.8
201-16-5356	PROFESSIONAL FEES	5,412.00	5,912.00	21,000.00	15,088.00	28.2
201-16-5363	R&M COMPUTER/OFFICE EQUIP.	.00	79.97	1,500.00	1,420.03	5.3
201-16-5380	PROFESSIONAL DEVELOPMENT	.00	.00	7,000.00	7,000.00	.0
201-16-5580	EMPLOYEE DRUG TESTING	119.18	345.43	2,000.00	1,654.57	17.3
201-16-5582	EMPLOYEE RELATIONS	.00	2,332.67	20,000.00	17,667.33	11.7
201-16-5583	BACKGROUND CHECK	57.00	2,157.50	2,500.00	342.50	86.3
201-16-5948	EMPLOYEE APPAREL	78.00	579.64	1,500.00	920.36	38.6
201-16-5949	EMPLOYEE ADVERTISING	395.00	694.06	1,000.00	305.94	69.4
	TOTAL HUMAN RESOURCES	16,311.14	135,155.15	350,915.09	215,759.94	38.5
	INFORMATION TECHNOLOGY					
201-17-5100	WAGES & SALARIES	.00	.00	75,000.00	75,000.00	.0
201-17-5102	BENEFITS	.00	.00	19,839.36	19,839.36	.0
201-17-5214	OFFICE SUPPLIES	.00	.00	1,000.00	1,000.00	.0
201-17-5345	TELEPHONE SERVICES	4,203.18	25,027.05	51,480.00	26,452.95	48.6
201-17-5357	PROFESSIONAL FEES	5,893.75	35,563.75	60,000.00	24,436.25	59.3
201-17-5363	R&M COMPUTER/OFFICE EQUIP.	.00	.00	7,500.00	7,500.00	.0
201-17-5380	PROFESSIONAL DEVELOPMENT	.00	.00	750.00	750.00	.0
201-17-5381	MILEAGE REIMBURSEMENT	.00	.00	50.00	50.00	.0
201-17-5384	INTERNET SERVICES	1,360.62	16,041.63	50,000.00	33,958.37	32.1
201-17-5579	SOFTWARE LICENSE/SUPPORT	8,300.12	48,516.48	180,800.00	132,283.52	26.8
201-17-5585	WEBSITE MAINTENANCE	.00	1,950.40	15,480.00	13,529.60	12.6
201-17-5947	COPIER EXPENSE	.00	4,350.29	10,000.00	5,649.71	43.5
	TOTAL INFORMATION TECHNOLOGY	19,757.67	131,449.60	471,899.36	340,449.76	27.9

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	PLANNING AND ZONING					
201-18-5100	WAGES & SALARIES	21,589.52	262,167.36	656,543.97	394,376.61	39.9
201-18-5102	BENEFITS	6,001.07	72,521.48	130,024.05	57,502.57	55.8
201-18-5214	OFFICE SUPPLIES	.00	2,686.70	3,500.00	813.30	76.8
201-18-5231	FUEL, OIL, GREASE	82.94	300.65	6,500.00	6,199.35	4.6
201-18-5233	VEHICLE R&M	125.07	219.27	3,000.00	2,780.73	7.3
201-18-5331	RECORDING & LEGAL PUBLISHING	15.25	122.79	2,500.00	2,377.21	4.9
201-18-5335	DUES & SUBSCRIPTIONS	.00	45.00	2,157.50	2,112.50	2.1
201-18-5350	BUILDING INSP. FEE REMITTANCE	12,998.16	54,808.76	300,000.00	245,191.24	18.3
201-18-5355	REIMBURSABLE SERVICES	1,460.00	2,440.00	30,000.00	27,560.00	8.1
201-18-5356	PROFESSIONAL SERVICES	433.00	1,225.35	30,000.00	28,774.65	4.1
201-18-5363	R&M COMPUTER/OFFICE EQUIP	1,792.40	1,792.40	4,150.00	2,357.60	43.2
201-18-5370	SAFETY SUPPLIES & EQUIPMENT	.00	.00	270.00	270.00	.0
201-18-5372	UNIFORMS	.00	.00	375.00	375.00	.0
201-18-5374	NOCO HUMANE	1,641.17	9,847.02	19,694.00	9,846.98	50.0
201-18-5375	PROTECTIVE INSP. EQUIPMENT	.00	.00	200.00	200.00	.0
201-18-5380	PROFESSIONAL DEVELOPMENT	.00	1,566.20	8,242.43	6,676.23	19.0
	TOTAL PLANNING AND ZONING	46,138.58	409,742.98	1,197,156.95	787,413.97	34.2
	LAW ENFORCEMENT					
201-21-5364	LCSO CONTRACT	.00	494,905.03	1,979,620.00	1,484,714.97	25.0
	TOTAL LAW ENFORCEMENT	.00	494,905.03	1,979,620.00	1,484,714.97	25.0
	PUBLIC WORKS					
201-34-5100	WAGES & SALARIES	29,921.57	346,553.83	858,465.72	511,911.89	40.4
201-34-5102	BENEFITS	7,814.87	88,739.97	154,966.64	66,226.67	57.3
201-34-5231	FUEL, OIL & GREASE	2,215.53	14,252.30	24,000.00	9,747.70	59.4
201-34-5233	R&M- MACHINERY & EQUIP. PARTS	2,281.90	28,846.28	40,000.00	11,153.72	72.1
201-34-5241	SHOP SUPPLIES	.00	105.57	2,000.00	1,894.43	5.3
201-34-5329	HOA FEES	.00	.00	1,000.00	1,000.00	.0
201-34-5335	DUES & SUBSCRIPTIONS	.00	200.00	4,500.00	4,300.00	4.4
201-34-5356	PROFESSIONAL SERVICES	.00	.00	40,000.00	40,000.00	.0
201-34-5363	R&M COMPUTER/OFFICE EQUIP.	5,315.35	8,137.30	7,500.00	(637.30)	108.5
201-34-5370	SAFETY WORKWEAR & EQUIPMENT	90.00	1,943.01	1,400.00	(543.01)	138.8
201-34-5372	UNIFORMS	793.36	18,390.70	15,000.00	(3,390.70)	122.6
201-34-5380	PROFESSIONAL DEVELOPMENT	1,442.23	3,444.53	15,310.00	11,865.47	22.5
201-34-5422	SMALL TOOLS	.00	.00	1,000.00	1,000.00	.0
201-34-5456	MOSQUITO CONTROL	.00	5,137.69	25,300.00	20,162.31	20.3
201-34-5512	INSURANCE-PROPERTY RELATED	26,128.00	26,128.00	31,969.00	5,841.00	81.7
201-34-5533	EQUIPMENT RENTAL	.00	259.08	.00	(259.08)	.0
201-34-5579	SOFTWARE SUBSCRIPTIONS	.00	5,658.79	15,000.00	9,341.21	37.7
201-34-5941	PW OFFICE SUPPLIES	189.24	5,377.06	10,000.00	4,622.94	53.8
201-34-5947	COPIER EXPENSE	.00	1,361.93	3,500.00	2,138.07	38.9
	TOTAL PUBLIC WORKS	76,192.05	554,536.04	1,250,911.36	696,375.32	44.3

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CEMETERY					
201-42-5382	GROUNDS MAINTENANCE SERVICE	.00	57.39	5,000.00	4,942.61	1.2
201-42-5423	SAND & GRAVEL & ROAD BASE	.00	1,947.52	5,000.00	3,052.48	39.0
	TOTAL CEMETERY	.00	2,004.91	10,000.00	7,995.09	20.1
	GEN. USE BLDGS. & COM. CENTERS					
201-49-5341	ELECTRICITY	25.85	782.84	2,100.00	1,317.16	37.3
201-49-5342	WATER	2,118.96	2,118.96	4,000.00	1,881.04	53.0
201-49-5343	SEWER	395.08	395.08	2,000.00	1,604.92	19.8
201-49-5344	NATURAL GAS - HEAT	616.09	5,703.70	30,000.00	24,296.30	19.0
201-49-5346	STORM DRAINAGE	430.84	430.84	3,000.00	2,569.16	14.4
201-49-5367	R&M SERV./SUPPLIES - BUILDINGS	4,309.67	24,494.52	40,000.00	15,505.48	61.2
201-49-5369	JANITORIAL SERVICE	3,930.00	21,542.00	45,000.00	23,458.00	47.9
201-49-5370	GENERAL BUILDING SUPPLIES	287.62	1,897.85	11,700.00	9,802.15	16.2
201-49-5398	TRASH	1,563.29	5,343.85	11,225.00	5,881.15	47.6
	TOTAL GEN. USE BLDGS. & COM. CENTERS	13,677.40	62,709.64	149,025.00	86,315.36	42.1
	ECONOMIC DEVELOPMENT					
201-51-5154	ECONOMIC DEVELOPMENT	.00	.00	10,500.00	10,500.00	.0
201-51-5214	OFFICE SUPPLIES	(63.57)	.00	400.00	400.00	.0
201-51-5379	PROFESSIONAL DEVELOPMENT	.00	2,021.15	3,800.00	1,778.85	53.2
201-51-5401	MARKETING SERVICES	.00	.00	1,000.00	1,000.00	.0
	TOTAL ECONOMIC DEVELOPMENT	(63.57)	2,021.15	15,700.00	13,678.85	12.9

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	LIBRARY					
201-55-5100	WAGES & SALARIES	11,297.33	135,849.05	334,555.89	198,706.84	40.6
201-55-5101	SEASONAL	939.78	10,276.29	20,000.00	9,723.71	51.4
201-55-5102	BENEFITS	2,712.71	31,172.25	60,447.25	29,275.00	51.6
201-55-5214	OFFICE SUPPLIES	1,041.65	4,266.72	9,000.00	4,733.28	47.4
201-55-5311	POSTAGE	.00	.00	200.00	200.00	.0
201-55-5321	PRINTING SERVICES	.00	.00	1,000.00	1,000.00	.0
201-55-5331	PUBLISHING & LEGAL NOTICES	.00	.00	700.00	700.00	.0
201-55-5333	DUES	.00	.00	200.00	200.00	.0
201-55-5337	PROGRAMS	2,092.43	4,122.74	6,000.00	1,877.26	68.7
201-55-5347	STORY TIME SUPPLIES	85.96	85.96	500.00	414.04	17.2
201-55-5363	R&M COMPUTER/OFFICE EQUIP.	.00	753.32	750.00	(3.32)	100.4
201-55-5380	PROFESSIONAL DEVELOPMENT	.00	.00	1,600.00	1,600.00	.0
201-55-5384	INTERNET SERVICE	.00	.00	2,000.00	2,000.00	.0
201-55-5387	SPECIAL EVENT SUPPLIES	.00	349.98	375.00	25.02	93.3
201-55-5579	SOFTWARE LICENSE/SUPPORT	29.99	6,427.84	8,500.00	2,072.16	75.6
201-55-5792	MULTI MEDIA	250.25	1,578.34	3,500.00	1,921.66	45.1
201-55-5793	E-BOOKS - SUBSCRIPTION/MISC.	.00	.00	5,500.00	5,500.00	.0
201-55-5900	LIBRARY BOOKS	94.64	12,636.44	18,000.00	5,363.56	70.2
201-55-5901	LIBRARY SHELVING & FURNISHINGS	159.98	1,119.86	2,000.00	880.14	56.0
201-55-5902	COURIER SERVICE	.00	.00	2,500.00	2,500.00	.0
201-55-5903	GRANTS PROGRAM EXPENDITURES	5,079.80	5,079.80	11,000.00	5,920.20	46.2
	TOTAL LIBRARY	23,784.52	213,718.59	488,328.14	274,609.55	43.8
	TOTAL FUND EXPENDITURES	351,473.50	2,987,768.03	7,967,374.20	4,979,606.17	37.5
	NET REVENUE OVER EXPENDITURES	(13,868.45)	(1,080,617.49)	(1,290,886.20)	(210,268.71)	(83.7)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

STREET FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	TAX REVENUE					
203-01-3130	SALES TAX	52,399.90	335,644.85	762,850.00	427,205.15	44.0
203-01-3315	MOTOR VEHICLE USE TAX	78,664.46	423,051.13	990,900.00	567,848.87	42.7
203-01-3335	HIGHWAY USERS TAX	31,637.41	179,310.47	399,600.00	220,289.53	44.9
	TOTAL TAX REVENUE	162,701.77	938,006.45	2,153,350.00	1,215,343.55	43.6
	LICENSES & PERMITS					
203-04-3343	STREET CUT PERMITS	150.00	350.00	.00	(350.00)	.0
203-04-3350	DEVELOPER ROAD FEE ESCROW	1,800.00	7,800.00	.00	(7,800.00)	.0
203-04-3376	BP ROAD IMPACT FEE	3,300.00	14,300.00	85,000.00	70,700.00	16.8
	TOTAL LICENSES & PERMITS	5,250.00	22,450.00	85,000.00	62,550.00	26.4
	MISCELLANEOUS REVENUE					
203-08-3350	GRANTS	.00	.00	850,000.00	850,000.00	.0
203-08-3610	INVESTMENT EARNINGS	8,561.22	51,859.85	53,000.00	1,140.15	97.9
203-08-3910	SALE OF ASSETS	.00	211.00	1,000.00	789.00	21.1
	TOTAL MISCELLANEOUS REVENUE	8,561.22	52,070.85	904,000.00	851,929.15	5.8
	TOTAL FUND REVENUE	176,512.99	1,012,527.30	3,142,350.00	2,129,822.70	32.2

STREET FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
203-34-5100	WAGES & SALARIES	17,253.11	198,216.49	469,215.20	270,998.71	42.2
203-34-5102	BENEFITS	7,628.32	84,338.52	126,706.33	42,367.81	66.6
203-34-5110	ON-CALL STIPEND	200.00	4,400.00	10,400.00	6,000.00	42.3
203-34-5233	R&M- MACHINERY & EQUIP. PARTS	.00	(1,286.50)	.00	1,286.50	.0
203-34-5240	STREET PAINT, SIGNS, & PARTS	3,506.56	14,083.66	45,000.00	30,916.34	31.3
203-34-5241	SHOP SUPPLIES	.00	1,583.82	.00	(1,583.82)	.0
203-34-5341	ELECTRICITY FOR STREET LIGHTS	14,874.20	92,306.91	210,000.00	117,693.09	44.0
203-34-5342	WATER	338.66	338.66	6,000.00	5,661.34	5.6
203-34-5370	SAFETY WORKWEAR & EQUIPMENT	330.47	1,945.86	5,000.00	3,054.14	38.9
203-34-5397	WEED CONTROL	.00	.00	6,000.00	6,000.00	.0
203-34-5422	SMALL TOOLS	9.99	625.85	4,000.00	3,374.15	15.7
203-34-5423	SAND & GRAVEL & ROADBASE	.00	585.00	.00	(585.00)	.0
203-34-5424	STREET CONSTRUCTION MATERIAL	898.31	8,542.43	10,000.00	1,457.57	85.4
203-34-5426	WEATHER RESPONSE MANAGEMENT	4,348.00	4,348.00	8,000.00	3,652.00	54.4
203-34-5427	SNOW MANAGEMENT MATERIALS	.00	64.95	30,000.00	29,935.05	.2
203-34-5428	STREET MAINTENANCE	.00	.00	35,000.00	35,000.00	.0
203-34-5453	R&M SUPPLIES - STREET SWEEPER	.00	137.39	.00	(137.39)	.0
203-34-5512	INSURANCE-PROPERTY RELATED	.00	(12,325.00)	.00	12,325.00	.0
203-34-5533	EQUIPMENT RENTAL	.00	1,005.25	3,000.00	1,994.75	33.5
203-34-5941	SAFETY & FIRST AID KITS	123.43	2,339.03	2,000.00	(339.03)	117.0
	TOTAL OPERATING	49,511.05	401,250.32	970,321.53	569,071.21	41.4
	TOTAL FUND EXPENDITURES	49,511.05	401,250.32	970,321.53	569,071.21	41.4
	NET REVENUE OVER EXPENDITURES	127,001.94	611,276.98	2,172,028.47	1,560,751.49	28.1

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CONTRIBUTED CAPITAL					
204-02-3444	BP RAW WATER FEE	93,075.00	240,754.00	310,250.00	69,496.00	77.6
204-02-3446	TAP FEES	32,877.00	142,467.00	550,410.00	407,943.00	25.9
	TOTAL CONTRIBUTED CAPITAL	125,952.00	383,221.00	860,660.00	477,439.00	44.5
	OPERATING REVENUE					
204-03-3441	WATER SALES	689,464.76	2,266,393.74	5,350,482.00	3,084,088.26	42.4
204-03-3442	SHUT-OFF/RECON./LATE/NSF/TRANS	6,535.00	26,406.04	25,553.00	(853.04)	103.3
204-03-3445	RAW WATER LEASES	11,160.00	11,160.00	.00	(11,160.00)	.0
204-03-3447	BULK WATER SALES	3,015.67	12,899.56	25,477.00	12,577.44	50.6
	TOTAL OPERATING REVENUE	710,175.43	2,316,859.34	5,401,512.00	3,084,652.66	42.9
	NON-OPERATING REVENUE					
204-04-3610	INVESTMENT EARNINGS	105,119.52	447,073.20	652,000.00	204,926.80	68.6
204-04-3650	LOAN PROCEEDS	.00	6,193,596.36	2,598,641.00	(3,594,955.36)	238.3
204-04-3690	MISCELLANEOUS REVENUE	200.47	200.47	.00	(200.47)	.0
204-04-3910	SALE OF ASSETS	.00	762.00	.00	(762.00)	.0
	TOTAL NON-OPERATING REVENUE	105,319.99	6,641,632.03	3,250,641.00	(3,390,991.03)	204.3
204-09-3380	TRANS IN FROM GENERAL FUND	.00	.00	691,000.00	691,000.00	.0
	TOTAL SOURCE 09	.00	.00	691,000.00	691,000.00	.0
	TOTAL FUND REVENUE	941,447.42	9,341,712.37	10,203,813.00	862,100.63	91.6

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
204-34-5100	WAGES & SALARIES	19,751.81	202,884.91	538,368.56	335,483.65	37.7
204-34-5102	BENEFITS	9,219.78	87,001.59	149,474.31	62,472.72	58.2
204-34-5110	ON-CALL STIPEND	500.00	5,300.00	15,600.00	10,300.00	34.0
204-34-5221	CHEMICALS	11,546.39	111,821.21	350,000.00	238,178.79	32.0
204-34-5227	PROPANE	.00	17,212.57	40,000.00	22,787.43	43.0
204-34-5229	PERMIT AND PROGRAM FEES	.00	.00	3,000.00	3,000.00	.0
204-34-5231	FUEL, OIL & GREASE	284.69	2,201.54	10,500.00	8,298.46	21.0
204-34-5233	R&M- MACHINERY & EQUIP. PARTS	315.91	8,147.53	10,000.00	1,852.47	81.5
204-34-5241	SHOP SUPPLIES	33.48	171.47	2,500.00	2,328.53	6.9
204-34-5321	UTILITY BILLING PRINTING	.00	12,215.63	20,308.00	8,092.37	60.2
204-34-5334	WATER TESTING	4,170.00	15,057.09	87,000.00	71,942.91	17.3
204-34-5339	ON-LINE UTILITY BILL PAY-FEES	2,499.43	15,235.37	28,500.00	13,264.63	53.5
204-34-5341	ELECTRICITY	10,470.10	41,992.09	97,500.00	55,507.91	43.1
204-34-5345	TELEPHONE SERVICE	69.56	415.26	700.00	284.74	59.3
204-34-5352	WATER RESOURCE LEGAL SERVICES	3,438.00	5,641.00	25,000.00	19,359.00	22.6
204-34-5353	WATER EFFICIENCY PROGRAM	.00	4,343.00	15,000.00	10,657.00	29.0
204-34-5356	PROFESSIONAL SERVICES	1,770.00	8,229.81	40,000.00	31,770.19	20.6
204-34-5363	R&M COMPUTER EQUIPMENT	6,195.02	6,195.02	2,500.00	(3,695.02)	247.8
204-34-5370	SAFETY WORKWEAR & EQUIPMENT	321.05	5,005.83	28,000.00	22,994.17	17.9
204-34-5380	PROFESSIONAL DEVELOPMENT	1,484.11	2,544.11	11,500.00	8,955.89	22.1
204-34-5384	INTERNET SERVICE	107.28	640.68	19,000.00	18,359.32	3.4
204-34-5422	SMALL TOOLS	199.99	1,086.42	9,500.00	8,413.58	11.4
204-34-5423	CONSTRUCTION MATERIAL	.00	.00	3,000.00	3,000.00	.0
204-34-5430	DISTRIBUTION SYS EMR REPAIR	.00	.00	15,000.00	15,000.00	.0
204-34-5433	R&M PLANT	2,636.23	15,237.72	100,000.00	84,762.28	15.2
204-34-5434	R&M DISTRIBUTION	4,491.58	12,004.31	80,000.00	67,995.69	15.0
204-34-5437	R&M SCADA	.00	4,882.50	25,000.00	20,117.50	19.5
204-34-5440	SLUDGE REMOVAL	.00	.00	125,000.00	125,000.00	.0
204-34-5455	LAB SUPPLIES	12.98	6,275.86	14,500.00	8,224.14	43.3
204-34-5512	INSURANCE-PROPERTY RELATED	36,626.00	36,626.00	25,649.00	(10,977.00)	142.8
204-34-5533	EQUIPMENT RENTAL	.00	25.00	2,500.00	2,475.00	1.0
204-34-5579	SOFTWARE SUBSCRIPTIONS	3,580.00	3,580.00	20,500.00	16,920.00	17.5
204-34-5593	NPIC WATER LEASE AGREEMENT	.00	9,683.10	3,035,000.00	3,025,316.90	.3
204-34-5597	RAW WATER FEES AND ASSESSMENTS	.00	15,123.00	30,000.00	14,877.00	50.4
204-34-5903	WATER METERS - NEW HOMES	.00	20,000.00	20,000.00	.00	100.0
204-34-5941	SAFETY & FIRST AID KITS	102.92	353.74	3,250.00	2,896.26	10.9
204-34-5969	LAB EQUIPMENT	.00	1,870.41	20,000.00	18,129.59	9.4
	TOTAL OPERATING	119,826.31	679,003.77	5,023,349.87	4,344,346.10	13.5
	DEBT SERVICE					
204-90-5630	2019 SRF LOAN D19AX116-PRINCIP	.00	545,989.00	1,091,978.00	545,989.00	50.0
204-90-5631	2019 SRF LOAN D19AX116-INTER.	.00	186,358.12	372,716.24	186,358.12	50.0
	TOTAL DEBT SERVICE	.00	732,347.12	1,464,694.24	732,347.12	50.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
TOTAL FUND EXPENDITURES	119,826.31	1,411,350.89	6,488,044.11	5,076,693.22	21.8
NET REVENUE OVER EXPENDITURES	821,621.11	7,930,361.48	3,715,768.89	(4,214,592.59)	213.4

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CONTRIBUTED CAPITAL					
205-02-3350	DEVELOPER SEWER FEE ESCROW	2,289.00	9,919.00	.00	(9,919.00)	.0
205-02-3446	TAP FEES	28,398.00	133,287.00	511,455.00	378,168.00	26.1
	TOTAL CONTRIBUTED CAPITAL	30,687.00	143,206.00	511,455.00	368,249.00	28.0
	OPERATING REVENUE					
205-03-3445	SEWER USER FEES	196,439.55	1,146,936.15	2,637,019.00	1,490,082.85	43.5
	TOTAL OPERATING REVENUE	196,439.55	1,146,936.15	2,637,019.00	1,490,082.85	43.5
	NON-OPERATING REVENUE					
205-04-3610	INVESTMENT EARNINGS	61,629.00	221,912.62	377,000.00	155,087.38	58.9
205-04-3650	BOND/LOAN PROCEEDS	2,030,271.66	9,869,107.38	17,365,002.00	7,495,894.62	56.8
205-04-3675	INTERGOVERNMENTAL GRANTS/LOANS	.00	.00	60,000.00	60,000.00	.0
	TOTAL NON-OPERATING REVENUE	2,091,900.66	10,091,020.00	17,802,002.00	7,710,982.00	56.7
205-09-3380	TRANS IN FROM GENERAL FUND	.00	.00	358,000.00	358,000.00	.0
	TOTAL SOURCE 09	.00	.00	358,000.00	358,000.00	.0
	TOTAL FUND REVENUE	2,319,027.21	11,381,162.15	21,308,476.00	9,927,313.85	53.4

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
205-34-5100	WAGES & SALARIES	17,814.11	211,039.26	471,037.01	259,997.75	44.8
205-34-5102	BENEFITS	7,384.59	80,329.65	138,956.90	58,627.25	57.8
205-34-5110	ON-CALL STIPEND	500.00	5,600.00	15,600.00	10,000.00	35.9
205-34-5221	CHEMICALS	.00	3,841.00	60,000.00	56,159.00	6.4
205-34-5228	PERMIT AND PROGRAM FEES	1,272.48	1,272.48	5,000.00	3,727.52	25.5
205-34-5231	FUEL, OIL & GREASE	215.76	2,087.75	10,000.00	7,912.25	20.9
205-34-5233	R&M- MACHINERY & EQUIP. PARTS	548.23	8,440.52	30,000.00	21,559.48	28.1
205-34-5241	SHOP SUPPLIES	37.31	765.30	1,500.00	734.70	51.0
205-34-5321	UTILITY BILLING PRINTING	.00	8,719.27	14,464.00	5,744.73	60.3
205-34-5339	ON-LINE UTILITY BILL PAY FEES	1,780.15	10,851.05	20,400.00	9,548.95	53.2
205-34-5341	ELECTRICITY	15,546.54	102,905.44	226,700.00	123,794.56	45.4
205-34-5342	WATER	3,847.50	3,847.50	2,000.00	(1,847.50)	192.4
205-34-5344	NATURAL GAS	436.68	5,070.51	16,000.00	10,929.49	31.7
205-34-5356	PROFESSIONAL SERVICES	.00	4,983.13	20,000.00	15,016.87	24.9
205-34-5363	R&M COMPUTER EQUIPMENT	1,136.07	1,136.07	5,000.00	3,863.93	22.7
205-34-5370	SAFETY WORKWEAR & EQUIPMENT	767.77	10,255.11	10,000.00	(255.11)	102.6
205-34-5380	PROFESSIONAL DEVELOPMENT	943.11	4,244.51	11,500.00	7,255.49	36.9
205-34-5384	INTERNET SERVICE	358.22	3,945.00	19,000.00	15,055.00	20.8
205-34-5422	SMALL TOOLS	.00	1,693.44	7,500.00	5,806.56	22.6
205-34-5423	CONSTRUCTION MATERIAL	.00	.00	3,000.00	3,000.00	.0
205-34-5431	R&M PUMPS	690.00	4,857.83	25,000.00	20,142.17	19.4
205-34-5432	R&M SCADA	1,114.50	6,067.50	25,000.00	18,932.50	24.3
205-34-5433	R&M PLANT	1,735.36	16,295.15	65,000.00	48,704.85	25.1
205-34-5434	R&M COLLECTIONS	66.44	6,400.23	15,000.00	8,599.77	42.7
205-34-5440	SLUDGE DISPOSAL	2,052.00	21,204.00	55,000.00	33,796.00	38.6
205-34-5455	LAB SUPPLIES	.00	1,644.65	6,500.00	4,855.35	25.3
205-34-5512	INSURANCE-PROPERTY RELATED	2,643.00	3,487.84	7,603.00	4,115.16	45.9
205-34-5533	EQUIPMENT RENTAL	.00	5.00	2,500.00	2,495.00	.2
205-34-5554	SEWER TESTING	4,272.65	15,054.25	45,000.00	29,945.75	33.5
205-34-5579	SOFTWARE SUBSCRIPTIONS & SUPP.	12,409.00	12,813.00	45,000.00	32,187.00	28.5
205-34-5941	SAFETY & FIRST AID KITS	83.40	572.74	3,000.00	2,427.26	19.1
205-34-5969	LAB EQUIPMENT	.00	25.90	7,000.00	6,974.10	.4
	TOTAL OPERATING	77,654.87	559,455.08	1,389,260.91	829,805.83	40.3
	DEBT SERVICE					
205-90-5618	2022 LOAN W22AX116 - PRINCIPAL	.00	468,472.00	936,944.00	468,472.00	50.0
205-90-5619	2022 LOAN W22AX116 - INTEREST	.00	702,615.02	1,405,230.00	702,614.98	50.0
205-90-5621	2022 GPR LOAN PRINCIPAL	.00	40,825.99	81,958.18	41,132.19	49.8
205-90-5622	2022 GPR LOAN INTEREST	.00	22,146.37	43,986.54	21,840.17	50.4
	TOTAL DEBT SERVICE	.00	1,234,059.38	2,468,118.72	1,234,059.34	50.0
	TOTAL FUND EXPENDITURES	77,654.87	1,793,514.46	3,857,379.63	2,063,865.17	46.5
	NET REVENUE OVER EXPENDITURES	2,241,372.34	9,587,647.69	17,451,096.37	7,863,448.68	54.9

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

DRAINAGE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CONTRIBUTED CAPITAL					
207-02-3451	TOW STRM DRN BP IMPACT	1,200.00	5,200.00	20,000.00	14,800.00	26.0
207-02-3453	AUTH STORM DRN BP IMPACT	1,320.00	5,720.00	22,000.00	16,280.00	26.0
	TOTAL CONTRIBUTED CAPITAL	2,520.00	10,920.00	42,000.00	31,080.00	26.0
	OPERATING REVENUE					
207-03-3449	TOW STORM DRAIN UTILITY FEES	23,360.95	137,743.45	270,400.00	132,656.55	50.9
207-03-3452	AUTH STORM DRAIN UTILITY FEES	35,435.03	209,315.01	403,322.00	194,006.99	51.9
	TOTAL OPERATING REVENUE	58,795.98	347,058.46	673,722.00	326,663.54	51.5
	MISCELLANEOUS REVENUE					
207-08-3364	GRANT	.00	.00	646,000.00	646,000.00	.0
207-08-3610	INVESTMENT EARNINGS	4,681.08	28,355.51	45,300.00	16,944.49	62.6
207-08-3690	MISCELLANEOUS REVENUE	.00	20.10	.00	(20.10)	.0
	TOTAL MISCELLANEOUS REVENUE	4,681.08	28,375.61	691,300.00	662,924.39	4.1
	TOTAL FUND REVENUE	65,997.06	386,354.07	1,407,022.00	1,020,667.93	27.5

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

DRAINAGE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
207-34-5231	FUEL, OIL & GREASE	.00	1,043.87	2,000.00	956.13	52.2
207-34-5321	UTILITY BILLING PRINTING SERV.	.00	3,018.27	5,228.00	2,209.73	57.7
207-34-5339	ON-LINE UTILITY BILL PAY-FEE	643.43	3,922.09	7,500.00	3,577.91	52.3
207-34-5341	ELECTRICITY	45.08	250.85	750.00	499.15	33.5
207-34-5356	PROFESSIONAL SERVICES	.00	.00	20,000.00	20,000.00	.0
207-34-5522	AUTHORITY UTILITIES PAYMENTS	.00	414,973.45	411,468.00	(3,505.45)	100.9
207-34-5524	AUTHORITY IMPACT FEES	.00	66,627.93	36,107.00	(30,520.93)	184.5
207-34-5533	EQUIPMENT RENTAL	.00	1,295.59	1,000.00	(295.59)	129.6
	TOTAL OPERATING	688.51	491,132.05	484,053.00	(7,079.05)	101.5
	TOTAL FUND EXPENDITURES	688.51	491,132.05	484,053.00	(7,079.05)	101.5
	NET REVENUE OVER EXPENDITURES	65,308.55	(104,777.98)	922,969.00	1,027,746.98	(11.4)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

CONSERVATION TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	MISCELLANEOUS REVENUE					
209-08-3610	INVESTMENT EARNINGS	3,067.36	18,579.52	.00	(18,579.52)	.0
	TOTAL MISCELLANEOUS REVENUE	3,067.36	18,579.52	.00	(18,579.52)	.0
	TOTAL FUND REVENUE	3,067.36	18,579.52	.00	(18,579.52)	.0
	NET REVENUE OVER EXPENDITURES	3,067.36	18,579.52	.00	(18,579.52)	.0

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	TAX REVENUE					
210-01-3130	SALES TAX	42,880.44	274,668.49	624,150.00	349,481.51	44.0
210-01-3315	MOTOR VEHICLE USE TAX	16,112.00	86,649.04	218,500.00	131,850.96	39.7
210-01-3700	OPEN SPACE SALES TAX	33,110.47	197,118.23	422,300.00	225,181.77	46.7
	TOTAL TAX REVENUE	92,102.91	558,435.76	1,264,950.00	706,514.24	44.2
	BUILDING PERMITS					
210-02-3381	TRAIL IMPACT FEE	1,350.00	5,850.00	22,500.00	16,650.00	26.0
210-02-3620	BP PARK IMPACT FEE	3,000.00	13,000.00	50,000.00	37,000.00	26.0
	TOTAL BUILDING PERMITS	4,350.00	18,850.00	72,500.00	53,650.00	26.0
	RECREATION PROGRAM FEES					
210-05-3174	FIELD RENTALS	2,860.00	3,002.00	.00	(3,002.00)	.0
210-05-3175	RECREATION FEES	106,936.50	108,317.50	63,800.00	(44,517.50)	169.8
210-05-3177	BATTING CAGES FEES/SALES	1,082.00	1,082.00	.00	(1,082.00)	.0
	TOTAL RECREATION PROGRAM FEES	110,878.50	112,401.50	63,800.00	(48,601.50)	176.2
	MISCELLANEOUS REVENUE					
210-08-3610	INVESTMENT EARNINGS	12,245.36	74,353.06	116,700.00	42,346.94	63.7
210-08-3623	CASH-IN-LIEU OF PUBLIC LANDS	.00	87,500.00	.00	(87,500.00)	.0
210-08-3910	SALE OF ASSETS	.00	1,734.85	.00	(1,734.85)	.0
	TOTAL MISCELLANEOUS REVENUE	12,245.36	163,587.91	116,700.00	(46,887.91)	140.2
	TOTAL FUND REVENUE	219,576.77	853,275.17	1,517,950.00	664,674.83	56.2

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
210-34-5100	WAGES & SALARIES	8,489.83	101,020.26	269,764.28	168,744.02	37.5
210-34-5101	SEASONALS	.00	7,037.00	33,000.00	25,963.00	21.3
210-34-5102	BENEFITS	4,395.79	35,409.22	54,485.21	19,075.99	65.0
210-34-5110	ON-CALL STIPEND	200.00	2,600.00	5,200.00	2,600.00	50.0
210-34-5111	VANDALISM	.00	53.48	1,000.00	946.52	5.4
210-34-5112	HORTICULTURE	.00	1,888.56	5,000.00	3,111.44	37.8
210-34-5221	POND CHEMICALS	.00	.00	5,200.00	5,200.00	.0
210-34-5231	FUEL, OIL & GREASE	1,695.09	5,731.27	6,200.00	468.73	92.4
210-34-5233	R&M- MACHINERY & EQUIP. PARTS	984.44	10,678.12	18,500.00	7,821.88	57.7
210-34-5237	IRRIG. SYS. SUPPLIES/REPAIRS	16,004.28	33,424.40	40,000.00	6,575.60	83.6
210-34-5239	WELLS & WELL HOUSES	.00	.00	11,000.00	11,000.00	.0
210-34-5241	SHOP SUPPLIES	.00	1,544.01	2,300.00	755.99	67.1
210-34-5252	TREE REPLACEMENT & TRIMMING	5,110.00	14,894.50	36,000.00	21,105.50	41.4
210-34-5253	TREE SPRAYING	.00	5,790.00	30,300.00	24,510.00	19.1
210-34-5254	PARKS PLAYGROUND & GENERAL R&M	2,445.34	17,446.62	35,000.00	17,553.38	49.9
210-34-5256	SPLASH PAD CHEMICALS	392.15	392.15	1,100.00	707.85	35.7
210-34-5341	IRRIGATION ELECTRICITY	705.55	1,339.98	8,900.00	7,560.02	15.1
210-34-5342	WATER	19,589.90	19,589.90	38,000.00	18,410.10	51.6
210-34-5343	SEWER	301.94	301.94	1,600.00	1,298.06	18.9
210-34-5344	NATURAL GAS	63.79	377.29	2,000.00	1,622.71	18.9
210-34-5346	STORM DRAINAGE	547.83	547.83	2,800.00	2,252.17	19.6
210-34-5356	PROFESSIONAL SERVICES	.00	981.55	3,500.00	2,518.45	28.0
210-34-5365	TOILET RENTAL	1,941.94	11,187.49	20,000.00	8,812.51	55.9
210-34-5366	SERVICES - PARKS & LAWN CARE	.00	33,836.00	82,000.00	48,164.00	41.3
210-34-5370	SAFETY WORKWEAR & EQUIPMENT	.00	665.14	1,600.00	934.86	41.6
210-34-5372	UNIFORMS	.00	233.99	2,750.00	2,516.01	8.5
210-34-5380	PROFESSIONAL DEVELOPMENT	469.00	2,093.00	5,000.00	2,907.00	41.9
210-34-5397	WEED CONTROL	.00	.00	250.00	250.00	.0
210-34-5422	SMALL TOOLS	752.91	3,450.34	4,650.00	1,199.66	74.2
210-34-5423	SAND, GRAVEL, MULCH	.00	11,392.41	13,000.00	1,607.59	87.6
210-34-5512	INSURANCE-PROPERTY RELATED	12,249.00	12,249.00	25,757.00	13,508.00	47.6
210-34-5533	EQUIPMENT RENTAL	964.35	964.35	3,000.00	2,035.65	32.2
210-34-5562	COUNTY CLERK FEES	.00	.00	7,000.00	7,000.00	.0
210-34-5941	SAFETY SUPPLIES & EQUIPMENT	1,970.09	2,665.68	10,000.00	7,334.32	26.7
210-34-5942	MINOR PARK IMPROVEMENTS	4,378.30	4,512.50	65,000.00	60,487.50	6.9
	TOTAL OPERATING	83,651.52	344,297.98	850,856.49	506,558.51	40.5

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	RECREATION					
210-51-5100	WAGES & SALARIES	11,987.16	105,184.55	241,941.52	136,756.97	43.5
210-51-5101	SEASONALS	5,736.97	34,323.19	91,000.00	56,676.81	37.7
210-51-5102	BENEFITS	4,437.30	40,762.01	62,038.61	21,276.60	65.7
210-51-5110	ON-CALL STIPEND	200.00	1,800.00	5,200.00	3,400.00	34.6
210-51-5130	START SMART BASEBALL	.00	.00	800.00	800.00	.0
210-51-5131	START SMART BASKETBALL	.00	.00	640.00	640.00	.0
210-51-5132	START SMART FLAG FOOTBALL	.00	.00	960.00	960.00	.0
210-51-5133	START SMART SOCCER	.00	.00	1,800.00	1,800.00	.0
210-51-5135	YOUTH SPORTS APPAREL	.00	4,088.56	5,100.00	1,011.44	80.2
210-51-5140	YOUTH SOCCER	20.00	919.37	4,470.00	3,550.63	20.6
210-51-5142	YOUTH FOOTBALL	6.50	683.91	1,500.00	816.09	45.6
210-51-5144	YOUTH BASEBALL	394.20	1,027.81	12,850.00	11,822.19	8.0
210-51-5145	YOUTH SOFTBALL	.00	1,702.17	2,900.00	1,197.83	58.7
210-51-5146	YOUTH BASKETBALL	.00	.00	1,025.00	1,025.00	.0
210-51-5148	YOUTH VOLLEYBALL	36.80	130.29	1,800.00	1,669.71	7.2
210-51-5149	YOUTH TENNIS	.00	.00	500.00	500.00	.0
210-51-5157	ADULT BASKETBALL	.00	.00	800.00	800.00	.0
210-51-5158	ADULT KICKBALL	.00	.00	500.00	500.00	.0
210-51-5161	ADULT TENNIS	.00	.00	500.00	500.00	.0
210-51-5162	ADULT SOFTBALL	263.13	1,768.35	5,950.00	4,181.65	29.7
210-51-5164	ADULT VOLLEYBALL	.00	.00	1,350.00	1,350.00	.0
210-51-5165	NCSO REFEREES ADMIN FEE	.00	4,375.00	8,000.00	3,625.00	54.7
210-51-5166	INSTRUCTOR/OFFICIAL FEES	3,020.00	9,931.00	32,000.00	22,069.00	31.0
210-51-5168	COMPUTER EQUIP./SOFTWARE	2,693.00	10,054.50	21,000.00	10,945.50	47.9
210-51-5181	REC. PROG. SUPPLIES/EXP.	329.50	5,641.17	16,000.00	10,358.83	35.3
210-51-5183	BATTING CAGES - MAINT. & OPER.	10,178.70	10,278.70	11,000.00	721.30	93.4
210-51-5185	BALL FIELD/CAGE ELECTRICITY	2,421.13	7,838.55	15,000.00	7,161.45	52.3
210-51-5186	INFIELD MIX	.00	.00	13,500.00	13,500.00	.0
210-51-5190	YOGA CLASSES	9.48	135.84	500.00	364.16	27.2
210-51-5223	OPERATING SUPPLIES	39.96	688.84	3,100.00	2,411.16	22.2
210-51-5335	DUES & SUBSCRIPTIONS	.00	2,590.00	1,800.00	(790.00)	143.9
210-51-5372	STAFF UNIFORMS	1,205.88	2,438.47	2,750.00	311.53	88.7
210-51-5380	PROFESSIONAL DEVELOPMENT	1,247.00	1,455.00	5,000.00	3,545.00	29.1
210-51-5392	GYM RENTAL	.00	4,239.00	15,000.00	10,761.00	28.3
210-51-5401	MARKETING SERVICES	.00	675.52	15,000.00	14,324.48	4.5
	TOTAL RECREATION	44,226.71	252,731.80	603,275.13	350,543.33	41.9
	DEBT SERVICE					
210-90-5630	WCP - PRINCIPAL	21,622.68	129,182.11	252,000.00	122,817.89	51.3
210-90-5632	WCP - INTEREST	832.31	5,547.83	17,460.00	11,912.17	31.8
	TOTAL DEBT SERVICE	22,454.99	134,729.94	269,460.00	134,730.06	50.0
	TOTAL FUND EXPENDITURES	150,333.22	731,759.72	1,723,591.62	991,831.90	42.5

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

PARK FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
NET REVENUE OVER EXPENDITURES	69,243.55	121,515.45	(205,641.62)	(327,157.07)	59.1

CAPITAL PROJECTS FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CAPITAL EXPENDITURES					
211-80-4006	OLD TOWN STREET REPAIRS	.00	.00	530,250.00	530,250.00	.0
211-80-4007	NEWER SUBDIVISON SEAL COAT	.00	.00	188,445.00	188,445.00	.0
211-80-4009	PAVEMENT STUDY	.00	.00	75,000.00	75,000.00	.0
211-80-4010	WATER PLANT EXPANSION CONSTRUC	36,990.61	6,736,719.12	15,109,347.00	8,372,627.88	44.6
211-80-4014	WILSON WELL IMPROVEMENTS	4,554.00	4,554.00	60,000.00	55,446.00	7.6
211-80-4015	BULK WATER DISPENSER	(393.49)	8,817.81	16,890.00	8,072.19	52.2
211-80-4022	NANO PLANT EXPANSION	.00	.00	20,000.00	20,000.00	.0
211-80-4038	OLD TOWN STREET REPAIR	.00	.00	69,615.00	69,615.00	.0
211-80-4039	STORM DRAIN & PAN REPLACEMENTS	.00	.00	38,933.00	38,933.00	.0
211-80-4054	TRACT F	.00	985.59	75,000.00	74,014.41	1.3
211-80-4061	WWTP EXPANSION DESIGN	.00	354,185.52	944,326.00	590,140.48	37.5
211-80-4065	B-DAMS IMPROVEMENT	.00	113,534.00	113,534.00	.00	100.0
211-80-4068	REPLACE SOFT TRAILS	.00	.00	20,000.00	20,000.00	.0
211-80-4083	WWTP EXPANSION CONSTRUCTION	4,062,421.32	8,161,485.51	19,759,011.00	11,597,525.49	41.3
211-80-4089	VIEWPOINT LIFT STATION UPGRADE	.00	2,498.24	60,000.00	57,501.76	4.2
211-80-4091	SEWER OVER - SIZING REIM	.00	.00	30,520.00	30,520.00	.0
211-80-5001	VEHICLE REPLACEMENT	.00	28,937.50	28,937.50	.00	100.0
211-80-5022	CLEVELAND AVE IMPROVEMENTS	10,217.80	49,449.70	1,174,000.00	1,124,550.30	4.2
211-80-5024	TRANSPORTATION MASTER PLAN	.00	.00	160,000.00	160,000.00	.0
211-80-5025	ROAD REIMBURSEMENT-RR	.00	.00	208,800.00	208,800.00	.0
211-80-5027	BOX ELDER CREEK	2,335.50	19,885.00	30,845.00	10,960.00	64.5
211-80-5028	OUTFALL FOR CLEVELAND AVE IMP	.00	.00	646,000.00	646,000.00	.0
211-80-5030	2 MG TANK COATING	177,196.98	644,778.59	1,205,112.00	560,333.41	53.5
211-80-5032	PRE-TREATMENT FACILITY - SECUR	.00	.00	115,000.00	115,000.00	.0
211-80-5035	WATER SOURCE DEV PLAN	.00	.00	200,000.00	200,000.00	.0
211-80-5036	WATER PURCHASES	.00	.00	2,500,000.00	2,500,000.00	.0
211-80-5038	ADA COMMUNITY IMPROVEMENTS	(1,199.00)	.00	.00	.00	.0
211-80-5039	SPLASHPAD CHEMIICAL ROOM UPGRA	3,508.71	4,330.92	35,000.00	30,669.08	12.4
211-80-5041	SCADA TELEMETRY SYSTEM UPGRADE	.00	.00	40,000.00	40,000.00	.0
211-80-5042	PLC UPGRADES	.00	.00	105,000.00	105,000.00	.0
211-80-5043	ORBAL SYSTEM REHABILITATION	.00	.00	831,600.00	831,600.00	.0
211-80-5044	ROOF REPLACE FOR EXISTING BLDG	.00	.00	70,000.00	70,000.00	.0
211-80-5045	GATOR WITH PLOW	.00	.00	35,000.00	35,000.00	.0
211-80-5046	VEHICLE REPLACEMENT	.00	59,767.00	60,000.00	233.00	99.6
211-80-5047	SNOW MATERIAL STORAGE FACILITY	.00	.00	48,000.00	48,000.00	.0
211-80-5048	LIQUID DE-ICING EQUIPMENT	.00	15,475.75	18,000.00	2,524.25	86.0
211-80-5049	SHOP AIR CONDITIONER	.00	4,554.00	6,500.00	1,946.00	70.1
211-80-5050	ELEVATOR IN MUNI BLDG	.00	.00	85,000.00	85,000.00	.0
211-80-5051	HOUSING NEEDS	.00	.00	70,000.00	70,000.00	.0
211-80-5052	ADA COMMUNITY IMPROVEMENTS	1,199.00	3,341.00	20,000.00	16,659.00	16.7
211-80-5053	WCP POURED IN PLACE BORDER REP	.00	.00	10,000.00	10,000.00	.0
211-80-5054	PARK MEADOWS SOLAR	.00	.00	15,000.00	15,000.00	.0
211-80-5055	ADA FISHING PIER	.00	.00	50,000.00	50,000.00	.0
211-80-5056	USED GROUNDMASTER MOWER	.00	.00	80,000.00	80,000.00	.0
	TOTAL CAPITAL EXPENDITURES	4,296,831.43	16,213,299.25	44,958,665.50	28,745,366.25	36.1
	TOTAL FUND EXPENDITURES	4,296,831.43	16,213,299.25	44,958,665.50	28,745,366.25	36.1

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
NET REVENUE OVER EXPENDITURES	(4,296,831.43)	(16,213,299.25)	(44,958,665.50)	(28,745,366.25)	(36.1)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2024

LIBRARY TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	BUILDING PERMITS					
255-02-3372	LIBRARY IMPACT FEES	750.00	3,250.00	.00	(3,250.00)	.0
	TOTAL BUILDING PERMITS	750.00	3,250.00	.00	(3,250.00)	.0
	TOTAL FUND REVENUE	750.00	3,250.00	.00	(3,250.00)	.0
	NET REVENUE OVER EXPENDITURES	750.00	3,250.00	.00	(3,250.00)	.0

Board of Trustees Meeting

Date: **October 22, 2024**
Subject: **Treasurer's Report (July 2024)**

BACKGROUND / DISCUSSION

The Treasurer's Report for July 2024 was delayed due to a delay in revenue reporting and Finance Department staff transition. The Treasurer's Report for July 2024 is now finalized and is enclosed for review.

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. Treasurer's Report (July 2024)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	TAX REVENUE					
201-01-3110	PROPERTY TAXES	.00	.00	2,086,000.00	2,086,000.00	.0
201-01-3130	SALES TAX	204,757.08	1,425,566.81	2,774,000.00	1,348,433.19	51.4
201-01-3135	SEVERANCE TAX	.00	.00	108,000.00	108,000.00	.0
201-01-3140	USE TAX - BUILDING MATERIALS	18,081.95	132,820.04	461,152.00	328,331.96	28.8
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
	TOTAL TAX REVENUE	237,494.21	1,613,992.33	5,436,152.00	3,822,159.67	29.7
	BUILDING PERMITS					
201-02-3155	TOWN PLAN REVIEW FEES	1,140.00	7,955.00	55,356.00	47,401.00	14.4
201-02-3430	COUNTY TAX VENDORS FEE	160.73	1,180.63	3,933.00	2,752.37	30.0
201-02-3435	FIRE DEPT. VENDOR FEE	.00	.00	2,358.00	2,358.00	.0
201-02-3450	BLDG. ADMIN. FEE	1,425.28	9,578.69	43,265.00	33,686.31	22.1
201-02-3462	BLDG. INSPECTION FEES	15,239.31	107,885.08	326,924.00	219,038.92	33.0
	TOTAL BUILDING PERMITS	17,965.32	126,599.40	431,836.00	305,236.60	29.3
	FRANCHISE FEES					
201-03-3160	FRANCHISE FEE-ELECTRICITY	3,200.60	90,101.15	193,000.00	102,898.85	46.7
201-03-3170	FRANCHISE FEE-NATURAL GAS	1,666.67	11,666.69	17,000.00	5,333.31	68.6
201-03-3180	FRANCHISE FEE-TELEPHONE	11.04	26,384.95	.00	(26,384.95)	.0
201-03-3190	FRANCHISE FEE-CABLE TELEVISION	1.70	1.70	25,000.00	24,998.30	.0
	TOTAL FRANCHISE FEES	4,880.01	128,154.49	235,000.00	106,845.51	54.5
	LICENSES & PERMITS					
201-04-3200	BUSINESS LICENSE	100.00	100.00	.00	(100.00)	.0
201-04-3210	LIQUOR LICENSE	323.75	2,150.00	.00	(2,150.00)	.0
201-04-3220	CONTRACTOR LICENSE	1,000.00	15,050.00	19,000.00	3,950.00	79.2
	TOTAL LICENSES & PERMITS	1,423.75	17,300.00	19,000.00	1,700.00	91.1
	FEES FOR SERVICE					
201-05-3420	LAND USE FEES	.00	4,662.00	81,500.00	76,838.00	5.7
201-05-3460	GENERAL CHARGES FOR SERVICES	.00	10,125.00	.00	(10,125.00)	.0
201-05-3510	COMMUNITY CENTER USER FEES	(95.00)	1,380.00	3,000.00	1,620.00	46.0
201-05-3520	WEED / REFUSE REMOVAL	650.00	1,621.25	.00	(1,621.25)	.0
	TOTAL FEES FOR SERVICE	555.00	17,788.25	84,500.00	66,711.75	21.1

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	FINES & PENALTIES					
201-06-3550	COURT FINES & COSTS	734.00	11,432.27	20,000.00	8,567.73	57.2
201-06-3555	LCSO ADMINISTRATIVE FEES	80.00	640.00	1,500.00	860.00	42.7
	TOTAL FINES & PENALTIES	814.00	12,072.27	21,500.00	9,427.73	56.2
	CEMETERY REVENUES					
201-07-3470	CEMETERY-GRAVE OPENINGS	200.00	5,600.00	.00	(5,600.00)	.0
201-07-3480	CEMETERY-PERPETUAL CARE	75.00	2,175.00	.00	(2,175.00)	.0
201-07-3490	CEMETERY-SALE OF LOTS	375.00	9,025.00	9,500.00	475.00	95.0
	TOTAL CEMETERY REVENUES	650.00	16,800.00	9,500.00	(7,300.00)	176.8
	MISCELLANEOUS REVENUE					
201-08-3350	GRANTS	.00	.00	52,500.00	52,500.00	.0
201-08-3351	GRANTS - JULY 4TH CELEBRATION	.00	1,500.00	.00	(1,500.00)	.0
201-08-3354	GRANTS - LIBRARY	.00	7,921.00	.00	(7,921.00)	.0
201-08-3355	INVESTMENT EARNINGS - LIBRARY	2,156.72	14,708.02	22,000.00	7,291.98	66.9
201-08-3373	LIBRARY CONTRIB./FINES/MISC.	537.51	7,535.17	3,500.00	(4,035.17)	215.3
201-08-3610	INVESTMENT EARNINGS-GENERAL	34,726.16	236,819.15	356,000.00	119,180.85	66.5
201-08-3620	CARRYOUT BAG FEE	807.00	807.00	.00	(807.00)	.0
201-08-3630	CAR SHOW REVENUE	40.00	580.00	.00	(580.00)	.0
201-08-3690	MISCELLANEOUS REVENUE	(739.86)	5,805.27	5,000.00	(805.27)	116.1
201-08-3910	SALE OF ASSETS	.00	78.01	.00	(78.01)	.0
	TOTAL MISCELLANEOUS REVENUE	37,527.53	275,753.62	439,000.00	163,246.38	62.8
	TOTAL FUND REVENUE	301,309.82	2,208,460.36	6,676,488.00	4,468,027.64	33.1

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	LEGISLATIVE					
201-11-5102	BENEFITS	70.65	494.55	910.00	415.45	54.4
201-11-5107	ELECTED OFFICIAL COMPENSATION	900.00	6,300.00	10,800.00	4,500.00	58.3
201-11-5192	COMMUNITY EVENTS	31,345.55	85,392.02	98,820.00	13,427.98	86.4
201-11-5214	OFFICE SUPPLIES	1.95	681.07	700.00	18.93	97.3
201-11-5321	PRINTING SERVICES	.00	203.00	.00	(203.00)	.0
201-11-5335	DUES & SUBSCRIPTIONS	350.00	5,570.00	5,114.00	(456.00)	108.9
201-11-5352	MUNICIPAL LEGAL SERVICES	3,264.00	27,183.00	40,000.00	12,817.00	68.0
201-11-5363	R&M COMPUTER/OFFICE EQUIPMENT	.00	1,263.85	4,000.00	2,736.15	31.6
201-11-5380	PROFESSIONAL DEVELOPMENT	466.31	3,095.77	4,550.00	1,454.23	68.0
201-11-5951	BOARD DISCRETIONARY FUND	.00	10,000.00	30,000.00	20,000.00	33.3
201-11-5952	HARDSHIP UTILITY GRANT	.00	2,570.02	12,000.00	9,429.98	21.4
	TOTAL LEGISLATIVE	36,398.46	142,753.28	206,894.00	64,140.72	69.0
	JUDICIAL					
201-12-5109	MAGISTRATE	750.00	3,750.00	9,000.00	5,250.00	41.7
201-12-5214	OFFICE SUPPLIES	.00	86.90	500.00	413.10	17.4
201-12-5359	PROSECUTING ATTORNEY	977.13	7,037.13	12,000.00	4,962.87	58.6
201-12-5380	PROFESSIONAL DEVELOPMENT	.00	672.18	1,500.00	827.82	44.8
201-12-5394	JURY FEES	.00	.00	1,000.00	1,000.00	.0
201-12-5498	COURT APPOINTED COUNSEL	.00	.00	1,000.00	1,000.00	.0
201-12-5499	TRANSLATOR FEES	.00	225.00	500.00	275.00	45.0
	TOTAL JUDICIAL	1,727.13	11,771.21	25,500.00	13,728.79	46.2
	ADMINISTRATION					
201-13-5100	WAGES & SALARIES	44,111.48	289,617.43	582,960.79	293,343.36	49.7
201-13-5102	BENEFITS	11,478.63	73,954.76	125,904.17	51,949.41	58.7
201-13-5214	OFFICE SUPPLIES	.00	90.05	1,500.00	1,409.95	6.0
201-13-5335	DUES & SUBSCRIPTION	.00	2,066.33	8,500.00	6,433.67	24.3
201-13-5352	LEGAL SERVICES	5,255.00	28,134.37	65,000.00	36,865.63	43.3
201-13-5356	PROFESSIONAL SERVICES	9,334.00	9,481.51	30,000.00	20,518.49	31.6
201-13-5363	R&M COMPUTER/OFFICE EQUIPMENT	30.99	1,581.01	7,000.00	5,418.99	22.6
201-13-5380	PROFESSIONAL DEVELOPMENT	.00	1,728.10	10,500.00	8,771.90	16.5
201-13-5496	COMMUNICATIONS DIVISION	128.12	4,254.03	16,460.00	12,205.97	25.8
201-13-5933	WELLINGTON SENIOR RESOURCE CEN	484.26	10,640.93	10,900.00	259.07	97.6
201-13-5934	OPIOID SETTLEMENT REDIRECTION	.00	6,453.87	.00	(6,453.87)	.0
	TOTAL ADMINISTRATION	70,822.48	428,002.39	858,724.96	430,722.57	49.8

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	FINANCE					
201-14-5100	WAGES & SALARIES	27,677.93	134,136.89	282,244.80	148,107.91	47.5
201-14-5102	BENEFITS	9,470.11	44,438.10	69,935.92	25,497.82	63.5
201-14-5214	OFFICE SUPPLIES	32.44	403.00	1,000.00	597.00	40.3
201-14-5311	POSTAGE	35.79	2,696.49	1,800.00	(896.49)	149.8
201-14-5335	DUES AND SUBSCRIPTIONS	499.00	894.00	2,000.00	1,106.00	44.7
201-14-5353	ACCOUNTING & AUDITING	.00	12,000.00	68,300.00	56,300.00	17.6
201-14-5356	PROFESSIONAL SERVICES	.00	78,307.88	90,000.00	11,692.12	87.0
201-14-5363	R&M COMPUTER/OFFICE EQUIP	.00	314.75	2,000.00	1,685.25	15.7
201-14-5380	PROFESSIONAL DEVELOPMENT	303.83	2,385.73	8,500.00	6,114.27	28.1
201-14-5381	MILEAGE REIMBURSEMENT	.00	.00	200.00	200.00	.0
201-14-5510	INSURANCE & BONDS	4,837.91	126,097.00	158,655.10	32,558.10	79.5
201-14-5640	PAYING AGENT FEES	.00	500.00	500.00	.00	100.0
201-14-5950	DOCUMENT SHREDDING	.00	25.00	200.00	175.00	12.5
201-14-5960	OVER/SHORT	(12,585.13)	(2,731.60)	.00	2,731.60	.0
	TOTAL FINANCE	30,271.88	399,467.24	685,335.82	285,868.58	58.3
	TOWN CLERK					
201-15-5100	WAGES & SALARIES	16,177.60	101,655.58	183,380.00	81,724.42	55.4
201-15-5102	BENEFITS	3,140.63	27,048.33	38,657.52	11,609.19	70.0
201-15-5214	OFFICE SUPPLIES	.00	235.18	1,500.00	1,264.82	15.7
201-15-5331	PUBLISHING & LEGAL NOTICES	43.02	540.91	4,500.00	3,959.09	12.0
201-15-5335	DUES & SUBSCRIPTIONS	.00	.00	826.00	826.00	.0
201-15-5356	PROFESSIONAL SERVICES	.00	676.00	4,000.00	3,324.00	16.9
201-15-5363	R&M COMPUTER/OFFICE EQUIP.	.00	254.94	3,500.00	3,245.06	7.3
201-15-5380	PROFESSIONAL DEVELOPMENT	.00	.00	4,000.00	4,000.00	.0
201-15-5414	ELECTION EXPENSES	.00	27,701.08	32,000.00	4,298.92	86.6
201-15-5530	CODE REVIEW & UPDATE	.00	.00	5,000.00	5,000.00	.0
	TOTAL TOWN CLERK	19,361.25	158,112.02	277,363.52	119,251.50	57.0

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	HUMAN RESOURCES					
201-16-5100	WAGES & SALARIES	15,330.72	102,208.40	198,906.80	96,698.40	51.4
201-16-5102	BENEFITS	5,087.87	33,051.57	48,008.29	14,956.72	68.9
201-16-5103	TEMPORARY EMPLOYMENT SERVICES	.00	.00	10,000.00	10,000.00	.0
201-16-5214	OFFICE SUPPLIES	.00	68.50	500.00	431.50	13.7
201-16-5226	EXECUTIVE SEARCH	.00	.00	29,000.00	29,000.00	.0
201-16-5335	DUES & SUBSCRIPTIONS	.00	8,144.00	8,000.00	(144.00)	101.8
201-16-5356	PROFESSIONAL FEES	5,411.00	11,323.00	21,000.00	9,677.00	53.9
201-16-5363	R&M COMPUTER/OFFICE EQUIP.	.00	79.97	1,500.00	1,420.03	5.3
201-16-5380	PROFESSIONAL DEVELOPMENT	.00	.00	7,000.00	7,000.00	.0
201-16-5580	EMPLOYEE DRUG TESTING	.00	345.43	2,000.00	1,654.57	17.3
201-16-5582	EMPLOYEE RELATIONS	200.00	2,532.67	20,000.00	17,467.33	12.7
201-16-5583	BACKGROUND CHECK	.00	2,157.50	2,500.00	342.50	86.3
201-16-5948	EMPLOYEE APPAREL	234.65	814.29	1,500.00	685.71	54.3
201-16-5949	EMPLOYEE ADVERTISING	.00	694.06	1,000.00	305.94	69.4
	TOTAL HUMAN RESOURCES	26,264.24	161,419.39	350,915.09	189,495.70	46.0
	INFORMATION TECHNOLOGY					
201-17-5100	WAGES & SALARIES	.00	.00	75,000.00	75,000.00	.0
201-17-5102	BENEFITS	.00	.00	19,839.36	19,839.36	.0
201-17-5214	OFFICE SUPPLIES	.00	.00	1,000.00	1,000.00	.0
201-17-5345	TELEPHONE SERVICES	4,200.91	29,227.96	51,480.00	22,252.04	56.8
201-17-5357	PROFESSIONAL FEES	5,865.00	41,428.75	60,000.00	18,571.25	69.1
201-17-5363	R&M COMPUTER/OFFICE EQUIP.	.00	.00	7,500.00	7,500.00	.0
201-17-5380	PROFESSIONAL DEVELOPMENT	.00	.00	750.00	750.00	.0
201-17-5381	MILEAGE REIMBURSEMENT	.00	.00	50.00	50.00	.0
201-17-5384	INTERNET SERVICES	5,146.09	21,187.72	50,000.00	28,812.28	42.4
201-17-5579	SOFTWARE LICENSE/SUPPORT	10,830.25	59,346.73	180,800.00	121,453.27	32.8
201-17-5585	WEBSITE MAINTENANCE	.00	1,950.40	15,480.00	13,529.60	12.6
201-17-5947	COPIER EXPENSE	2,064.82	6,415.11	10,000.00	3,584.89	64.2
	TOTAL INFORMATION TECHNOLOGY	28,107.07	159,556.67	471,899.36	312,342.69	33.8

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	PLANNING AND ZONING					
201-18-5100	WAGES & SALARIES	36,376.30	298,543.66	656,543.97	358,000.31	45.5
201-18-5102	BENEFITS	9,409.47	81,930.95	130,024.05	48,093.10	63.0
201-18-5214	OFFICE SUPPLIES	502.92	3,189.62	3,500.00	310.38	91.1
201-18-5231	FUEL, OIL, GREASE	88.97	389.62	6,500.00	6,110.38	6.0
201-18-5233	VEHICLE R&M	18.95	238.22	3,000.00	2,761.78	7.9
201-18-5331	RECORDING & LEGAL PUBLISHING	.00	122.79	2,500.00	2,377.21	4.9
201-18-5335	DUES & SUBSCRIPTIONS	26.66	71.66	2,157.50	2,085.84	3.3
201-18-5350	BUILDING INSP. FEE REMITTANCE	9,044.89	63,853.65	300,000.00	236,146.35	21.3
201-18-5355	REIMBURSABLE SERVICES	1,136.00	3,576.00	30,000.00	26,424.00	11.9
201-18-5356	PROFESSIONAL SERVICES	956.10	2,181.45	30,000.00	27,818.55	7.3
201-18-5363	R&M COMPUTER/OFFICE EQUIP	681.96	2,474.36	4,150.00	1,675.64	59.6
201-18-5370	SAFETY SUPPLIES & EQUIPMENT	.00	.00	270.00	270.00	.0
201-18-5372	UNIFORMS	.00	.00	375.00	375.00	.0
201-18-5374	NOCO HUMANE	1,641.17	11,488.19	19,694.00	8,205.81	58.3
201-18-5375	PROTECTIVE INSP. EQUIPMENT	.00	.00	200.00	200.00	.0
201-18-5380	PROFESSIONAL DEVELOPMENT	375.00	1,941.20	8,242.43	6,301.23	23.6
	TOTAL PLANNING AND ZONING	60,258.39	470,001.37	1,197,156.95	727,155.58	39.3
	LAW ENFORCEMENT					
201-21-5364	LCSO CONTRACT	494,905.03	989,810.06	1,979,620.00	989,809.94	50.0
	TOTAL LAW ENFORCEMENT	494,905.03	989,810.06	1,979,620.00	989,809.94	50.0
	PUBLIC WORKS					
201-34-5100	WAGES & SALARIES	61,014.11	407,567.94	858,465.72	450,897.78	47.5
201-34-5102	BENEFITS	15,409.98	104,149.95	154,966.64	50,816.69	67.2
201-34-5231	FUEL, OIL & GREASE	1,832.19	16,084.49	24,000.00	7,915.51	67.0
201-34-5233	R&M- MACHINERY & EQUIP. PARTS	2,874.45	31,720.73	40,000.00	8,279.27	79.3
201-34-5241	SHOP SUPPLIES	1,583.82	1,689.39	2,000.00	310.61	84.5
201-34-5329	HOA FEES	.00	.00	1,000.00	1,000.00	.0
201-34-5335	DUES & SUBSCRIPTIONS	.00	200.00	4,500.00	4,300.00	4.4
201-34-5356	PROFESSIONAL SERVICES	2,500.00	2,500.00	40,000.00	37,500.00	6.3
201-34-5363	R&M COMPUTER/OFFICE EQUIP.	57.10	8,194.40	7,500.00	(694.40)	109.3
201-34-5370	SAFETY WORKWEAR & EQUIPMENT	.00	1,943.01	1,400.00	(543.01)	138.8
201-34-5372	UNIFORMS	(67.88)	18,322.82	15,000.00	(3,322.82)	122.2
201-34-5380	PROFESSIONAL DEVELOPMENT	.00	3,444.53	15,310.00	11,865.47	22.5
201-34-5422	SMALL TOOLS	.00	.00	1,000.00	1,000.00	.0
201-34-5456	MOSQUITO CONTROL	3,800.00	8,937.69	25,300.00	16,362.31	35.3
201-34-5512	INSURANCE-PROPERTY RELATED	.00	26,128.00	31,969.00	5,841.00	81.7
201-34-5533	EQUIPMENT RENTAL	.00	259.08	.00	(259.08)	.0
201-34-5579	SOFTWARE SUBSCRIPTIONS	.00	5,658.79	15,000.00	9,341.21	37.7
201-34-5941	PW OFFICE SUPPLIES	858.53	6,235.59	10,000.00	3,764.41	62.4
201-34-5947	COPIER EXPENSE	130.89	1,492.82	3,500.00	2,007.18	42.7
	TOTAL PUBLIC WORKS	89,993.19	644,529.23	1,250,911.36	606,382.13	51.5

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CEMETERY					
201-42-5382	GROUNDS MAINTENANCE SERVICE	.00	57.39	5,000.00	4,942.61	1.2
201-42-5423	SAND & GRAVEL & ROAD BASE	.00	1,947.52	5,000.00	3,052.48	39.0
	TOTAL CEMETERY	.00	2,004.91	10,000.00	7,995.09	20.1
	GEN. USE BLDGS. & COM. CENTERS					
201-49-5341	ELECTRICITY	20.94	803.78	2,100.00	1,296.22	38.3
201-49-5342	WATER	217.26	2,336.22	4,000.00	1,663.78	58.4
201-49-5343	SEWER	176.32	571.40	2,000.00	1,428.60	28.6
201-49-5344	NATURAL GAS - HEAT	340.67	6,044.37	30,000.00	23,955.63	20.2
201-49-5346	STORM DRAINAGE	193.99	624.83	3,000.00	2,375.17	20.8
201-49-5367	R&M SERV./SUPPLIES - BUILDINGS	298.40	24,792.92	40,000.00	15,207.08	62.0
201-49-5369	JANITORIAL SERVICE	3,310.00	24,852.00	45,000.00	20,148.00	55.2
201-49-5370	GENERAL BUILDING SUPPLIES	587.93	2,485.78	11,700.00	9,214.22	21.3
201-49-5398	TRASH	1,535.00	6,878.85	11,225.00	4,346.15	61.3
	TOTAL GEN. USE BLDGS. & COM. CENTERS	6,680.51	69,390.15	149,025.00	79,634.85	46.6
	ECONOMIC DEVELOPMENT					
201-51-5154	ECONOMIC DEVELOPMENT	.00	.00	10,500.00	10,500.00	.0
201-51-5214	OFFICE SUPPLIES	.00	.00	400.00	400.00	.0
201-51-5379	PROFESSIONAL DEVELOPMENT	.00	2,021.15	3,800.00	1,778.85	53.2
201-51-5401	MARKETING SERVICES	.00	.00	1,000.00	1,000.00	.0
	TOTAL ECONOMIC DEVELOPMENT	.00	2,021.15	15,700.00	13,678.85	12.9

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	LIBRARY					
201-55-5100	WAGES & SALARIES	26,062.88	161,911.93	334,555.89	172,643.96	48.4
201-55-5101	SEASONAL	.00	10,276.29	20,000.00	9,723.71	51.4
201-55-5102	BENEFITS	5,572.38	36,744.63	60,447.25	23,702.62	60.8
201-55-5214	OFFICE SUPPLIES	980.41	5,247.13	9,000.00	3,752.87	58.3
201-55-5311	POSTAGE	.00	.00	200.00	200.00	.0
201-55-5321	PRINTING SERVICES	.00	.00	1,000.00	1,000.00	.0
201-55-5331	PUBLISHING & LEGAL NOTICES	.00	.00	700.00	700.00	.0
201-55-5333	DUES	.00	.00	200.00	200.00	.0
201-55-5337	PROGRAMS	50.00	4,172.74	6,000.00	1,827.26	69.6
201-55-5347	STORY TIME SUPPLIES	.00	85.96	500.00	414.04	17.2
201-55-5363	R&M COMPUTER/OFFICE EQUIP.	.00	753.32	750.00	(3.32)	100.4
201-55-5380	PROFESSIONAL DEVELOPMENT	85.76	85.76	1,600.00	1,514.24	5.4
201-55-5384	INTERNET SERVICE	.00	.00	2,000.00	2,000.00	.0
201-55-5387	SPECIAL EVENT SUPPLIES	.00	349.98	375.00	25.02	93.3
201-55-5579	SOFTWARE LICENSE/SUPPORT	.00	6,427.84	8,500.00	2,072.16	75.6
201-55-5792	MULTI MEDIA	180.72	1,759.06	3,500.00	1,740.94	50.3
201-55-5793	E-BOOKS - SUBSCRIPTION/MISC.	.00	.00	5,500.00	5,500.00	.0
201-55-5900	LIBRARY BOOKS	46.66	12,683.10	18,000.00	5,316.90	70.5
201-55-5901	LIBRARY SHELVING & FURNISHINGS	.00	1,119.86	2,000.00	880.14	56.0
201-55-5902	COURIER SERVICE	.00	.00	2,500.00	2,500.00	.0
201-55-5903	GRANTS PROGRAM EXPENDITURES	.00	5,079.80	11,000.00	5,920.20	46.2
	TOTAL LIBRARY	32,978.81	246,697.40	488,328.14	241,630.74	50.5
	TOTAL FUND EXPENDITURES	897,768.44	3,885,536.47	7,967,374.20	4,081,837.73	48.8
	NET REVENUE OVER EXPENDITURES	(596,458.62)	(1,677,076.11)	(1,290,886.20)	386,189.91	(129.9)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

STREET FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	TAX REVENUE					
203-01-3130	SALES TAX	56,295.14	391,939.99	762,850.00	370,910.01	51.4
203-01-3315	MOTOR VEHICLE USE TAX	71,828.80	494,879.93	990,900.00	496,020.07	49.9
203-01-3335	HIGHWAY USERS TAX	31,825.96	211,136.43	399,600.00	188,463.57	52.8
	TOTAL TAX REVENUE	159,949.90	1,097,956.35	2,153,350.00	1,055,393.65	51.0
	LICENSES & PERMITS					
203-04-3343	STREET CUT PERMITS	.00	350.00	.00	(350.00)	.0
203-04-3350	DEVELOPER ROAD FEE ESCROW	600.00	8,400.00	.00	(8,400.00)	.0
203-04-3376	BP ROAD IMPACT FEE	1,100.00	15,400.00	85,000.00	69,600.00	18.1
	TOTAL LICENSES & PERMITS	1,700.00	24,150.00	85,000.00	60,850.00	28.4
	MISCELLANEOUS REVENUE					
203-08-3350	GRANTS	.00	.00	850,000.00	850,000.00	.0
203-08-3610	INVESTMENT EARNINGS	8,911.23	60,771.08	53,000.00	(7,771.08)	114.7
203-08-3910	SALE OF ASSETS	.00	211.00	1,000.00	789.00	21.1
	TOTAL MISCELLANEOUS REVENUE	8,911.23	60,982.08	904,000.00	843,017.92	6.8
	TOTAL FUND REVENUE	170,561.13	1,183,088.43	3,142,350.00	1,959,261.57	37.7

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

STREET FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
203-34-5100	WAGES & SALARIES	34,116.44	232,332.93	469,215.20	236,882.27	49.5
203-34-5102	BENEFITS	12,412.71	96,751.23	126,706.33	29,955.10	76.4
203-34-5110	ON-CALL STIPEND	600.00	5,000.00	10,400.00	5,400.00	48.1
203-34-5233	R&M- MACHINERY & EQUIP. PARTS	.00	(1,286.50)	.00	1,286.50	.0
203-34-5240	STREET PAINT, SIGNS, & PARTS	723.36	14,807.02	45,000.00	30,192.98	32.9
203-34-5241	SHOP SUPPLIES	(1,583.82)	.00	.00	.00	.0
203-34-5341	ELECTRICITY FOR STREET LIGHTS	14,888.43	107,195.34	210,000.00	102,804.66	51.1
203-34-5342	WATER	74.51	413.17	6,000.00	5,586.83	6.9
203-34-5370	SAFETY WORKWEAR & EQUIPMENT	.00	1,945.86	5,000.00	3,054.14	38.9
203-34-5397	WEED CONTROL	.00	.00	6,000.00	6,000.00	.0
203-34-5422	SMALL TOOLS	.00	625.85	4,000.00	3,374.15	15.7
203-34-5423	SAND & GRAVEL & ROADBASE	.00	585.00	.00	(585.00)	.0
203-34-5424	STREET CONSTRUCTION MATERIAL	1,893.24	10,435.67	10,000.00	(435.67)	104.4
203-34-5426	WEATHER RESPONSE MANAGEMENT	.00	4,348.00	8,000.00	3,652.00	54.4
203-34-5427	SNOW MANAGEMENT MATERIALS	.00	64.95	30,000.00	29,935.05	.2
203-34-5428	STREET MAINTENANCE	.00	.00	35,000.00	35,000.00	.0
203-34-5453	R&M SUPPLIES - STREET SWEEPER	.00	137.39	.00	(137.39)	.0
203-34-5512	INSURANCE-PROPERTY RELATED	.00	(12,325.00)	.00	12,325.00	.0
203-34-5533	EQUIPMENT RENTAL	.00	1,005.25	3,000.00	1,994.75	33.5
203-34-5941	SAFETY & FIRST AID KITS	.00	2,339.03	2,000.00	(339.03)	117.0
	TOTAL OPERATING	63,124.87	464,375.19	970,321.53	505,946.34	47.9
	TOTAL FUND EXPENDITURES	63,124.87	464,375.19	970,321.53	505,946.34	47.9
	NET REVENUE OVER EXPENDITURES	107,436.26	718,713.24	2,172,028.47	1,453,315.23	33.1

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CONTRIBUTED CAPITAL					
204-02-3444	BP RAW WATER FEE	31,025.00	271,779.00	310,250.00	38,471.00	87.6
204-02-3446	TAP FEES	10,959.00	153,426.00	550,410.00	396,984.00	27.9
	TOTAL CONTRIBUTED CAPITAL	41,984.00	425,205.00	860,660.00	435,455.00	49.4
	OPERATING REVENUE					
204-03-3441	WATER SALES	643,620.19	2,910,013.93	5,350,482.00	2,440,468.07	54.4
204-03-3442	SHUT-OFF/RECON./LATE/NSF/TRANS	3,150.00	29,556.04	25,553.00	(4,003.04)	115.7
204-03-3445	RAW WATER LEASES	.00	11,160.00	.00	(11,160.00)	.0
204-03-3447	BULK WATER SALES	5,253.19	18,152.75	25,477.00	7,324.25	71.3
	TOTAL OPERATING REVENUE	652,023.38	2,968,882.72	5,401,512.00	2,432,629.28	55.0
	NON-OPERATING REVENUE					
204-04-3610	INVESTMENT EARNINGS	99,857.86	546,931.06	652,000.00	105,068.94	83.9
204-04-3650	LOAN PROCEEDS	.00	6,193,596.36	2,598,641.00	(3,594,955.36)	238.3
204-04-3690	MISCELLANEOUS REVENUE	21.55	222.02	.00	(222.02)	.0
204-04-3910	SALE OF ASSETS	.00	762.00	.00	(762.00)	.0
	TOTAL NON-OPERATING REVENUE	99,879.41	6,741,511.44	3,250,641.00	(3,490,870.44)	207.4
204-09-3380	TRANS IN FROM GENERAL FUND	.00	.00	691,000.00	691,000.00	.0
	TOTAL SOURCE 09	.00	.00	691,000.00	691,000.00	.0
	TOTAL FUND REVENUE	793,886.79	10,135,599.16	10,203,813.00	68,213.84	99.3

WATER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
204-34-5100	WAGES & SALARIES	39,994.09	242,879.00	538,368.56	295,489.56	45.1
204-34-5102	BENEFITS	14,750.31	101,751.90	149,474.31	47,722.41	68.1
204-34-5110	ON-CALL STIPEND	1,000.00	6,300.00	15,600.00	9,300.00	40.4
204-34-5221	CHEMICALS	17,576.51	129,397.72	350,000.00	220,602.28	37.0
204-34-5227	PROPANE	185.22	17,397.79	40,000.00	22,602.21	43.5
204-34-5229	PERMIT AND PROGRAM FEES	.00	.00	3,000.00	3,000.00	.0
204-34-5231	FUEL, OIL & GREASE	611.47	2,813.01	10,500.00	7,686.99	26.8
204-34-5233	R&M- MACHINERY & EQUIP. PARTS	75.80	8,223.33	10,000.00	1,776.67	82.2
204-34-5241	SHOP SUPPLIES	.00	171.47	2,500.00	2,328.53	6.9
204-34-5321	UTILITY BILLING PRINTING	2,270.80	14,486.43	20,308.00	5,821.57	71.3
204-34-5334	WATER TESTING	2,045.00	17,102.09	87,000.00	69,897.91	19.7
204-34-5339	ON-LINE UTILITY BILL PAY-FEES	2,371.12	17,606.49	28,500.00	10,893.51	61.8
204-34-5341	ELECTRICITY	7,699.70	49,691.79	97,500.00	47,808.21	51.0
204-34-5345	TELEPHONE SERVICE	.00	415.26	700.00	284.74	59.3
204-34-5352	WATER RESOURCE LEGAL SERVICES	1,457.00	7,098.00	25,000.00	17,902.00	28.4
204-34-5353	WATER EFFICIENCY PROGRAM	1,110.00	5,453.00	15,000.00	9,547.00	36.4
204-34-5356	PROFESSIONAL SERVICES	6,047.50	14,277.31	40,000.00	25,722.69	35.7
204-34-5363	R&M COMPUTER EQUIPMENT	57.17	6,252.19	2,500.00	(3,752.19)	250.1
204-34-5370	SAFETY WORKWEAR & EQUIPMENT	242.90	5,248.73	28,000.00	22,751.27	18.8
204-34-5380	PROFESSIONAL DEVELOPMENT	30.76	2,574.87	11,500.00	8,925.13	22.4
204-34-5384	INTERNET SERVICE	165.59	806.27	19,000.00	18,193.73	4.2
204-34-5422	SMALL TOOLS	.00	1,086.42	9,500.00	8,413.58	11.4
204-34-5423	CONSTRUCTION MATERIAL	.00	.00	3,000.00	3,000.00	.0
204-34-5430	DISTRIBUTION SYS EMR REPAIR	.00	.00	15,000.00	15,000.00	.0
204-34-5433	R&M PLANT	4,263.25	19,500.97	100,000.00	80,499.03	19.5
204-34-5434	R&M DISTRIBUTION	2,237.44	14,241.75	80,000.00	65,758.25	17.8
204-34-5437	R&M SCADA	.00	4,882.50	25,000.00	20,117.50	19.5
204-34-5440	SLUDGE REMOVAL	120,023.50	120,023.50	125,000.00	4,976.50	96.0
204-34-5455	LAB SUPPLIES	80.36	6,356.22	14,500.00	8,143.78	43.8
204-34-5512	INSURANCE-PROPERTY RELATED	.00	36,626.00	25,649.00	(10,977.00)	142.8
204-34-5533	EQUIPMENT RENTAL	.00	25.00	2,500.00	2,475.00	1.0
204-34-5579	SOFTWARE SUBSCRIPTIONS	5,801.50	9,381.50	20,500.00	11,118.50	45.8
204-34-5593	NPIC WATER LEASE AGREEMENT	.00	9,683.10	3,035,000.00	3,025,316.90	.3
204-34-5597	RAW WATER FEES AND ASSESSMENTS	.00	15,123.00	30,000.00	14,877.00	50.4
204-34-5903	WATER METERS - NEW HOMES	.00	20,000.00	20,000.00	.00	100.0
204-34-5941	SAFETY & FIRST AID KITS	95.19	448.93	3,250.00	2,801.07	13.8
204-34-5969	LAB EQUIPMENT	.00	1,870.41	20,000.00	18,129.59	9.4
	TOTAL OPERATING	230,192.18	909,195.95	5,023,349.87	4,114,153.92	18.1
	DEBT SERVICE					
204-90-5630	2019 SRF LOAN D19AX116-PRINCIP	.00	545,989.00	1,091,978.00	545,989.00	50.0
204-90-5631	2019 SRF LOAN D19AX116-INTER.	.00	186,358.12	372,716.24	186,358.12	50.0
	TOTAL DEBT SERVICE	.00	732,347.12	1,464,694.24	732,347.12	50.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
TOTAL FUND EXPENDITURES	230,192.18	1,641,543.07	6,488,044.11	4,846,501.04	25.3
NET REVENUE OVER EXPENDITURES	563,694.61	8,494,056.09	3,715,768.89	(4,778,287.20)	228.6

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CONTRIBUTED CAPITAL					
205-02-3350	DEVELOPER SEWER FEE ESCROW	763.00	10,682.00	.00	(10,682.00)	.0
205-02-3446	TAP FEES	9,466.00	142,753.00	511,455.00	368,702.00	27.9
	TOTAL CONTRIBUTED CAPITAL	10,229.00	153,435.00	511,455.00	358,020.00	30.0
	OPERATING REVENUE					
205-03-3445	SEWER USER FEES	196,631.98	1,343,568.13	2,637,019.00	1,293,450.87	51.0
	TOTAL OPERATING REVENUE	196,631.98	1,343,568.13	2,637,019.00	1,293,450.87	51.0
	NON-OPERATING REVENUE					
205-04-3610	INVESTMENT EARNINGS	64,148.52	286,061.14	377,000.00	90,938.86	75.9
205-04-3650	BOND/LOAN PROCEEDS	1,507,394.07	11,376,501.45	17,365,002.00	5,988,500.55	65.5
205-04-3675	INTERGOVERNMENTAL GRANTS/LOANS	.00	.00	60,000.00	60,000.00	.0
	TOTAL NON-OPERATING REVENUE	1,571,542.59	11,662,562.59	17,802,002.00	6,139,439.41	65.5
205-09-3380	TRANS IN FROM GENERAL FUND	.00	.00	358,000.00	358,000.00	.0
	TOTAL SOURCE 09	.00	.00	358,000.00	358,000.00	.0
	TOTAL FUND REVENUE	1,778,403.57	13,159,565.72	21,308,476.00	8,148,910.28	61.8

SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
205-34-5100	WAGES & SALARIES	40,970.70	252,009.96	471,037.01	219,027.05	53.5
205-34-5102	BENEFITS	15,659.64	95,989.29	138,956.90	42,967.61	69.1
205-34-5110	ON-CALL STIPEND	900.00	6,500.00	15,600.00	9,100.00	41.7
205-34-5221	CHEMICALS	5,394.00	9,235.00	60,000.00	50,765.00	15.4
205-34-5228	PERMIT AND PROGRAM FEES	.00	1,272.48	5,000.00	3,727.52	25.5
205-34-5231	FUEL, OIL & GREASE	377.21	2,464.96	10,000.00	7,535.04	24.7
205-34-5233	R&M- MACHINERY & EQUIP. PARTS	677.67	9,118.19	30,000.00	20,881.81	30.4
205-34-5241	SHOP SUPPLIES	125.14	890.44	1,500.00	609.56	59.4
205-34-5321	UTILITY BILLING PRINTING	1,602.92	10,322.19	14,464.00	4,141.81	71.4
205-34-5339	ON-LINE UTILITY BILL PAY FEES	1,688.77	12,539.82	20,400.00	7,860.18	61.5
205-34-5341	ELECTRICITY	13,843.34	116,748.78	226,700.00	109,951.22	51.5
205-34-5342	WATER	1,101.52	4,949.02	2,000.00	(2,949.02)	247.5
205-34-5344	NATURAL GAS	133.63	5,204.14	16,000.00	10,795.86	32.5
205-34-5356	PROFESSIONAL SERVICES	.00	4,983.13	20,000.00	15,016.87	24.9
205-34-5363	R&M COMPUTER EQUIPMENT	.00	1,136.07	5,000.00	3,863.93	22.7
205-34-5370	SAFETY WORKWEAR & EQUIPMENT	199.00	10,454.11	10,000.00	(454.11)	104.5
205-34-5380	PROFESSIONAL DEVELOPMENT	.00	4,244.51	11,500.00	7,255.49	36.9
205-34-5384	INTERNET SERVICE	428.02	4,373.02	19,000.00	14,626.98	23.0
205-34-5422	SMALL TOOLS	.00	1,693.44	7,500.00	5,806.56	22.6
205-34-5423	CONSTRUCTION MATERIAL	.00	.00	3,000.00	3,000.00	.0
205-34-5431	R&M PUMPS	.00	4,857.83	25,000.00	20,142.17	19.4
205-34-5432	R&M SCADA	.00	6,067.50	25,000.00	18,932.50	24.3
205-34-5433	R&M PLANT	8,174.33	24,469.48	65,000.00	40,530.52	37.7
205-34-5434	R&M COLLECTIONS	34.19	6,434.42	15,000.00	8,565.58	42.9
205-34-5440	SLUDGE DISPOSAL	3,670.00	24,874.00	55,000.00	30,126.00	45.2
205-34-5455	LAB SUPPLIES	99.86	1,744.51	6,500.00	4,755.49	26.8
205-34-5512	INSURANCE-PROPERTY RELATED	.00	3,487.84	7,603.00	4,115.16	45.9
205-34-5533	EQUIPMENT RENTAL	.00	5.00	2,500.00	2,495.00	.2
205-34-5554	SEWER TESTING	1,682.00	16,736.25	45,000.00	28,263.75	37.2
205-34-5579	SOFTWARE SUBSCRIPTIONS & SUPP.	477.50	13,290.50	45,000.00	31,709.50	29.5
205-34-5941	SAFETY & FIRST AID KITS	225.79	798.53	3,000.00	2,201.47	26.6
205-34-5969	LAB EQUIPMENT	.00	25.90	7,000.00	6,974.10	.4
	TOTAL OPERATING	97,465.23	656,920.31	1,389,260.91	732,340.60	47.3
	DEBT SERVICE					
205-90-5618	2022 LOAN W22AX116 - PRINCIPAL	.00	468,472.00	936,944.00	468,472.00	50.0
205-90-5619	2022 LOAN W22AX116 - INTEREST	.00	702,615.02	1,405,230.00	702,614.98	50.0
205-90-5621	2022 GPR LOAN PRINCIPAL	.00	40,825.99	81,958.18	41,132.19	49.8
205-90-5622	2022 GPR LOAN INTEREST	.00	22,146.37	43,986.54	21,840.17	50.4
	TOTAL DEBT SERVICE	.00	1,234,059.38	2,468,118.72	1,234,059.34	50.0
	TOTAL FUND EXPENDITURES	97,465.23	1,890,979.69	3,857,379.63	1,966,399.94	49.0
	NET REVENUE OVER EXPENDITURES	1,680,938.34	11,268,586.03	17,451,096.37	6,182,510.34	64.6

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

DRAINAGE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CONTRIBUTED CAPITAL					
207-02-3451	TOW STRM DRN BP IMPACT	400.00	5,600.00	20,000.00	14,400.00	28.0
207-02-3453	AUTH STORM DRN BP IMPACT	440.00	6,160.00	22,000.00	15,840.00	28.0
	TOTAL CONTRIBUTED CAPITAL	840.00	11,760.00	42,000.00	30,240.00	28.0
	OPERATING REVENUE					
207-03-3449	TOW STORM DRAIN UTILITY FEES	22,915.35	160,658.80	270,400.00	109,741.20	59.4
207-03-3452	AUTH STORM DRAIN UTILITY FEES	34,869.90	244,184.91	403,322.00	159,137.09	60.5
	TOTAL OPERATING REVENUE	57,785.25	404,843.71	673,722.00	268,878.29	60.1
	MISCELLANEOUS REVENUE					
207-08-3364	GRANT	.00	.00	646,000.00	646,000.00	.0
207-08-3610	INVESTMENT EARNINGS	4,872.41	33,227.92	45,300.00	12,072.08	73.4
207-08-3690	MISCELLANEOUS REVENUE	.00	20.10	.00	(20.10)	.0
	TOTAL MISCELLANEOUS REVENUE	4,872.41	33,248.02	691,300.00	658,051.98	4.8
	TOTAL FUND REVENUE	63,497.66	449,851.73	1,407,022.00	957,170.27	32.0

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

DRAINAGE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
207-34-5231	FUEL, OIL & GREASE	.00	1,043.87	2,000.00	956.13	52.2
207-34-5321	UTILITY BILLING PRINTING SERV.	578.82	3,597.09	5,228.00	1,630.91	68.8
207-34-5339	ON-LINE UTILITY BILL PAY-FEE	610.39	4,532.48	7,500.00	2,967.52	60.4
207-34-5341	ELECTRICITY	35.76	286.61	750.00	463.39	38.2
207-34-5356	PROFESSIONAL SERVICES	.00	.00	20,000.00	20,000.00	.0
207-34-5522	AUTHORITY UTILITIES PAYMENTS	.00	414,973.45	411,468.00	(3,505.45)	100.9
207-34-5524	AUTHORITY IMPACT FEES	.00	66,627.93	36,107.00	(30,520.93)	184.5
207-34-5533	EQUIPMENT RENTAL	.00	1,295.59	1,000.00	(295.59)	129.6
	TOTAL OPERATING	1,224.97	492,357.02	484,053.00	(8,304.02)	101.7
	TOTAL FUND EXPENDITURES	1,224.97	492,357.02	484,053.00	(8,304.02)	101.7
	NET REVENUE OVER EXPENDITURES	62,272.69	(42,505.29)	922,969.00	965,474.29	(4.6)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

CONSERVATION TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	MISCELLANEOUS REVENUE					
209-08-3610	INVESTMENT EARNINGS	3,192.05	21,771.57	.00	(21,771.57)	.0
	TOTAL MISCELLANEOUS REVENUE	3,192.05	21,771.57	.00	(21,771.57)	.0
	TOTAL FUND REVENUE	3,192.05	21,771.57	.00	(21,771.57)	.0
	NET REVENUE OVER EXPENDITURES	3,192.05	21,771.57	.00	(21,771.57)	.0

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	TAX REVENUE					
210-01-3130	SALES TAX	46,068.03	320,736.52	624,150.00	303,413.48	51.4
210-01-3315	MOTOR VEHICLE USE TAX	14,711.92	101,360.96	218,500.00	117,139.04	46.4
210-01-3700	OPEN SPACE SALES TAX	35,711.42	232,829.65	422,300.00	189,470.35	55.1
	TOTAL TAX REVENUE	96,491.37	654,927.13	1,264,950.00	610,022.87	51.8
	BUILDING PERMITS					
210-02-3381	TRAIL IMPACT FEE	450.00	6,300.00	22,500.00	16,200.00	28.0
210-02-3620	BP PARK IMPACT FEE	1,000.00	14,000.00	50,000.00	36,000.00	28.0
	TOTAL BUILDING PERMITS	1,450.00	20,300.00	72,500.00	52,200.00	28.0
	RECREATION PROGRAM FEES					
210-05-3174	FIELD RENTALS	.00	3,002.00	.00	(3,002.00)	.0
210-05-3175	RECREATION FEES	14,915.00	123,232.50	63,800.00	(59,432.50)	193.2
210-05-3177	BATTING CAGES FEES/SALES	671.25	1,753.25	.00	(1,753.25)	.0
	TOTAL RECREATION PROGRAM FEES	15,586.25	127,987.75	63,800.00	(64,187.75)	200.6
	MISCELLANEOUS REVENUE					
210-08-3190	WCP VETERANS MEMORIAL PLAZA	10.00	10.00	.00	(10.00)	.0
210-08-3610	INVESTMENT EARNINGS	12,729.25	87,082.31	116,700.00	29,617.69	74.6
210-08-3623	CASH-IN-LIEU OF PUBLIC LANDS	.00	87,500.00	.00	(87,500.00)	.0
210-08-3910	SALE OF ASSETS	.00	1,734.85	.00	(1,734.85)	.0
	TOTAL MISCELLANEOUS REVENUE	12,739.25	176,327.16	116,700.00	(59,627.16)	151.1
	TOTAL FUND REVENUE	126,266.87	979,542.04	1,517,950.00	538,407.96	64.5

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	OPERATING					
210-34-5100	WAGES & SALARIES	17,409.48	118,429.74	269,764.28	151,334.54	43.9
210-34-5101	SEASONALS	.00	7,037.00	33,000.00	25,963.00	21.3
210-34-5102	BENEFITS	7,302.66	42,711.88	54,485.21	11,773.33	78.4
210-34-5110	ON-CALL STIPEND	200.00	2,800.00	5,200.00	2,400.00	53.9
210-34-5111	VANDALISM	.00	53.48	1,000.00	946.52	5.4
210-34-5112	HORTICULTURE	.00	1,888.56	5,000.00	3,111.44	37.8
210-34-5221	POND CHEMICALS	.00	.00	5,200.00	5,200.00	.0
210-34-5231	FUEL, OIL & GREASE	1,827.52	7,558.79	6,200.00	(1,358.79)	121.9
210-34-5233	R&M- MACHINERY & EQUIP. PARTS	235.99	10,914.11	18,500.00	7,585.89	59.0
210-34-5237	IRRIG. SYS. SUPPLIES/REPAIRS	844.79	34,269.19	40,000.00	5,730.81	85.7
210-34-5239	WELLS & WELL HOUSES	.00	.00	11,000.00	11,000.00	.0
210-34-5241	SHOP SUPPLIES	.00	1,544.01	2,300.00	755.99	67.1
210-34-5252	TREE REPLACEMENT & TRIMMING	.00	14,894.50	36,000.00	21,105.50	41.4
210-34-5253	TREE SPRAYING	.00	5,790.00	30,300.00	24,510.00	19.1
210-34-5254	PARKS PLAYGROUND & GENERAL R&M	58.86	17,505.48	35,000.00	17,494.52	50.0
210-34-5256	SPLASH PAD CHEMICALS	429.22	821.37	1,100.00	278.63	74.7
210-34-5341	IRRIGATION ELECTRICITY	872.24	2,212.22	8,900.00	6,687.78	24.9
210-34-5342	WATER	19,939.70	39,529.60	38,000.00	(1,529.60)	104.0
210-34-5343	SEWER	301.94	603.88	1,600.00	996.12	37.7
210-34-5344	NATURAL GAS	25.78	403.07	2,000.00	1,596.93	20.2
210-34-5346	STORM DRAINAGE	290.83	838.66	2,800.00	1,961.34	30.0
210-34-5356	PROFESSIONAL SERVICES	.00	981.55	3,500.00	2,518.45	28.0
210-34-5365	TOILET RENTAL	.00	11,187.49	20,000.00	8,812.51	55.9
210-34-5366	SERVICES - PARKS & LAWN CARE	17,105.50	50,941.50	82,000.00	31,058.50	62.1
210-34-5370	SAFETY WORKWEAR & EQUIPMENT	47.88	713.02	1,600.00	886.98	44.6
210-34-5372	UNIFORMS	270.99	504.98	2,750.00	2,245.02	18.4
210-34-5380	PROFESSIONAL DEVELOPMENT	.00	2,093.00	5,000.00	2,907.00	41.9
210-34-5397	WEED CONTROL	.00	.00	250.00	250.00	.0
210-34-5422	SMALL TOOLS	.00	3,450.34	4,650.00	1,199.66	74.2
210-34-5423	SAND, GRAVEL, MULCH	.00	11,392.41	13,000.00	1,607.59	87.6
210-34-5512	INSURANCE-PROPERTY RELATED	1,805.00	14,054.00	25,757.00	11,703.00	54.6
210-34-5533	EQUIPMENT RENTAL	.00	964.35	3,000.00	2,035.65	32.2
210-34-5562	COUNTY CLERK FEES	.00	.00	7,000.00	7,000.00	.0
210-34-5941	SAFETY SUPPLIES & EQUIPMENT	738.78	3,404.46	10,000.00	6,595.54	34.0
210-34-5942	MINOR PARK IMPROVEMENTS	9,220.44	13,732.94	65,000.00	51,267.06	21.1
	TOTAL OPERATING	78,927.60	423,225.58	850,856.49	427,630.91	49.7

PARK FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	RECREATION					
210-51-5100	WAGES & SALARIES	17,784.61	122,969.16	241,941.52	118,972.36	50.8
210-51-5101	SEASONALS	17,300.71	51,623.90	91,000.00	39,376.10	56.7
210-51-5102	BENEFITS	7,715.24	48,477.25	62,038.61	13,561.36	78.1
210-51-5110	ON-CALL STIPEND	200.00	2,000.00	5,200.00	3,200.00	38.5
210-51-5130	START SMART BASEBALL	.00	.00	800.00	800.00	.0
210-51-5131	START SMART BASKETBALL	.00	.00	640.00	640.00	.0
210-51-5132	START SMART FLAG FOOTBALL	.00	.00	960.00	960.00	.0
210-51-5133	START SMART SOCCER	.00	.00	1,800.00	1,800.00	.0
210-51-5135	YOUTH SPORTS APPAREL	.00	4,088.56	5,100.00	1,011.44	80.2
210-51-5140	YOUTH SOCCER	.00	919.37	4,470.00	3,550.63	20.6
210-51-5142	YOUTH FOOTBALL	916.85	1,600.76	1,500.00	(100.76)	106.7
210-51-5144	YOUTH BASEBALL	478.40	1,506.21	12,850.00	11,343.79	11.7
210-51-5145	YOUTH SOFTBALL	.00	1,702.17	2,900.00	1,197.83	58.7
210-51-5146	YOUTH BASKETBALL	.00	.00	1,025.00	1,025.00	.0
210-51-5148	YOUTH VOLLEYBALL	.00	130.29	1,800.00	1,669.71	7.2
210-51-5149	YOUTH TENNIS	.00	.00	500.00	500.00	.0
210-51-5157	ADULT BASKETBALL	.00	.00	800.00	800.00	.0
210-51-5158	ADULT KICKBALL	9.95	9.95	500.00	490.05	2.0
210-51-5161	ADULT TENNIS	.00	.00	500.00	500.00	.0
210-51-5162	ADULT SOFTBALL	67.95	1,836.30	5,950.00	4,113.70	30.9
210-51-5164	ADULT VOLLEYBALL	.00	.00	1,350.00	1,350.00	.0
210-51-5165	NCSO REFEREES ADMIN FEE	1,250.00	5,625.00	8,000.00	2,375.00	70.3
210-51-5166	INSTRUCTOR/OFFICIAL FEES	2,110.60	12,041.60	32,000.00	19,958.40	37.6
210-51-5168	COMPUTER EQUIP./SOFTWARE	432.47	10,486.97	21,000.00	10,513.03	49.9
210-51-5181	REC. PROG. SUPPLIES/EXP.	419.51	6,060.68	16,000.00	9,939.32	37.9
210-51-5183	BATTING CAGES - MAINT. & OPER.	.00	10,278.70	11,000.00	721.30	93.4
210-51-5185	BALL FIELD/CAGE ELECTRICITY	2,726.19	10,564.74	15,000.00	4,435.26	70.4
210-51-5186	INFIELD MIX	.00	.00	13,500.00	13,500.00	.0
210-51-5190	YOGA CLASSES	26.81	162.65	500.00	337.35	32.5
210-51-5223	OPERATING SUPPLIES	.00	688.84	3,100.00	2,411.16	22.2
210-51-5335	DUES & SUBSCRIPTIONS	.00	2,590.00	1,800.00	(790.00)	143.9
210-51-5372	STAFF UNIFORMS	62.76	2,501.23	2,750.00	248.77	91.0
210-51-5380	PROFESSIONAL DEVELOPMENT	.00	1,455.00	5,000.00	3,545.00	29.1
210-51-5392	GYM RENTAL	.00	4,239.00	15,000.00	10,761.00	28.3
210-51-5401	MARKETING SERVICES	.00	675.52	15,000.00	14,324.48	4.5
	TOTAL RECREATION	51,502.05	304,233.85	603,275.13	299,041.28	50.4
	DEBT SERVICE					
210-90-5630	WCP - PRINCIPAL	21,622.68	150,804.79	252,000.00	101,195.21	59.8
210-90-5632	WCP - INTEREST	832.31	6,380.14	17,460.00	11,079.86	36.5
	TOTAL DEBT SERVICE	22,454.99	157,184.93	269,460.00	112,275.07	58.3
	TOTAL FUND EXPENDITURES	152,884.64	884,644.36	1,723,591.62	838,947.26	51.3

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

PARK FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
NET REVENUE OVER EXPENDITURES	(26,617.77)	94,897.68	(205,641.62)	(300,539.30)	46.2

CAPITAL PROJECTS FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	CAPITAL EXPENDITURES					
211-80-4006	OLD TOWN STREET REPAIRS	20,673.14	20,673.14	530,250.00	509,576.86	3.9
211-80-4007	NEWER SUBDIVISON SEAL COAT	.00	.00	188,445.00	188,445.00	.0
211-80-4009	PAVEMENT STUDY	2,304.00	2,304.00	75,000.00	72,696.00	3.1
211-80-4010	WATER PLANT EXPANSION CONSTRUC	1,314,072.65	8,050,791.77	15,109,347.00	7,058,555.23	53.3
211-80-4014	WILSON WELL IMPROVEMENTS	.00	4,554.00	60,000.00	55,446.00	7.6
211-80-4015	BULK WATER DISPENSER	.00	8,817.81	16,890.00	8,072.19	52.2
211-80-4022	NANO PLANT EXPANSION	.00	.00	20,000.00	20,000.00	.0
211-80-4038	OLD TOWN STREET REPAIR	1,270.00	1,270.00	69,615.00	68,345.00	1.8
211-80-4039	STORM DRAIN & PAN REPLACEMENTS	.00	.00	38,933.00	38,933.00	.0
211-80-4054	TRACT F	.00	985.59	75,000.00	74,014.41	1.3
211-80-4061	WWTP EXPANSION DESIGN	117,606.96	471,792.48	944,326.00	472,533.52	50.0
211-80-4065	B-DAMS IMPROVEMENT	.00	113,534.00	113,534.00	.00	100.0
211-80-4068	REPLACE SOFT TRAILS	.00	.00	20,000.00	20,000.00	.0
211-80-4083	WWTP EXPANSION CONSTRUCTION	(1,024,213.30)	7,137,272.21	19,759,011.00	12,621,738.79	36.1
211-80-4089	VIEWPOINT LIFT STATION UPGRADE	.00	2,498.24	60,000.00	57,501.76	4.2
211-80-4091	SEWER OVER - SIZING REIM	.00	.00	30,520.00	30,520.00	.0
211-80-5001	VEHICLE REPLACEMENT	.00	28,937.50	28,937.50	.00	100.0
211-80-5022	CLEVELAND AVE IMPROVEMENTS	40,541.50	89,991.20	1,174,000.00	1,084,008.80	7.7
211-80-5024	TRANSPORTATION MASTER PLAN	.00	.00	160,000.00	160,000.00	.0
211-80-5025	ROAD REIMBURSEMENT-RR	.00	.00	208,800.00	208,800.00	.0
211-80-5027	BOX ELDER CREEK	3,319.00	23,204.00	30,845.00	7,641.00	75.2
211-80-5028	OUTFALL FOR CLEVELAND AVE IMP	.00	.00	646,000.00	646,000.00	.0
211-80-5030	2 MG TANK COATING	384,952.39	1,029,730.98	1,205,112.00	175,381.02	85.5
211-80-5035	WATER SOURCE DEV PLAN	18,015.00	18,015.00	200,000.00	181,985.00	9.0
211-80-5036	WATER PURCHASES	.00	.00	2,500,000.00	2,500,000.00	.0
211-80-5039	SPLASHPAD CHEMIICAL ROOM UPGRA	896.23	5,227.15	35,000.00	29,772.85	14.9
211-80-5041	SCADA TELEMETRY SYSTEM UPGRADE	.00	.00	40,000.00	40,000.00	.0
211-80-5042	PLC UPGRADES	.00	.00	138,000.00	138,000.00	.0
211-80-5043	ORBAL SYSTEM REHABILITATION	.00	.00	831,600.00	831,600.00	.0
211-80-5044	ROOF REPLACE FOR EXISTING BLDG	.00	.00	70,000.00	70,000.00	.0
211-80-5045	GATOR WITH PLOW	.00	.00	35,000.00	35,000.00	.0
211-80-5046	VEHICLE REPLACEMENT	.00	59,767.00	60,000.00	233.00	99.6
211-80-5047	SNOW MATERIAL STORAGE FACILITY	.00	.00	48,000.00	48,000.00	.0
211-80-5048	LIQUID DE-ICING EQUIPMENT	.00	15,475.75	18,000.00	2,524.25	86.0
211-80-5049	SHOP AIR CONDITIONER	.00	4,554.00	6,500.00	1,946.00	70.1
211-80-5050	ELEVATOR IN MUNI BLDG	.00	.00	85,000.00	85,000.00	.0
211-80-5051	HOUSING NEEDS	.00	.00	70,000.00	70,000.00	.0
211-80-5052	ADA COMMUNITY IMPROVEMENTS	.00	3,341.00	20,000.00	16,659.00	16.7
211-80-5053	WCP POURED IN PLACE BORDER REP	.00	.00	10,000.00	10,000.00	.0
211-80-5054	PARK MEADOWS SOLAR	.00	.00	15,000.00	15,000.00	.0
211-80-5055	ADA FISHING PIER	.00	.00	50,000.00	50,000.00	.0
211-80-5056	USED GROUNDMASTER MOWER	.00	.00	80,000.00	80,000.00	.0
211-80-5057	MULTI GOLF PARK	.00	.00	24,950.00	24,950.00	.0
211-80-5058	DOG PARK (WELLVILLE PARK)	.00	.00	8,000.00	8,000.00	.0
	TOTAL CAPITAL EXPENDITURES	879,437.57	17,092,736.82	44,909,615.50	27,816,878.68	38.1
	TOTAL FUND EXPENDITURES	879,437.57	17,092,736.82	44,909,615.50	27,816,878.68	38.1

TOWN OF WELLINGTON
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

CAPITAL PROJECTS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
NET REVENUE OVER EXPENDITURES	(879,437.57)	(17,092,736.82)	(44,909,615.50)	(27,816,878.68)	(38.1)

TOWN OF WELLINGTON
REVENUES WITH COMPARISON TO BUDGET
FOR THE 7 MONTHS ENDING JULY 31, 2024

LIBRARY TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	BUILDING PERMITS					
255-02-3372	LIBRARY IMPACT FEES	250.00	3,500.00	.00	(3,500.00)	.0
	TOTAL BUILDING PERMITS	250.00	3,500.00	.00	(3,500.00)	.0
	TOTAL FUND REVENUE	250.00	3,500.00	.00	(3,500.00)	.0
	NET REVENUE OVER EXPENDITURES	250.00	3,500.00	.00	(3,500.00)	.0

Board of Trustees Meeting

Date: **October 22, 2024**
Subject: **Report of Bills & Treasurer's Report Update (August 2024)**

BACKGROUND / DISCUSSION

The Report of Bills and Treasurer's Report for August 2024 are delayed due to a statement cycle change by the Town's purchasing-card provider. In order to ensure completeness and accuracy of expenditures in the August financial reports, an internal process update is being implemented. Financial reports for August and September will be provided in November and resume normal timelines at that time.

STAFF RECOMMENDATION

ATTACHMENTS

None

Wellington Water and Wastewater Utilities
Monthly Production and Operational Summary Report
As of October 1, 2024

Monthly Production Summary

- Water
  - Total September monthly volumetric production to meet demand was 37 million gallons (MG), which is slightly average production for the last 5 years.
    - The Conventional Plant produced 28 MG.
    - The Nanofiltration Plant produced 9 MG this month.
  - Please see the attached charts for various additional data related to drinking water production.
- Wastewater
  - August Summary
    - The total influent volume for August was approximately 19 MG, which is slightly below average production for the last 5 years.
    - Hydraulic loading was at 0.63 million gallons per day (MGD). This hydraulic loading represents 70% of the maximum permitted hydraulic capacity.
    - Organic loading was 1,708 pounds of BOD, which is below average for August in the last 5 years. This represents 65% of the maximum permitted organic capacity.
  - Please see the attached charts for various additional data related to water reclamation production.

Monthly Operational Summary

- Water Treatment Plants
  - Conventional Plant
    - The new conventional Treatment Plant remained operational for the entire month. Operators coordinated with the contractor throughout the month to run through any remaining system startup testing and installation items.
    - Operators continue to coordinate with the contractor as needed.
  - Nanofiltration Plant
    - The Nanofiltration plant was taken offline for about a week for routine maintenance and filter cleaning.

- Water Reclamation Facility
  - The new facilities at the plant operated throughout the month. Starting in early October 100% of the influent flows will be switched to the new A Basin and the Orbal will be drained to start the rehab project.
  - Startup testing, and controls modifications continued throughout the month.

Wellington Water Treatment Plant Expansion Project

Project Status Summary Report

As of October 1, 2024

Schedule Update

- Milestone dates are as follows:
  - Notice to Proceed — May 17, 2022
  - Substantial Completion — July 1, 2024
  - Final Completion — October 17, 2024
  - Days remaining to Final Completion — 16 Days

Construction Update

- Work completed or in progress listed under each structure:
  - Site Work
    - Rough and fine grading activities
    - Removal of construction materials and equipment
    - New entrance gate and security fencing installation
    - Excavation of the East BWW pond
  - Treatment Building
    - Punchlist items were addressed
    - Installation of emergency services radio booster system
    - Cleanup
  - Ozone Building
    - Startup Testing
    - Installation of emergency services radio booster system
    - Contractor punchlist items
    - Cleanup.
  - Chemical Building
    - Punchlist items
    - General cleanup
  - Pre-Treatment Building
    - No work
  - All building certificates of occupancies were received, Safebuilt inspection is complete

- Issues
    - Delays caused by the construction of the east backwash pond as well as modifications needed to the recycle pump station have pushed the Final Completion Date to October 17 as proposed by the Contractor and approved by Town Staff.

Contingency Update

- Contractor Contingency Actions
    - At the time of buyout for the valves and the valve actuators geared valve extensions were not included in the package. The valve extensions were needed to operate the filter drain valves and so were purchased and installed by the contractor. Total cost to contractor contingency was $13,423.00.
    - The final contractor contingency item for the project reconciled and aligned schedules of values. The total cost to the contractor contingency was $91,649.00.
    - All of the contractor contingency has been used.

- Town Contingency Actions
    - The East Backwash to Waste Pond (East BWW) was delayed due to unexpected groundwater issues requiring design revisions. The revised design resulted in an additional cost to the owner contingency of $34,808.00.
    - Grading modifications between the new Chemical Building and the existing Clearwell building were needed to mitigate erosion potential as well as provide additional clearance around the Chemical Building make up air unit. The Town provided a modified design as well as provided surplus retaining wall blocks for the contractor's use. Total cost to the owner contingency was $21,149.00.
    - Town plant operators, after operating the new plant for several weeks, requested modifications to the new analyzer panels to increase operational effectiveness and efficiency. Modifications included the installation of multiple bubble traps as well as a new raw water surface scatter turbidity analyzer. Total cost to the owner contingency was $21,161.00.
    - The following contingency items were negotiated by Town staff to be reimbursed as a credit by the design engineering firm, Jacobs Engineering, based on design errors and omissions. There was no net financial impact to the project as a result.
        - Additional air relief valves on the discharge header in the Recycle Pump Station. The total cost and reimbursement was $12,823.00.
        - An additional plug valve was needed to shorten the suction line and allow the pump station to self-prime. The total cost and reimbursement was $25,245.00.
        - An ozone sample line was modified to change location and add an air release valve. The total cost and reimbursement was $6,828.00.
    - The final owner contingency item for the project reconciled and aligned the schedule of value budgets with the remaining cost to complete projections within the GMP. The total cost to the owner contingency was $179,861.00.

    - Owner contingency currently has $430,291.00 remaining, which is 29% of the original contingency.

Wellington Water Reclamation Facility Expansion Project

Project Status Summary Report
As of October 1, 2024

Schedule Update

- The project's substantial and final completion dates were modified on May 31, 2024. The project dates are shown in the bullets below. The new substantial completion date will be when the plant expansion is operational, and the final completion will be when the Orbal repairs are complete. Material and equipment procurement continues to be the biggest threat to the project schedule. Milestone dates are as follows:
    - Notice to Proceed — April 19, 2022
    - Substantial Completion — October 1, 2024
    - Final Completion — June 13, 2025
    - Days remaining to Final Completion — 255 days

Construction Update

- Work completed or in progress listed under each structure:
    - Site Work
        - Installed various sidewalks throughout the site
        - Rough grade and fine grade work
        - Site cleanup
        - Security installation
    - Step Feed Aeration Basin
        - Punchlist work
    - Influent Pump Station
        - Punchlist work
    - Secondary Clarifiers
        - Punchlist work
    - Step Feed Process Building
        - Misc electrical install
        - Cleanup
        - Security installation
        - Startup testing of all systems
        - I&C modifications and startup
    - Orbal Reactor
        - No work
    - Digester 5 & 6
        - In use by the Town
    - Digesters 1 & 2
        - In use by the Town
    - Digesters 3 & 4
        - Install handrail and stairs
        - Install interior piping, and pipe supports
    - UV Digester Blower Building
        - Security installation
        - Cleanup

        - I&C modifications and startup

    - Administration Building
        - Town staff move in
        - Cleaning
        - Installation of furniture
        - Punchlist work
    - Headworks Building
        - Cleanup
        - Punchlist work
        - I&C modifications and startup
    - Start-Up
        - Work on the Instrumentation and controls (I&C) was on going throughout the month as more systems were brought into full automation mode and able to be controlled remotely through the SCADA system.
    - Concrete, backfill, compaction testing, welding, and bolt inspections by CTL Thompson
    - Electrical and plumbing inspections by Safebuilt as needed

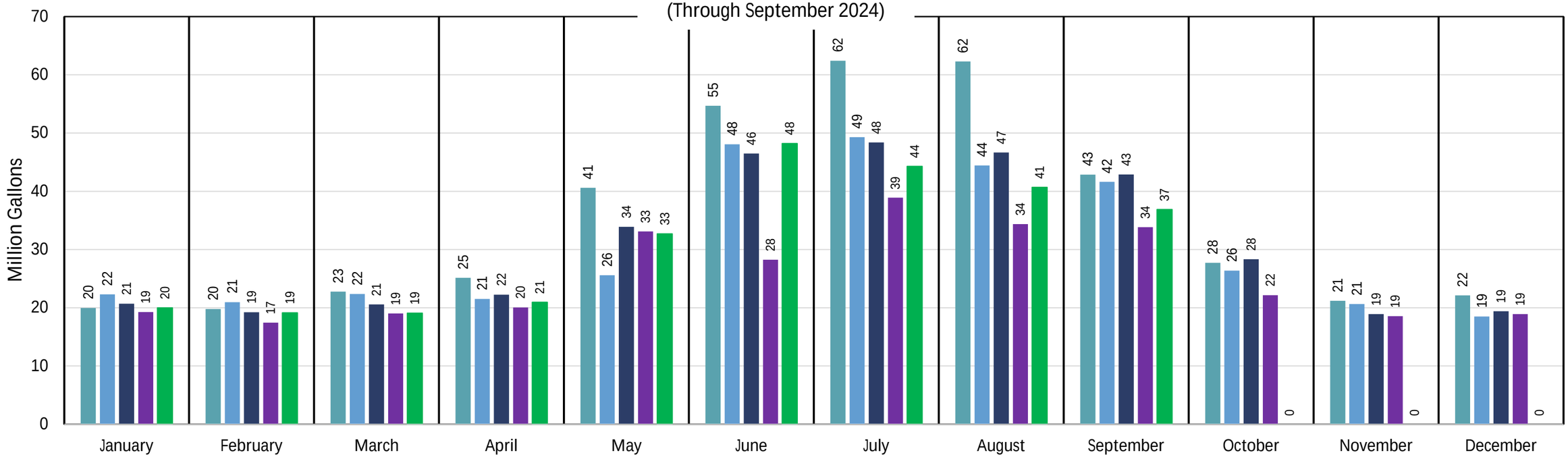
- **Issues**
    - The Project team was notified of another delay to the Automatic Transfer Switch (ATS) required to automatically switch the facility to generator power in the event of a power outage. These parts have been on order for over two years. This is noted as an industry-wide issue with ATS parts. Automatic Transfer switches are required by CDPHE to proceed with the plant startup. The team has sourced temporary ATS units that were brought to the site and will be used until the permanent ATSs arrive and are installed.
        - The two remaining ATSs have had delivery dates held through the month of August; unfortunately, in early September the team was notified of additional delays for at least one of the ATSs.
        - The team was informed that at least one of the new ATSs that was scheduled to ship at the end of September from the Eaton factory located in Fayetteville, North Carolina was delayed for an unknown duration due to Hurricane Helene. The project team is working to confirm the status/condition of the ATS located at that factory, however, no new updates have been provided by Eaton.

Contingency Update

- Contractor Contingency
    - No new contractor contingency items this month
    - Contractor contingency currently has $129,521.50 remaining, which is 6% of the original contingency
- Town Contingency
    - No new owner contingency items this month
    - Owner contingency currently has $105,244.50 remaining, which is 5% of the original contingency

Total Monthly Production: Main WTP (Conventional & Microfiltration), and Nano Plant[1]

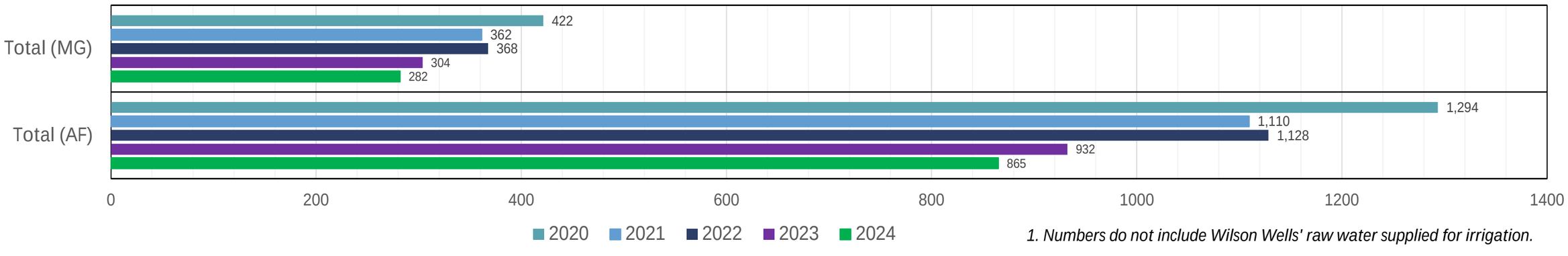
(Through September 2024)



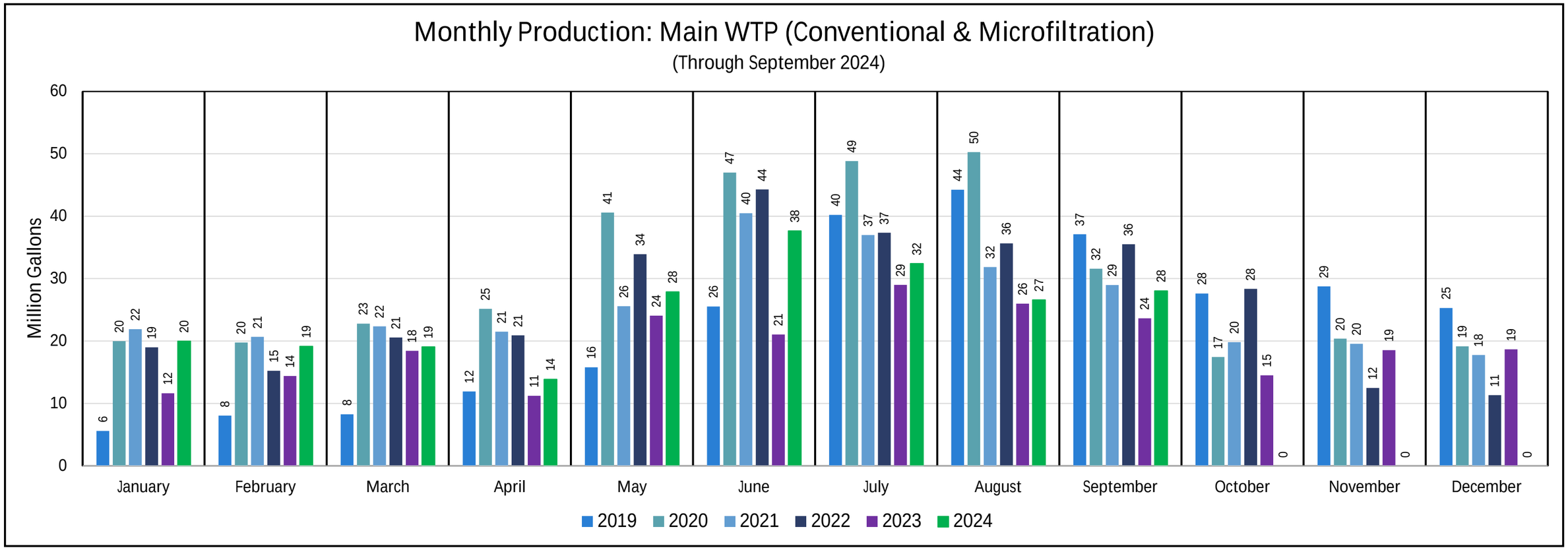
1. Numbers do not include Wilson Wells' raw water supplied for irrigation.

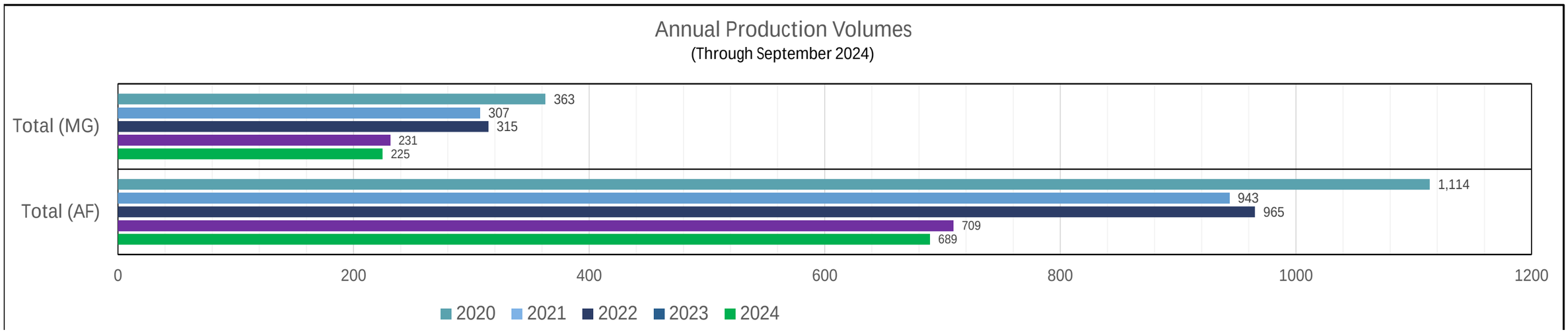
Annual Production Volumes[1]

(Through September 2024)



1. Numbers do not include Wilson Wells' raw water supplied for irrigation.

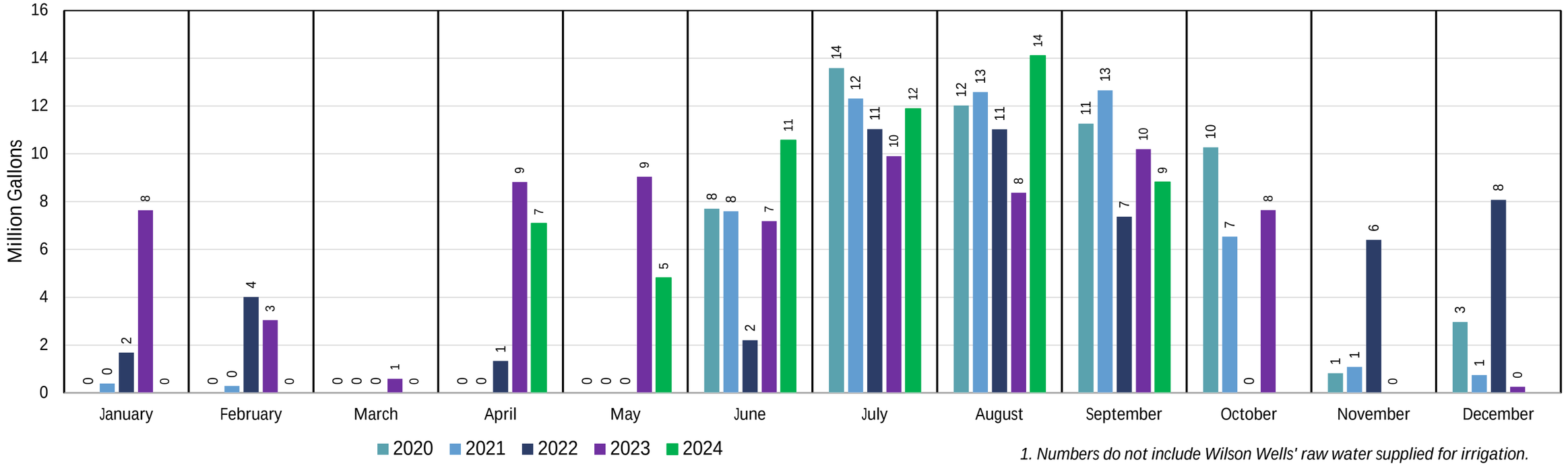

Monthly Production: Main WTP (Conventional & Microfiltration)
(Through September 2024)
Million Gallons
0
10
20
30
40
50
60
January 6 20 22 19 12 20
February 8 20 21 15 14 19
March 8 23 22 21 18 19
April 12 25 21 21 11 14
May 16 41 26 34 24 28
June 26 47 40 44 21 38
July 40 49 37 37 29 32
August 44 50 32 36 26 27
September 37 32 29 36 24 28
October 28 17 20 28 15 0
November 29 20 20 12 19 0
December 25 19 18 11 19 0
2019
2020
2021
2022
2023
2024


Annual Production Volumes
(Through September 2024)
Total (MG)
363
307
315
231
225
Total (AF)
1,114
943
965
709
689
0
200
400
600
800
1000
1200
2020
2021
2022
2023
2024

Water Treatment

Monthly Production: Nano Plant[1]

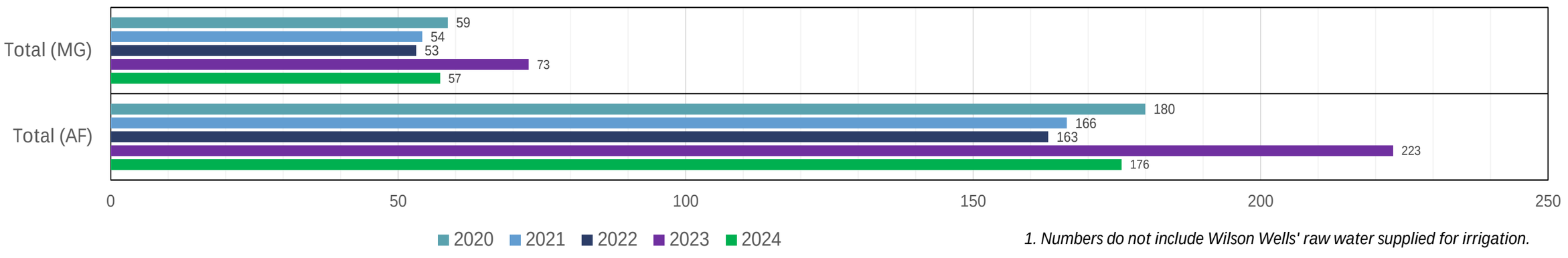
(Through September 2024)



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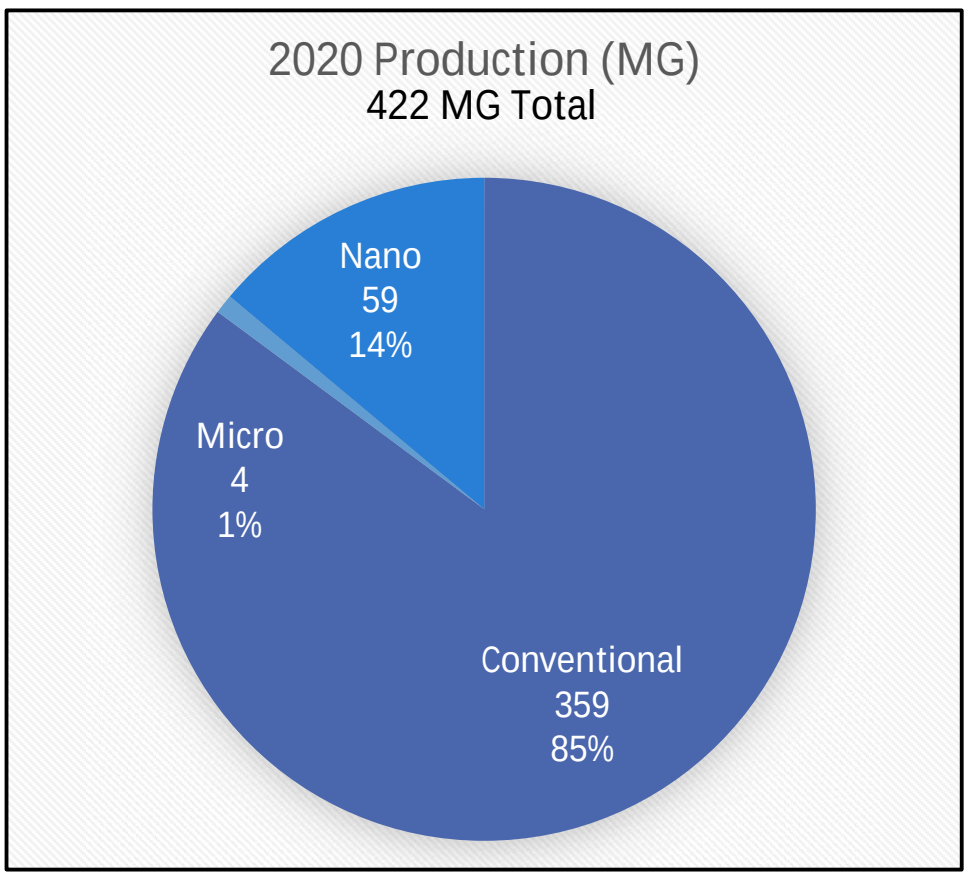
Annual Production Volumes[1]

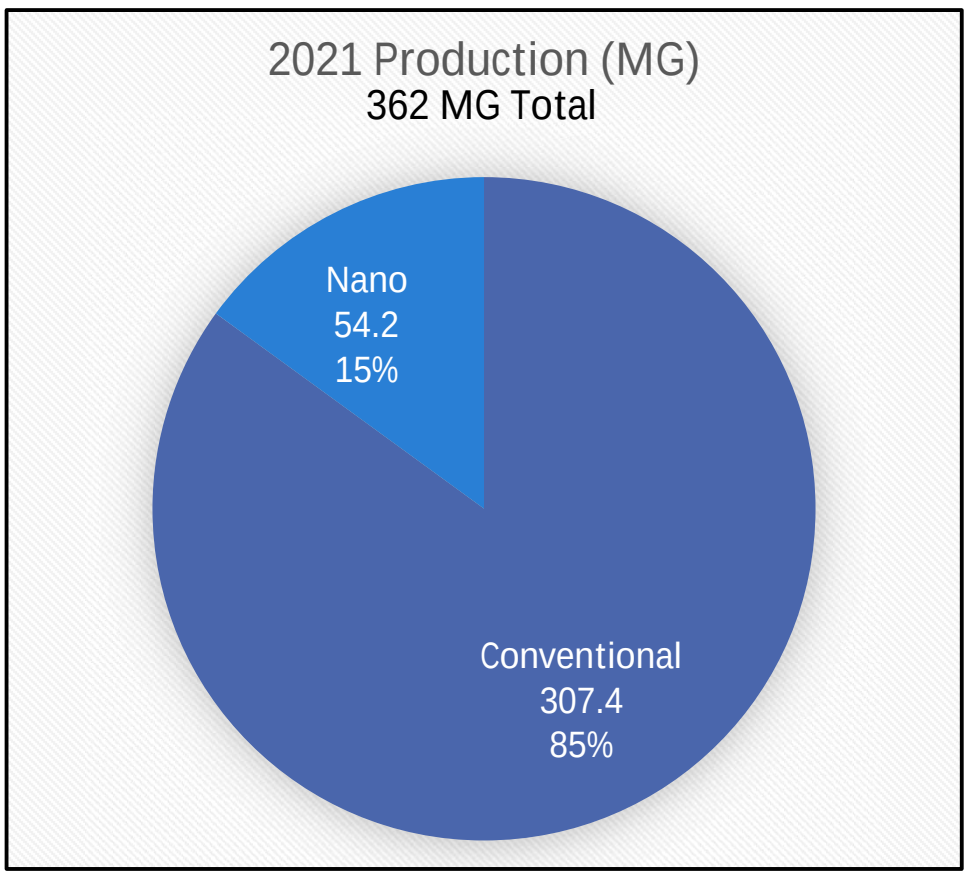
(Through September 2024)

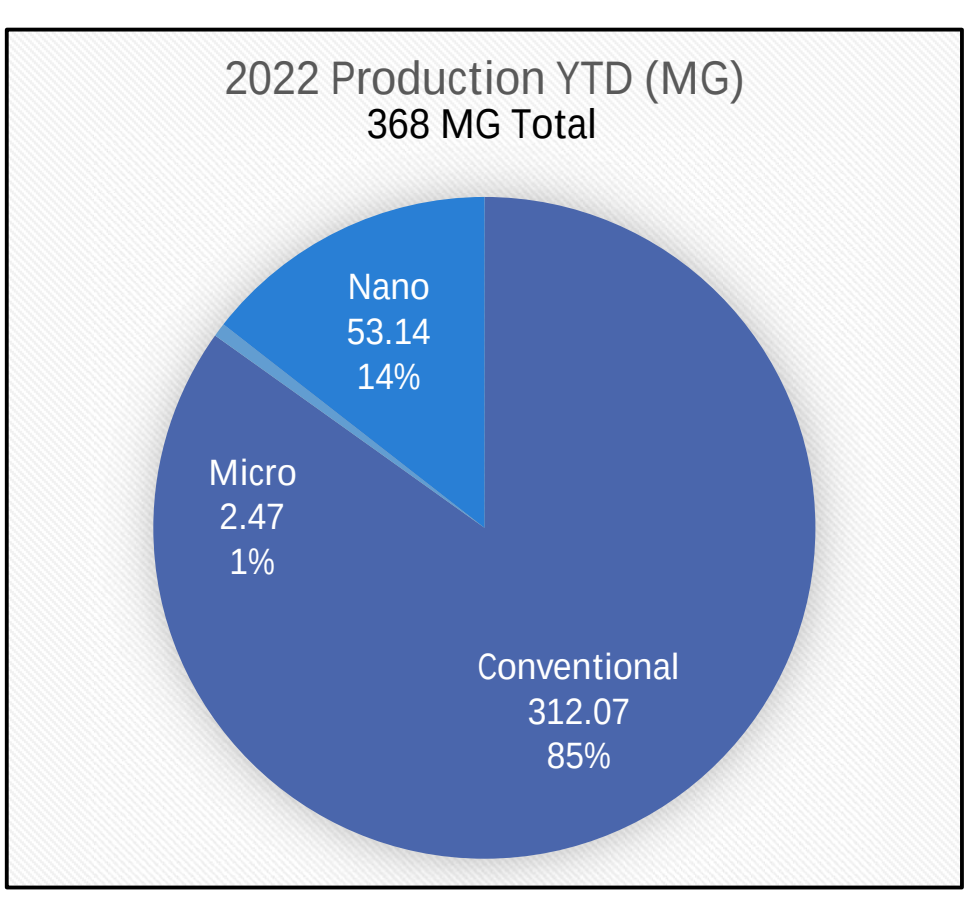


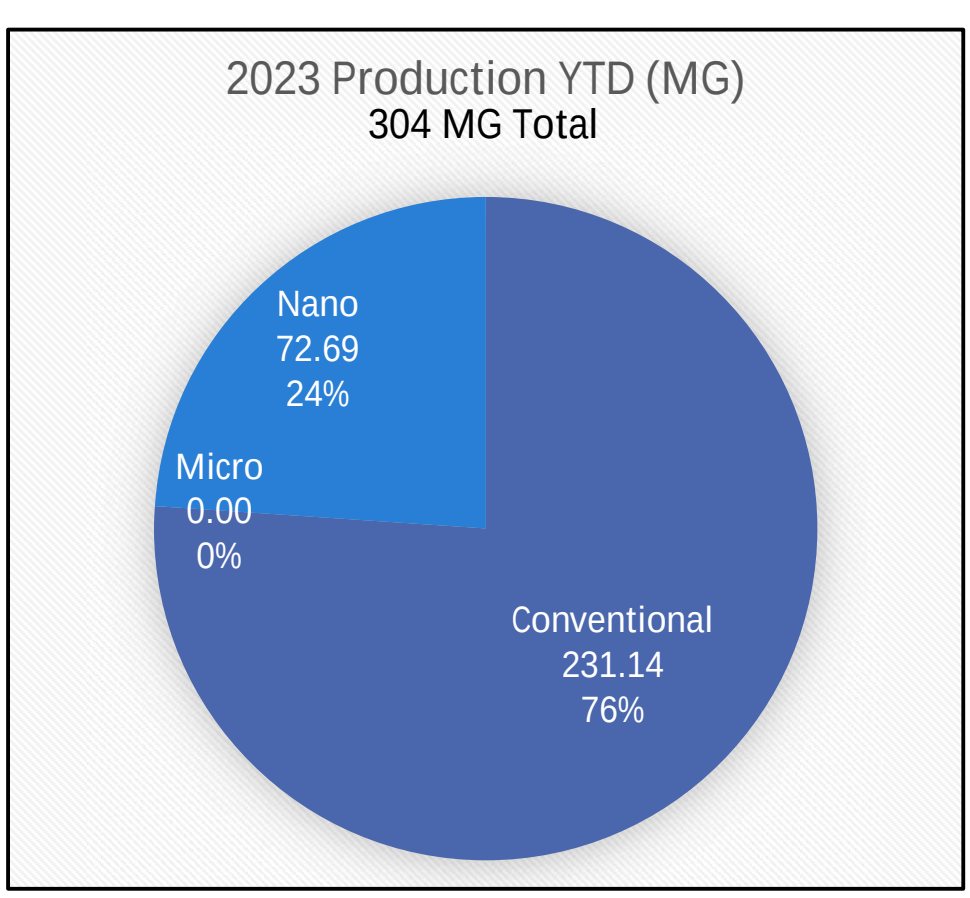
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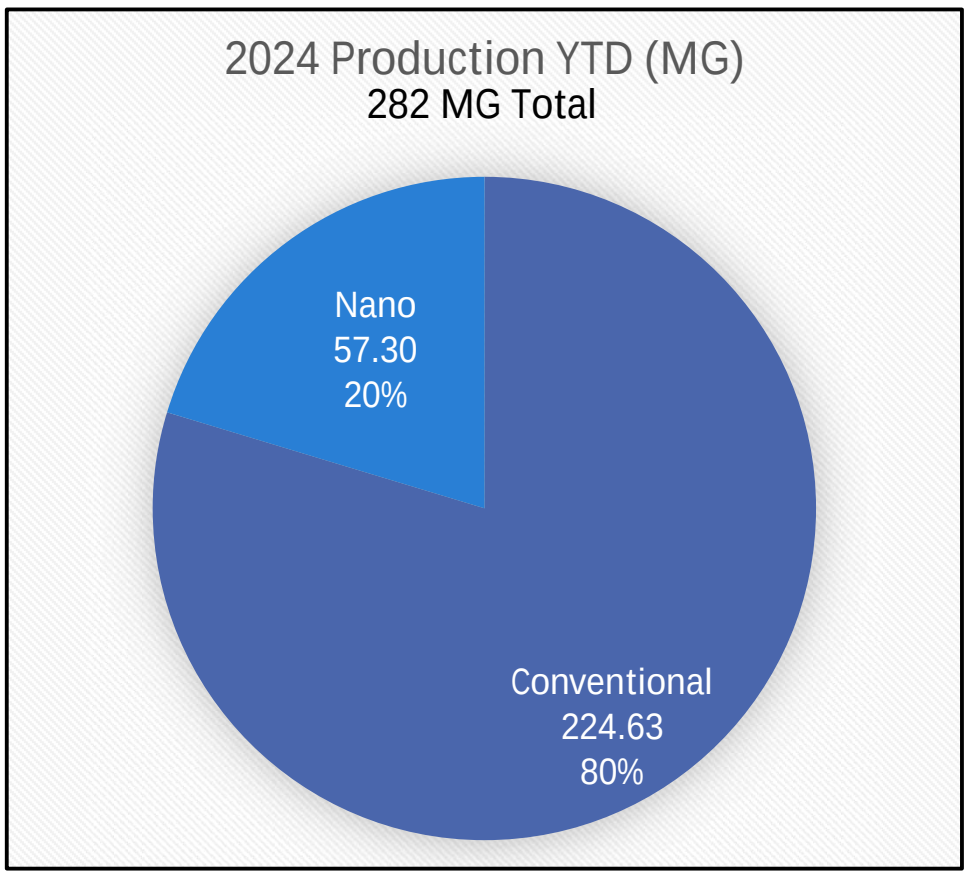
Water Treatment









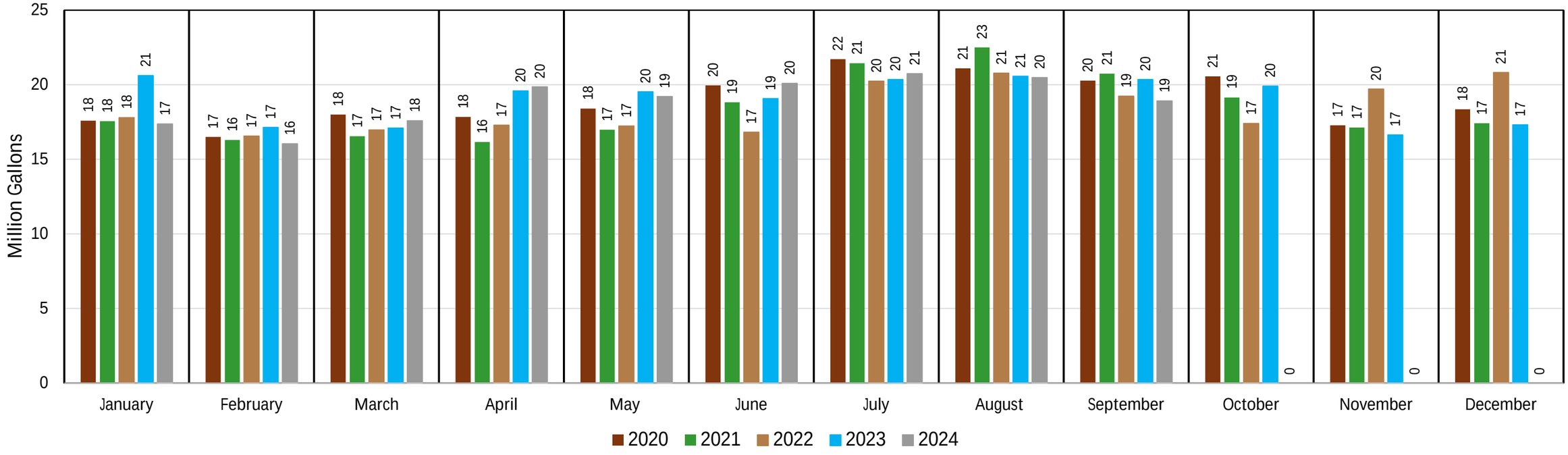


TOWN OF WELLINGTON

Water Reclamation Facility Treatment

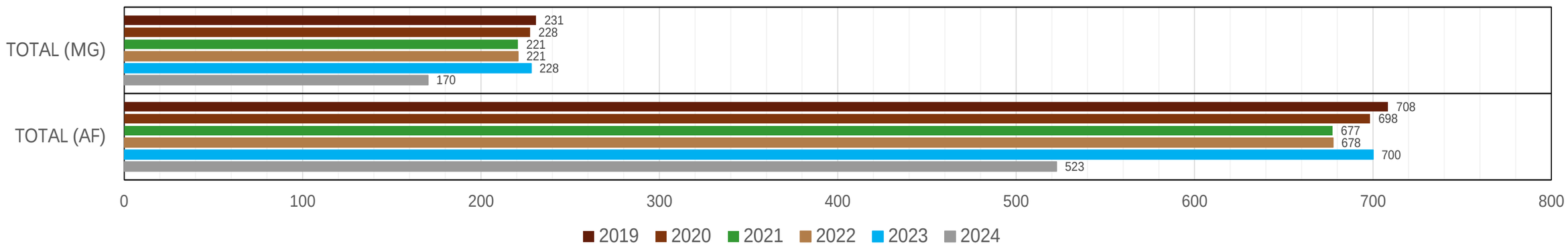
Monthly Production: Monthly Volume of Influent

(Through September 2024)

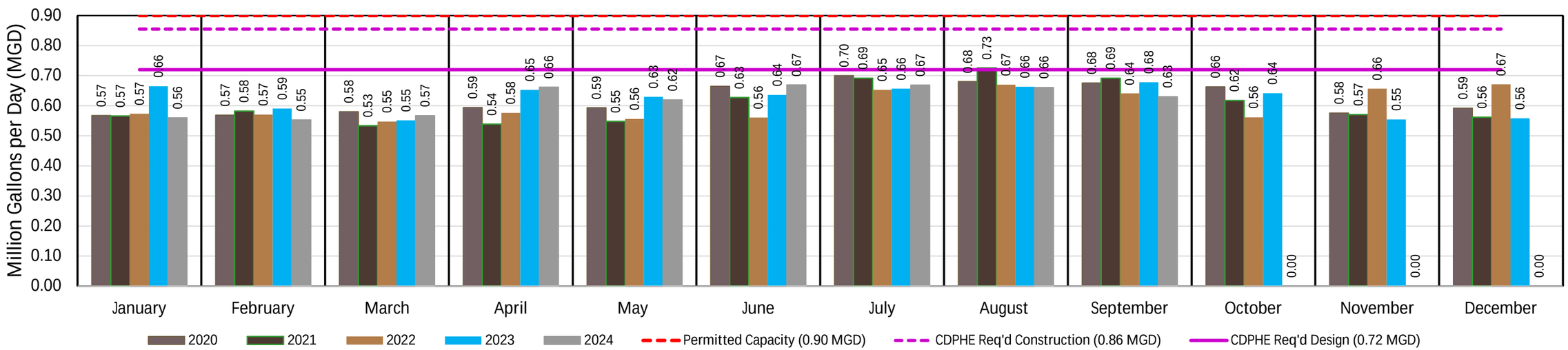


Annual Volume of Influent

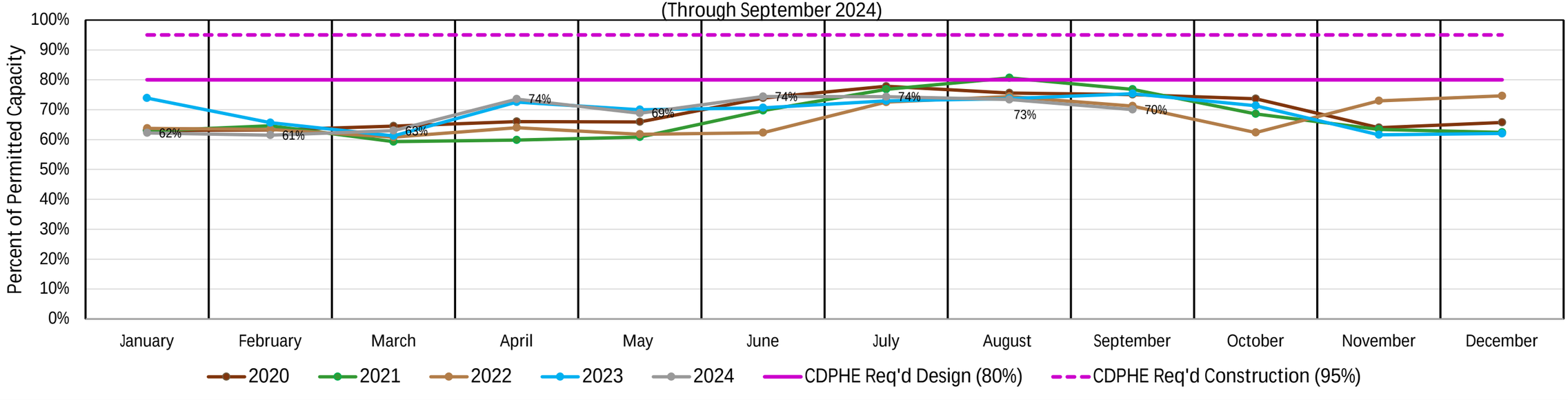
(Through September 2024)



Monthly Production: Hydraulic Loading
(Through September 2024)

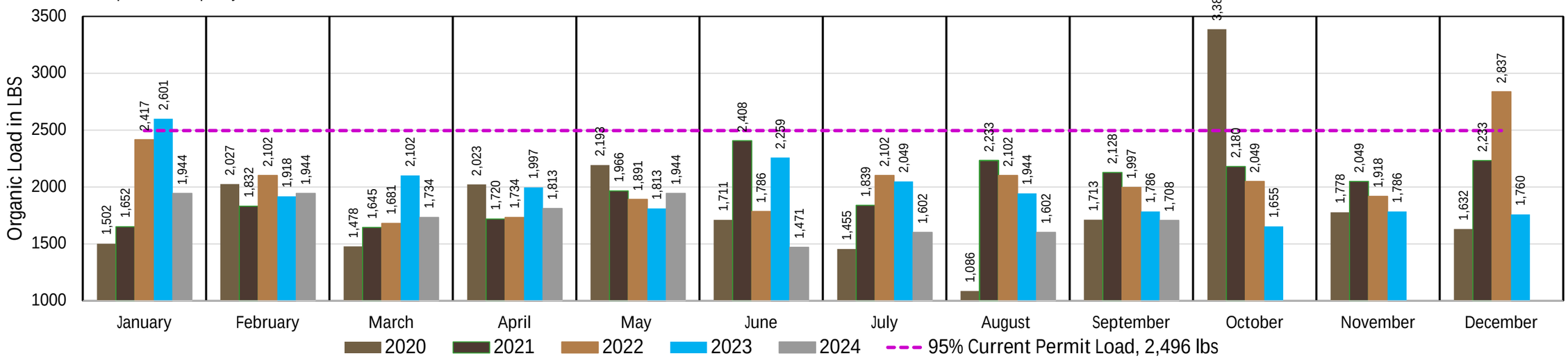


Monthly Production: Percent of Permitted Hydraulic Capacity
(Through September 2024)



Monthly Production: Organic Loading
(Through September 2024)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.



Monthly Production: Percent of Permitted Organic Capacity
(Through September 2024)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.

