

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., there is hereby adopted by reference Articles and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. 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. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Town Clerk and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length. (Ord. 184 §1, 1984; Ord. 481 §1, 2003)

Sec. 8-1-20. Amendments.

The Model Traffic Code is subject to the following amendments:

- (1) Part V is amended by the addition of a new Section 504.5, to read:

"504.5 Limitation on length. (1) No person shall operate, stop, stand or park any bus, truck, truck tractor, trailer, semitrailer or other vehicle or combination of vehicles exceeding 45 feet in length, including bumpers if any, on any street in Town.

"(2) Subsection (1) of this section does not apply to any street in the Town which is part of a state highway or to any street in the Town which is a continuation of a county road.

"(3) Subsection (1) of this section does not apply to a bus being operated for the purpose of making a required stop in the Town, an authorized emergency vehicle, a truck, truck-tractor, trailer, semitrailer or other commercial vehicle or combination of commercial vehicles being operated for the purpose of making a delivery to or a pickup from a location in the Town, or a vehicle being operated by a public utility for the purpose of making a repair of a public utility facility in the Town.

"(4) Town personnel are hereby authorized to complete schedules and post signs to carry out the purposes of this section."

- (2) Section 1204 is amended by adding Paragraphs (6) and (7), to read as follows:

"(6) Parking is permitted on Milliken streets subject to restrictions posted on any given street and conformance with this code.

"(7) Parking on residential lots is restricted to the following:

"(a) Garages. Vehicles may park in garages and in the driveway leading to the garage.

"(b) Extension Pad. An extension pad is a cement pad, no larger than one hundred twenty (120) square feet, located in a side setback adjacent to a single-width driveway. The combination pad/driveway shall be no more than twenty-four (24) feet in width, and parking is permitted on this pad.

"(c) No Garage. Parking shall not be permitted in the front setback. Parking shall be permitted on one (1) side setback. Such parking shall consume no more than five hundred seventy-six (576) square feet and said area shall be located in one (1) rectangular area.

"(d) Residents unable to meet these provisions due to unique land configurations or aesthetic consideration may apply to the Town Administrator for an exception to the placement of the parking area. Any exceptions must be made in writing, and on forms provided by the Town.

"(e) Parking is prohibited between the curblines, or lateral lines of a roadway, and the adjacent property lines, except as permitted herein."

(3) Section 1412(10) is hereby amended by the addition of the following:

"(e) The use of the sidewalks or sidewalk areas adjacent to Broad Street between Ethel Avenue and Josephine Avenue in the Town of Milliken shall be restricted to pedestrian traffic only, and the use of these sidewalks or sidewalk areas by a person on a bicycle, skateboard, roller blades or roller skates is prohibited.

"(f) The use of a bicycle, skateboard, roller blades and roller skates on public streets or highways in the Town of Milliken is prohibited when lights are required by Section 221 of this code unless the lighting devices specified in the code are in place and operational."

(Ord. 184 §2, 1984; Ord. 216 §§I, II, 1986; Ord. 231 §1, 1987; Ord. 233 §1, 1987; Ord. 276 §1, 1990; Ord. 481 §1, 2003; Ord. 541 §1, 2006)

Sec. 8-1-30. 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 606, 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively concerning unauthorized devices, reckless driving, careless driving and eluding a police officer shall apply not only to public places and ways but also throughout the Town. (Ord. 184 §4, 1984; Ord. 481 §1, 2003)

Sec. 8-1-40. 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 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. (Ord. 184 §7, 1984; Ord. 481 §1, 2003)

Sec. 8-1-50. Speed limits.

The speed limit on the State Highway passing through the Town, known as Broad Street, shall be thirty (30) miles per hour at all times. (Ord. 87 §§1, 2, 1956; Ord. 481 §1, 2003)

Sec. 8-1-60. Penalties.

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

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this Article.

(2) Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 184 §3, 1984)

Sec. 8-1-70. Road closure authority.

The Chief of Police may order temporary road and street closures when he or she deems that it is in the community interest or for public safety, health or welfare reasons. (Ord. 541 §1, 2006)

ARTICLE II

Vehicle Regulations

Sec. 8-2-10. Definitions.

The definitions set forth in Article 1 of Title 42, C.R.S., as applicable and as modified and supplemented by this Code, shall apply to this Article.

Curb weight is the weight of a vehicle, including the vehicle's fluids, fuel, standard equipment and permanently affixed equipment and accessories, but not the driver, other occupants or cargo.

Gross vehicle weight (GVW) is the total weight of a vehicle, including the driver, passengers, cargo, contents, car components and accessories. (Ord. 431 §1, 2001; Ord. 541 §1, 2006)

Sec. 8-2-20. Storing construction equipment and machinery.

It is unlawful for the owner or operator to store, park, place or permit to be stored, parked or placed, any construction equipment with a curb weight of eight thousand (8,000) pounds or more on any private lot or parcel or public roadway or easement more than one hundred (100) feet from a construction site within the Town, unless it is fully enclosed in a garage or other building out of public view, in areas of the Town other than those zoned residential, or temporarily being used on a validly permitted construction site. Construction equipment, vehicles and trailers which are located on a validly permitted construction site or within one hundred (100) feet thereof on a public roadway or easement shall be presumed to be in violation of this Section unless the vehicle or equipment was used for the purposes for which it was manufactured on that

permitted construction site within seventy-two (72) hours prior to the issuance of the citation. (Ord. 431 §2, 2001; Ord. 541 §1, 2006)

Sec. 8-2-30. Parking.

(a) Parking of motor vehicles, mobile machinery and trailers.

(1) Parking on public property. Any operator or owner who parks any motor vehicle, mobile machinery or trailer upon a street, highway, public right-of-way or any other public property, commits a parking violation if there exists any of the following conditions:

a. The motor vehicle, mobile machinery or trailer has been left for more than twenty-four (24) hours on public property not specifically designated nor prohibited for parking, or more than seventy-two (72) hours on public property with designated parking.

b. License plates or other identifying marks have been removed from the motor vehicle, mobile machinery or trailer, or there is an absence of an effective or valid registration affixed to the motor vehicle, mobile machinery or trailer.

c. The motor vehicle, mobile machinery or trailer has been damaged or is deteriorated so extensively that it has value only for junk or salvage, or there is the absence of one (1) or more parts from the vehicle necessary for the lawful operation of the motor vehicle, mobile machinery or trailer upon the streets or highways, or there is one (1) or more flat tires on the vehicle.

(2) Parking on private property. Any operator or owner who parks any motor vehicle, mobile machinery or trailer upon any private property, with or without the consent of the property owner, occupant, lessee or person in possession or control of the premises or property, or any property owner, occupant, lessee or person in possession or control of premises or property who allows parking to occur on his or her property, of a motor vehicle, mobile machinery or trailer, commits a violation if there exist any of the following conditions, and the motor vehicle, machinery or trailer is not fully enclosed in a garage or similar building, and out of public view:

a. License plates or other identifying marks have been removed from the motor vehicle, mobile machinery or trailer, or there is an absence of an effective or valid registration affixed to the motor vehicle, mobile machinery or trailer.

b. The motor vehicle, mobile machinery or trailer has been damaged or is deteriorated so extensively that it has value only for junk or salvage, or there is the absence of one (1) or more parts from the vehicle necessary for the lawful operation of the motor vehicle, mobile machinery or trailer upon the streets or highways, or there is more than one (1) flat tire on the vehicle.

c. The motor vehicle, mobile machinery or trailer is not parked on an all-weather surface, such as asphalt, concrete or gravel surface.

d. The motor vehicle, mobile machinery or trailer impedes the visibility of pedestrian or vehicular traffic.

(3) Parking on private property without consent of the property owner. Any operator or owner who parks any motor vehicle, mobile machinery or trailer upon any private property, without the consent of the property owner, commits a parking violation.

(b) Parking of trucks on public property. The owner or operator of any truck in excess of eight thousand (8,000) pounds curb weight, to include vehicles that are commonly referred to as medium-duty trucks or larger including a truck tractor or semi-tractor, or any box-type truck, or any vehicle in excess of twenty-four (24) feet in length, except vehicles otherwise regulated by Subsection (d) of this Section, shall not park said vehicle on any public property, roadway, alley or right-of-way unless actively engaged in making a local delivery or pickup, or utility repair or construction at that address.

(c) Parking of trucks on private property. The owner or operator of any truck in excess of eight thousand (8,000) pounds curb weight, to include vehicles that are commonly referred to as medium-duty trucks or larger, including box-type trucks, that are not otherwise regulated by M.M.C. § 8-2-40, except vehicles otherwise regulated by Subsection (e) of this Section, shall not park said truck on any private property unless the property is zoned specifically for that use, or it is actively engaged in making a local delivery or pickup, or utility repair or construction at that address.

(d) Parking of trailers and recreational vehicles on public property

(1) The owner or operator of any motorhome, recreational vehicle, or trailer of any sort, other than an authorized emergency vehicle, shall not park said vehicle or trailer on a public roadway, alley or right-of-way, designated for parking, for longer than seventy-two (72) hours total within a consecutive thirty-day period. Moving the vehicle or trailer a short distance or removing it briefly and reparking it does not restart the allowable seventy-two-hour period.

(2) No vehicle, including recreational vehicles and trailers, while parked on a public street, alley or public place in Town, shall be used for overnight accommodation, or as a dwelling or residence.

(e) Parking of trailers and recreational vehicles on private property. A trailer or recreational vehicle shall not be used for storage or as a business or residential premises, although recreational vehicles, camping trailers and campers may be used for accommodation for no longer than seventy-two (72) hours total within a thirty-day period, unless it is within an approved and authorized campground.

(f) Vehicles posted for sale.

(1) It is unlawful to park any vehicle on any public property, roadway or right-of-way with the primary intent of displaying the vehicle for sale.

(2) It is unlawful to park more than two (2) vehicles per residence on private property with a "For Sale" sign posted.

(g) Parking during snowstorms. Vehicles abandoned or parked in a designated snow route that unreasonably interfere with snow removal operations may be towed and impounded without notice and at the owner's expense.

(h) Vehicle, machinery or trailer repairs on public property. With the exception of emergencies, vehicles, machinery or trailers shall not be repaired or dismantled on public property.

(i) Postal cluster mailbox. No owner or operator shall park a motor vehicle, motorized machinery or trailer within five (5) feet of a U.S. Postal Service-approved cluster mailbox unit. (Ord. 431 §3, 2001; Ord. 481 §3, 2003; Ord. 541 §1, 2006; Ord. 560 §1, 2007)

Sec. 8-2-40. Parking of semitrailers or truck tractors.

(a) No semitrailers or truck tractors which are typically operated in conjunction with each other and called "18 wheelers" shall separately or together be parked in the Town except in areas zoned for industrial use, or while being loaded or unloaded.

(b) By special review of the Board of Trustees, an owner of real property may annually file a petition to be exempted from this restriction on his or her property.

(1) The primary basis for granting the exemption will be that the impact of the parking on the neighbors and neighborhood is minimal. Thus, parking of truck tractors on large lots on an infrequent basis, when they are not left to idle, and when they generally enter and leave the property between the hours of 7:00 a.m. and 8:00 p.m., are issues of importance in determining whether an exemption should be granted.

(2) Because neighborhoods are in a constant state of flux, all exemptions will expire one (1) year from the date they are issued.

(3) The Board of Trustees may designate specific guidelines to the Town's staff through which these exemptions may be granted on an administrative basis.

(4) Subject to the provisions set forth herein and Chapter 16 of this Code, the applications for use by special review must be submitted before March 1, 2001. Upon submission, public notice shall be given and the matter set for hearing before the Board of Trustees without first being heard by the Planning and Zoning Commission. No applications will be accepted where more than one (1) truck tractor would be parked on any parcel of land or multiple adjoining parcels owned collectively or individually by related persons or controlled entities. The use by special review, when issued, will be in effect for one (1) year and will automatically expire at the end of a thirty-day grace period following the end of the one-year time period. If the use by special review expires or it is revoked because the conditions upon which the use by special review have not been met, the application cannot be resubmitted. The use by special review is not transferable or assignable. (Ord. 431 §4, 2001; Ord. 481 §1, 2003)

Sec. 8-2-50. Use of Jake Brakes prohibited.

It is unlawful for any person to use within the Town limits a device which is commonly called a Jake Brake, such device having been determined by the Board of Trustees to cause an unreasonable and unnecessary noise, and such device is hereby declared to be a public nuisance. A *Jake Brake* is that device which is normally used on a truck or other vehicle for slowing or stopping such vehicle by reducing the engine compression, and is sometimes referred to as an engine brake. (Ord. 433 §1, 2001)

ARTICLE III

Towing, Storage and Impoundment

Sec. 8-3-10. Definitions.

(a) As used in this Article, unless the context otherwise requires:

Abandoned motor vehicle means any motor vehicle that has been abandoned, as defined in this Code.

Owner means the record owner of property, the lessee or other person in lawful possession of property, or the agent of any of the foregoing.

(b) Except as otherwise specifically provided in this Section, the definitions contained in Section 42-4-1602, C.R.S., shall apply to this Article. (Ord. 258 §1, 1989; Ord. 481 §1, 2003)

Sec. 8-3-20. Applicability.

This Article is supplemental to the provisions of Part 16 of Article 4 of Title 42, C.R.S., and the procedures for the towing and storage of vehicles in said provisions shall be applicable to the Town except to the extent specifically superseded by this Article. (Ord. 258 §2, 1989)

Sec. 8-3-30. Authority to tow and impound vehicles.

A police officer of the Town shall have the authority to direct that a motor vehicle, trailer or other device designed to be drawn upon any highway or roadway of the Town be towed and placed in storage in an impound lot by an operator under the following circumstances:

(1) Interference with traffic or street maintenance. Whenever a police officer finds a motor vehicle, attended or unattended, which is stopped, standing or parked upon any portion of a street, alley or highway right-of-way within the Town in such a manner or under such condition as to interfere with the free movement of traffic or with proper street, alley or highway maintenance, the police officer may direct an operator to tow the vehicle and place it in storage in an impound lot. The police officer may make a reasonable effort, as practicable under the circumstances, to locate the owner of the vehicle and direct the owner to remove the vehicle.

(2) Abandoned motor vehicles and trailers on public property. Whenever a police officer finds an abandoned motor vehicle on any public property within the Town, the police officer may direct an operator to tow the vehicle and place the vehicle in storage in an impound lot. The police officer may make a reasonable effort, as practicable under the circumstances to locate the owner of the vehicle and direct the owner to remove the vehicle.

(3) Abandoned motor vehicles on private property. Whenever an owner of private property finds an abandoned motor vehicle on his or her property, the owner may notify a police officer. The police officer shall then determine, in his or her discretion, whether to request a public tow of the vehicle or whether it shall be up to the owner of the property to request a private tow. If the police officer determines that a public tow will be requested, the police officer may make a reasonable effort, as practicable under the circumstances to locate the owner of the vehicle and direct the owner to remove the vehicle.

(4) Emergencies. Whenever a police officer finds an emergency requiring the immediate removal of a motor vehicle which is legally stopped, standing or parked in a street, alley or highway right-of-way or on private property, the police officer may direct an operator to tow the vehicle and place it in storage in an impound lot. If the police officer determines that a public tow will be requested, the police officer may make a reasonable effort, as practicable under the circumstances, to locate the owner of the vehicle and direct the owner to remove the vehicle. The Town shall pay any towing fees, and the owner of the vehicle shall pay any storage fees for a vehicle towed pursuant to this Paragraph.

(5) Vehicles with three (3) or more unpaid parking citations. A police officer may direct an operator to tow a vehicle for safekeeping to an impound lot of the Town's choosing if the vehicle has received three (3) or more separate parking citations, and at least three (3) of those citations remain outstanding, or have not been paid in the time required by law. The owner and/or operator of the vehicle shall be liable for any and all towing and/or storage fees as allowed by law for a vehicle towed pursuant to this Section. (Ord. 258 §3, 1989; Ord 541 §1, 2006; Ord. 560 §1, 2007)

Sec. 8-3-40. Liability.

Neither the Town, its officers, employees or agents, nor any person acting under the direction of the Town, its officers, employees or agents, shall be liable for any damages occasioned by the towing, impoundment or storage of a motor vehicle pursuant to this Article or pursuant to the provisions of Part 16 of Article 4 of Title 42, C.R.S. (Ord. 258 §4, 1989)

Sec. 8-3-50. Post-impoundment hearing for impounded vehicles.

As to any motor vehicle placed in storage in an impound lot pursuant to this Article at the direction of a police officer, the owner of the vehicle has the right to a post-impoundment hearing to determine whether there was probable cause to impound the vehicle, if the owner files a written demand for such hearing with the Town Clerk within ten (10) days after the postmarked date of the notice sent to the owner by the Police Department pursuant to Section 42-4-1604(4), C.R.S. Failure to request a hearing within such time shall operate as a waiver of the owner's right to such hearing. (Ord. 258 §5, 1989)

Sec. 8-3-60. Conduct of hearing.

(a) A hearing shall be conducted before the Town Administrator within seventy-two (72) hours of receipt by the Town Clerk of the owner's written demand therefor unless the owner agrees to waive the right to a speedy hearing, or the delay in conducting a speedy hearing was occasioned by the owner. Saturdays, Sundays and Town holidays shall be excluded from the calculation of the seventy-two-hour period. The sole issue at the hearing shall be whether there was probable cause to tow and impound the vehicle.

(b) *Probable cause to tow and impound* means such a state of facts as would lead a person of ordinary care and prudence to believe that the towing and impoundment of the vehicle was warranted because of a breach of the ordinances of the Town or of state or federal law, or because of an emergency.

(c) At the hearing, the owner and the Police Department shall each provide testimony or arguments concerning whether there was probable cause to tow and impound the vehicle. The

decision of the Town Administrator shall in no way affect any judicial proceeding relating to the vehicle or its owner.

(d) The failure of the person who demanded the hearing to attend the hearing shall be deemed a waiver of the owner's right to the hearing. (Ord. 258 §6, 1989; Ord. 481 §1, 2003)

Sec. 8-3-70. Decision.

At the conclusion of the hearing, the Town Administrator shall only determine that either: (1) there was probable cause to tow and impound the vehicle; or (2) there was no probable cause to tow and impound the vehicle. In the event of a determination that there was no probable cause to tow and impound the vehicle, the vehicle shall be released to the owner, and the Town shall pay any towing or storage fees for the vehicle. (Ord. 258 §7, 1989; Ord. 481 §1, 2003)