

**Title 10**

**VEHICLES AND TRAFFIC**

<b><u>Chapters</u></b>	<b><u>Page</u></b>
10.04 - Model Traffic Code Adopted* .....	1
10.06 - Abandoned and Non-Operating Vehicles.....	8
10.16 - Snowmobiles .....	16
10.17 - Off Highway-Vehicles.....	20
10.18 - Utility Type Vehicles.....	27
10.24 - Recreational Vehicles .....	30
10.26 - Winter Season Park Restrictions .....	32

**10.04 - Model Traffic Code Adopted\***

<b><u>Sections</u></b>	<b><u>Page</u></b>
10.04.010 Adoption. ....	1
10.04.020 Deletions. ....	1
10.04.030 Additions or modifications. ....	1
10.04.035 Surcharge imposed.....	1
10.04.040 Violation - Penalty. ....	6
10.04.050 Application.....	7
10.04.060 Interpretation.....	7

**10.04.010 Adoption.**

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by references Articles I and II, inclusive, of the 2003 edition of the “Model Traffic Code” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this chapter and the Code adopted herein is to provide a system of traffic relations 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 Town of Kremmling, Colorado, and may be inspected during regular business hours. (Ord. 500 §2, 2005; Ord. 401 §1, 1995)

\*Prior History: Prior Code § 13-1-1, 13-1-2, 13-1-3, 13-1-4 and 13-1-5.

**10.04.020 Deletions.**

The 2003 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: NONE. (Ord. 500 §2, 2005; Ord. 401 §2, 1995)

**10.04.030 Additions or modifications.**

The said adopted Code is subject to the following additions or modifications: NONE. (Ord. 500 §2, 2005; Ord. 401 §3, 1995)

**10.04.035 Surcharge imposed.**

A. A surcharge in the amount set forth below shall be hereby levied on each Municipal Court action instituted on violation of this chapter resulting in a conviction or in a deferred judgment and

sentence. These surcharges shall be paid to the Clerk of the court by the defendant. The Clerk of the court shall transmit the moneys to the Town Treasurer, who shall credit the amount to the General Fund.

B. Except as set forth in Section 10.04.035.C for specified violations, Section 10.04.035.D for charges brought in the first instance by summons and complaint, and subject to the enhanced surcharge provided in Sections 10.04.035.E and F for school and construction zones, amount of the surcharge shall be:

1. Six Dollars (\$6.00) on any fine of fifteen dollars or less;
2. Ten Dollars (\$10.00) on any fine of sixteen dollars to thirty-five dollars;
3. Sixteen Dollars (\$16.00) on any fine of thirty-six dollars to fifty dollars;
4. Twenty-four Dollars (\$24.00) on any fine of fifty-one dollars to seventy-five dollars;
5. Thirty-two Dollars (\$32.00) on any fine of seventy-six to one hundred dollars.

C. A surcharge shall be imposed levied in the amounts shown for the following violations:

M.T.C. §	Violation	Town Surcharge (\$)
236	Child restraint systems required - definitions - exemptions (Exempt from 10.04.035.F)	16.00
237	Safety belt systems - mandatory use exemptions (Exempt from 10.04.035.F)	16.00
507	Maximum permitted weight on wheel and axle loads Excess Weight Above Maximum Permitted Weight - 1 - 2,500 2,501 - 5,000 5,001 - 7,500 7,501 - 10,000 Over 10,000: plus, for each 1000 pounds or portion thereof over 10,000	46.00 96.00 192.00 384.00 144.00 296.00

M.T.C. §	Violation	Town Surcharge (\$)
508	Excess Weight (Pounds)	
	1 - 3,000	14.00
	3,001 - 4,250	24.00
	4,251 - 4,500	46.00
	4,501 - 4,750	52.00
	4,751 - 5,000	58.00
	5,001 - 5,250	62.00
	5,251 - 5,500	70.00
	5,501 - 5,750	80.00
	5,751 - 6,000	92.00
	6,001 - 6,250	98.00
	6,251 - 6,500	120.00
	6,501 - 6,750	138.00
	6,751 - 7,000	158.00
	7,001 - 7,250	176.00
	7,251 - 7,500	208.00
	7,501 - 7,750	234.00
	7,751 - 8,000	262.00
	8,001 - 8,250	292.00
	8,251 - 8,500	330.00
	8,501 - 8,750	370.00
8,751 - 9,000	408.00	
9,001 - 9,250	448.00	
9,251 - 9,500	494.00	
9,501 - 9,750	544.00	
9,751 - 10,000	590.00	
10,001 - 10,250	640.00	
Over 10,250: plus, for each 250 pounds or portion thereof over 10,250:	640.00 28.00	
604	Traffic control signal legend	10.00
605	Flashing signals	10.00
607	Interference with official devices	32.00
608(1)	Signals by hand or signal device	6.00
612	When signals are inoperative or malfunctioning	10.00
701	Vehicles approaching or entering intersection	10.00
702	Vehicle turning left	10.00
703	Entering through highway-stop or yield intersection	10.00
704	Vehicle entering roadway	10.00

M.T.C. §	Violation	Town Surcharge (\$)
705	Operation on approach of emergency vehicles	16.00
706	Obedience to railroad signal (Exempt from 10.04.035.F)	10.00
707	Certain vehicles must stop at railroad grade crossings (Exempt from 10.04.035.F)	10.00
708	Moving heavy equipment at railroad grade crossing (Exempt from 10.04.035.F)	10.00
709	Stop when traffic obstructed (Exempt from 10.04.035.F)	10.00
710	Emerging from or entering, alley, driveway, or building (Exempt from 10.04.035.F)	10.00
711	Driving on mountain highways	10.00
712	Driving in highway work area	10.00
802(4)	Pedestrians' right-of-way in crosswalks	6.00
802(5)	Pedestrians' right-of-way in crosswalks	6.00
806	Driving through safety zone prohibited	10.00
807	Drivers to exercise due care	10.00
808	Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities	10.00
901	Required position and method of turning	10.00
902	Limitations on turning around	10.00
903	Turning movements and required signals	10.00
1001	Drive on right side - exceptions	10.00
1002	Passing oncoming vehicles	10.00
1003	Overtaking vehicle on the left	10.00
1004	When overtaking on the right is permitted	10.00
1005	Limitations on overtaking on the left	10.00
1006	One-way roadways and rotary traffic islands	10.00
1007	Driving on roadways laned for traffic	10.00

M.T.C. §	Violation	Town Surcharge (\$)
1008	Following too closely	10.00
1009	Coasting prohibited	10.00
1010	Driving on divided or controlled-access highways	10.00
1011	Use of runaway vehicle ramps (Exempt from 10.04.035.F)	32.00
1101(1)	1 to 4 miles per hour over the reasonable and prudent speed	6.00
1101(1)	5 to 9 miles per hour over the reasonable and prudent speed	10.00
1101(1)	10 to 19 miles per hour over the reasonable and prudent speed	16.00
1101(1)	20 to 24 miles per hour over the reasonable and prudent speed	32.00
1101(1)	More than 24 miles per hour over the reasonable and prudent speed	
1101(3)	Decrease speed - special hazard	10.00
1103	Minimum speed regulation	6.00
1104	Speed limit - elevated structure	6.00
1407.5	Splash guards - when required	6.00
1415	Use of dyed fuel on highways prohibited	156.00
	Use of dyed fuel on highway prohibited (Second Violation)	312.00
	Use of dyed fuel on highway prohibited (Third and Subsequent Violations)	1560.00
1502	Riding on motorcycles	6.00
1503	Operating motorcycles on roadways laned or traffic	6.00
1504	Clinging to other vehicles	6.00
1704	Offenses by persons controlling vehicles	6.00

- D. For any violation for which a surcharge is not otherwise provided, and violations charged in the first instance by summons and complaint, a surcharge equal to thirty-seven percent of the fine imposed for each such violation. All calculated surcharge amounts resulting in dollars and cents shall be rounded down to the nearest whole dollar.
- E. A surcharge in twice the amount specified above shall be levied for any moving traffic violation within a school zone. M.T.C. §615.

- F. A surcharge in twice the amount specified above shall be levied for any traffic violation occurring in a maintenance, repair, or construction zone unless the violation is exempted as noted above.  
M.T.C. §614
- G. The surcharge levied by this section may not be suspended or waived by the court unless the court determines that the defendant is indigent. (Ord. 544 §1, 2008)

**10.04.040 Violation - Penalty.**

- A. It shall be unlawful for any person to violate any of the provisions of this chapter or the Model Traffic Code adopted herein for which no specific penalty has been provided or for which the sole penalty provided is a fine, both of which types of violations are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available, and for which a penalty assessment notice shall be issued. Every person who is convicted of a traffic infraction, who admits liability or guilt for a traffic infraction, or against whom a judgment is entered for a traffic infraction, is subject to a fine.
- B. For any violation of any provision of this chapter or the Model Traffic Code adopted herein which is a traffic infraction, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear or to pay, no privilege against self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters.
- C. For any violation of any provision of this chapter or the Model Traffic Code adopted herein which is a traffic infraction, the court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalties, together with such court costs and surcharges, as are established by law. The court may establish, by written order, rules and regulations for the administration of any violation of this chapter or the Model Traffic Code adopted herein which is a traffic infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance, and schedules establishing discounts from those amounts for early payment of penalties. Such early payment discounts shall apply only to penalties paid within twenty days of issuance of the penalty assessment notice for the infraction.
- D. The Town Attorney may establish a Town Attorney's plea bargain procedure, which shall be printed on the penalty assessment form and which, in conjunction with any early payment discount, shall provide for the automatic reduction of points assessed for a traffic infraction as set forth in this subsection D; provided, however, the Town Attorney shall retain all lawful authority to determine what, if any, plea bargain to offer those defendants appearing in the municipal court.
- E. A four (4) or three (3) point violation may be reduced to a two (2) point violation; and
- F. A two (2) point violation may be reduced to a one (1) point violation.
- G. It is unlawful for any person to violate any of the following provisions of this chapter, which violations are hereby deemed criminal offenses. Every person convicted of a

violation of the following provisions of this chapter shall be subject to the penalties set forth in section 1.16.010 of this code:

1. Section 1101 of the Model Traffic Code, where the speed as driven is twenty (20) miles per hour or more over the lawful speed.
2. Section 1105 of the Model Traffic Code, speed contest.
3. Section 1401 of the Model Traffic Code, reckless driving.
4. Section 1402 of the Model Traffic Code, careless driving.
5. Section 1413 of the Model Traffic Code, eluding or attempting to elude a police officer.
6. Section 1409 of the Model Traffic Code, compulsory insurance.
7. Section 1903 of the Model Traffic Code, stopping for school buses.

(Ord. 563 §1, 2010)

**10.04.050 Application.**

This chapter 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, the use of which this municipality has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part of 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality. (Ord. 500 §2, 2005; Ord. 401 §5, 1995)

**10.04.060 Interpretation.**

This chapter 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 chapter 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. (Ord. 500 §2, 2005; Ord. 401 §8, 1995)

## 10.06 - Abandoned and Non-Operating Vehicles

<u>Sections</u>	<u>Page</u>
10.06.010 Policy.....	8
10.06.020 Definitions.....	8
10.06.050 Abandonment prohibited; authority to impound; public tow. ....	9
10.06.060 Report; opportunity to request hearing. ....	11
10.06.070 Conduct of hearing.....	12
10.06.080 Abandonment of motor vehicles; private tow.....	12
10.06.090 Appraisal and sale of impounded vehicles.....	13
10.06.100 Proceeds of vehicle sale. ....	13
10.06.110 Immobilization of vehicle.....	14
10.06.120 Impoundment and storage fees; impoundment lot maintained by Town.....	15
10.06.200 Violation - Penalty. ....	15

### **10.06.010 Policy.**

It is declared to be the policy of the Town to prohibit abandoned, non-operating, or unregistered vehicles from being allowed or permitted to remain upon the streets, alleys, public or private property, within the Town, in order to prevent fire hazards, interference with the orderly flow of traffic, the reduction in the value of property, blight, theft, and mischief, and so as not to adversely affect public health, safety and welfare, and to preserve the enjoyment of property.

### **10.06.020 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Abandoned motor vehicle” means:

1. Any motor vehicle left unattended on private property for a period of twenty-four (24) hours or longer without the consent of the owner, occupant or tenant of such property or his or her legally authorized agent.
2. Any motor vehicle left unattended on public property, including any portion of an alley, street or highway right-of-way, within the limits of the Town for a period of twenty-four (24) hours or longer, unless the owner or driver has conspicuously affixed thereto a dated notice indicating an intention to return or has otherwise notified the Police Department of his or her intention to remove the same within seventy-two (72) hours, or the vehicle is parked on a public street within fifty (50) feet of the property of the owner and such vehicle is not subject to impoundment.
3. Any motor vehicle stored in an impoundment lot at the request of its owner or the owner's agent or the Police Department and not removed from the impoundment lot according to the agreement with the owner or agent or within seventy-two (72) hours of the time the Police Department notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Police Department requested the storage, the provisions of this chapter governing public tows shall apply as of the time of abandonment, and the Police Department shall be deemed the responsible law enforcement agency. Otherwise, the private tow provisions shall apply as of the time of abandonment.
4. Any motor vehicle which is immobilized and remains so immobilized for longer than seventy-two (72) hours without a release having been obtained.

“Appraisal” means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in the State or by any employee of the Colorado State Patrol, the County Sheriff’s Department or the Police Department whose appointment for such purpose has been reported by the head of the appointing agency to the Executive Director of the Colorado Department of Revenue.

“Appropriate storage place or depository” means an appropriately fenced area six feet high limiting visibility, or a structure or building as defined in and constructed in accordance with the latest adopted buildings code.

“Department” means the Colorado Department of Revenue acting directly or through its duly authorized officers and agents.

“Impoundment lot” means a parcel of real property which is owned or leased by a government or an operator at which impounded motor vehicles are stored under appropriate protection.

“Non-operating vehicle” means any vehicle which is stopped or parked, either attended or unattended, 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 making it incapable of performing the function it was originally designed to perform, or a vehicle that would be unlawful to operate on any street or highway within the Town.

“Operator” means a person or firm licensed by the Public Utilities Commission as a towing carrier.

“Private property” means any real property which is not public property.

“Private tow” means any tow of an abandoned, non-operating, or illegally parked motor vehicle not requested by the Police Department.

“Public property” means any real property having its title, ownership, use or possession held by the federal government, the state or any county, municipality or other governmental entity of the State, including any portion of an alley, street, highway or right-of-way open to the general use of the public.

“Public tow” means any tow of a motor vehicle requested by the Police Department.

“Street or alley” means the entire width between the boundary lines of every public way for the use of the public for purposes of vehicular or pedestrian travel or traffic, whether regularly maintained or not.

“Vehicle” means a machine designed to be propelled or towed by mechanical power, to move or travel along highways, roads, streets or the ground by use of wheels, treads, runners or slides, or any other means, to transport persons or any kind of property or pull machinery, and automobiles, airplanes, trucks, trailers, motor scooters, motorcycles, snowmobiles, tractors, buggies, boats and wagons.

**10.06.050 Abandonment prohibited; authority to impound; public tow.**

A. No person shall abandon any motor vehicle upon public property in the Town.

- B. Police officers are hereby authorized to remove, or have removed, any vehicle within the Town and place it in storage in any impoundment lot designated or maintained by the Town, or to any other place of safety, under any of the circumstances hereinafter described:
1. When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.
  2. When a vehicle is being driven upon the streets and is not in a safe condition as reasonably determined by the enforcement personnel to drive.
  3. When any vehicle is left unattended upon a street and is parked so illegally as to constitute a hazard or obstruction to the normal or safe movement of traffic.
  4. When the driver of such vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street.
  5. When the driver of any vehicle or the vehicle which he or she is driving is reasonably suspected of having been involved in a hit and run accident.
  6. When any vehicle is reasonably suspected of being a stolen vehicle or parts thereof to be stolen.
  7. When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or the vehicle is suspected of containing stolen goods or other contraband.
  8. When the driver of such vehicle is not licensed to operate the same, including but not limited to circumstances in which a driver has not been issued a valid driver's license, permit or restricted driving permit or such license or permit is suspended, cancelled or revoked for any reason.
  9. When the driver of such vehicle is unable to present evidence of a complying insurance policy or certificate of self-insurance in full force and effect as required by Section 1409 of the Model Traffic Code for Colorado, as adopted and amended by the Town from time to time.
  10. When a vehicle is a non-operating vehicle and remains on public property for a period of seventy two (72) hours. (Ord. 577 §15, 2010)
  11. When a vehicle is not bearing a valid current registration license plate.
- C. Upon the towing of any vehicle, the Police Department shall provide notice of the opportunity to request a hearing.
1. Except as otherwise provided below, notice shall be given to the registered owner of the vehicle and to the driver of the vehicle. The notice shall be personally delivered to the driver of the vehicle contemporaneously with the tow and shall be sent by certified mail to the registered owner of the vehicle, if not the same party as the driver, within three (3) working days of the tow. When a suspected stolen vehicle is towed, notice to the driver of the vehicle is not required.

2. The notice shall contain the following:
  - a. The date, time and location from which the vehicle was towed and the legal justification for the tow;
  - b. A statement that the owner of the vehicle may request a hearing concerning the legality of the towing of his or her vehicle; and
  - c. A statement that the owner must contact the Police Chief, PO Box 647, Kremmling, CO 80459, in writing, to request a hearing within ten (10) days of the date of the notice or forfeit his or her right to such hearing. The time period for requesting a hearing shall be ten (10) days from the date of the latest notice provided.
3. Notice of intent to remove the vehicle shall also be conspicuously posted on the vehicle for at least seventy-two (72) hours prior to removal. (Ord. 577 §16, 2010)

**10.06.060 Report; opportunity to request hearing.**

- A. Upon having an abandoned motor vehicle towed, the Police Department shall ascertain, if possible, whether the motor vehicle has been reported stolen, and, if so reported, the Police Department shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings. The Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.
- B. As soon as possible, but in no event later than three (3) working days after having an abandoned motor vehicle towed, the Police Department shall report the same to the Department of Revenue by first class or certified mail or personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue. The report shall contain the following information:
  1. 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 business address, telephone number and name and signature of a representative from the Police Department;
  2. If applicable, the identity of the operator possessing the abandoned motor vehicle, together with his or her business address and telephone number and the carrier number assigned by the Public Utilities Commission; and
  3. A description of the abandoned motor vehicle, including the make, model, color and year; the license number, issuing state and expiration date of the license plate; the vehicle identification number; and a list of the names and addresses of any known owners.
- C. The Police Department, upon receiving the Department of Revenue's report required by C.R.S. 42-4-1804(2), shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings. The Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.
- D. The Police Department, within five (5) working days of the receipt of the report from the Department of Revenue required by C.R.S. 42-4-1804(2), shall notify by certified mail the owner

of record, if ascertained, and any lien holder, if ascertained, of the fact of such report and the claim, if any, of a lien under C.R.S. 42-4-1807, 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 of Revenue, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

- E. Such notice shall also inform the owner of record of his or her opportunity to request a hearing concerning the legality of the towing of his or her abandoned motor vehicle, and the fact that the owner must contact the Police Chief to request a hearing, and that such request must be made in writing to the Police Department within ten (10) days of the postmarked date of sending such notice.

**10.06.070 Conduct of hearing.**

- A. Any hearing requested shall be conducted before the Municipal Judge or a hearing officer appointed by the Municipal Judge, within seventy-two (72) hours (excluding Saturdays, Sundays and Town holidays) of receipt of a written demand for such hearing, unless the person requesting the hearing waives the right to a speedy hearing. The sole issue before the Municipal Judge or hearing officer shall be whether there was probable cause to impound the vehicle in question. In this section, *probable cause to impound* means such a state of facts as would leave a person of ordinary care and prudence to believe that there was a sufficient breach of municipal, state or federal law to grant legal authority for the removal of the vehicle.
- B. The hearing shall be conducted in an informal manner and shall not be governed by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Police Department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The Municipal Judge or hearing officer shall only determine that, as to the vehicle in question, either there was probable cause to impound the vehicle or there was not such probable cause to impound the vehicle. The decision of the Municipal Judge or hearing officer shall be a final judgment.
- C. Upon a finding of no probable cause, towing and storage fees shall be paid by the Town in accordance with arrangements made between the Town and the operator. If the possessor of the vehicle fails to claim the vehicle from the operator within twenty-four (24) hours of a finding of no probable cause, excluding hours when the operator is not open for business, the possessor shall assume liability for all subsequent storage charges. It shall be the responsibility of the Police Department to notify the operator in writing of a finding of no probable cause immediately after such finding is made.
- D. Failure of the owner of the vehicle in question to request a hearing in writing to the Police Department within ten (10) days, or to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

**10.06.080 Abandonment of motor vehicles; private tow.**

- A. No person shall abandon any motor vehicle upon private property. Any owner or lessee, or his or her agent authorized in writing, may have an abandoned motor vehicle removed from his or her property by having it towed and impounded by an operator.

- B. Any operator having in his or her possession any abandoned motor vehicle from a private tow shall immediately notify the Police Department as to the name of the operator, the location of the impoundment lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year; the license number, issuing state and expiration date of the license plate; the vehicle identification number. Upon such notification, the Police Department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings. The Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

**10.06.090 Appraisal and sale of impounded vehicles.**

- A. Public tow abandoned motor vehicles or motor vehicles abandoned in an impoundment lot subsequent to a public tow shall be appraised and sold by the Police Department at a public or private sale.
- B. If the appraised value of an abandoned motor vehicle sold is two hundred dollars (\$200.00) 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 state certificate of title. The Police Department shall cause to be executed and delivered a bill of sale, together with a copy of the report described in C.R.S. 42-4-1804, 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 Police Department shall promptly submit a report of sale, with a copy of the bill of sale, to the Department of Revenue and shall deliver a copy of such report of sale to the purchaser of the motor vehicle.
- C. If the appraised value of an abandoned motor vehicle sold is more than two hundred dollars (\$200.00), the sale may be made for any intended use by the purchaser thereof. The Police Department shall cause to be executed and delivered a bill of sale, together with a copy of the report described in C.R.S. 42-4-1804, and an application for a Colorado certificate of title signed by a legally authorized representative of the Police Department.

**10.06.100 Proceeds of vehicle sale.**

- A. If the sale of any motor vehicle and its attached accessories or equipment produces an amount less than or equal to the sum of all charges of the operator who has perfected a lien pursuant to C.R.S. 42-4-1807, then the operator shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such motor vehicle.
- B. If the sale of any motor vehicle and its attached accessories or equipment under produces an amount greater than the sum of all charges of the operator who has perfected his or her lien pursuant to C.R.S. 42-4-1807:
  - 1. The proceeds shall first satisfy the operator's charges as follows:
    - a. The cost of towing the abandoned motor vehicle with a maximum charge of fifty dollars (\$50.00); the mileage for tows of greater than twenty-five (25) miles one-way, to be computed at the rate of one dollar (\$1.00) per mile for each mile in excess of twenty-five (25) miles one-way.
    - b. The storage of the abandoned motor vehicle shall be charged at the rate of four dollars (\$4.00) per day for a maximum of sixty (60) days.

- c. In the case of an abandoned motor vehicle weighing in excess of ten thousand (10,000) pounds, the operator's charges shall be determined by negotiated agreement between the operator and the Police Department.
  2. Any balance then remaining shall be paid to the Town to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle and any other costs, taxes, fines and penalties due.
  3. From any balance then remaining, the Police Department shall submit to the Department of Revenue for disbursement, pursuant to C.R.S. 42-4-1809, the amount due any lien holder of record and any person showing a legal interest in the motor vehicle; provided however, that any remaining balance, or any payment not requested as provided in C.R.S. 42-4-1809, shall be retained by or paid to the Town.
- C. Notwithstanding the provisions of subsection (b) hereof, if the Town has entered into a towing contract which provides for different charges by the operator, the operator's charges shall first be satisfied as set forth in the contract. Any balance then remaining, if any, shall be paid to the Town to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle and any other costs, taxes, fines and penalties due.

**10.06.110 Immobilization of vehicle.**

- A. Whenever any owner of a motor vehicle has failed to respond to a notice of illegal parking, a police officer is authorized to cause such vehicle to be temporarily immobilized, while it is parked or left standing on any public property in the Town.
- B. Before immobilizing any vehicle, a second copy of such notice of illegal parking shall be mailed by first class mail to the owner at the address shown upon the registration records for the vehicle. The copy shall be accompanied by a statement that the vehicle will be immobilized unless the owner pays, within fourteen (14) days after the date of mailing of the notice, all unpaid parking fines and other applicable costs. No vehicle shall be immobilized until the lapse of at least fourteen (14) days from the date of mailing of such notice. The failure of the owner to receive a notice that was mailed shall not preclude the immobilization of the vehicle.
- C. The vehicle shall be immobilized by a police officer, or by another person at the direction of such officer, by the installation or attachment of a device designed to restrict the normal movement of the vehicle.
- D. Upon immobilization, the police officer shall conspicuously affix to the vehicle a notice providing the following information and such other information as deemed necessary by the Chief of Police:
  1. That the vehicle has been immobilized by the Town for violation of one (1) or more of the parking restrictions, stating the date and time of the immobilization;
  2. That release from such immobilization may be obtained at a designated place;
  3. The total amount of fines, immobilization fees and other costs that must be paid prior to release;

4. That, unless arrangements for such release are completed within seventy-two (72) hours of the time of immobilization, the vehicle will be subject to towing and impoundment, and all costs connected with such towing and impoundment must be paid; and
  5. That removing or attempting to remove the vehicle before an authorized release is obtained is unlawful.
- E. No vehicle shall be released from immobilization by the Town until the full amount of all unpaid parking fines and other costs have been paid and an additional immobilization fee of one hundred dollars (\$100.00) has also been paid.
- F. Whenever a vehicle which has been immobilized remains so immobilized for seventy-two (72) hours or longer, and no authorized release has been obtained for the vehicle, the vehicle shall be subject to towing and impoundment. Such a vehicle shall not be released to the owner until all amounts due pursuant to Subsection (e) hereof have been paid, as well as all costs incurred in connection with towing and impoundment have been paid. During such seventy-two-hour period, the vehicle shall not be subject to any other notices of illegal parking.
- G. It is unlawful for any person to remove or to attempt to remove from a vehicle an immobilization device affixed by the Town without authorization therefor from the Town, or to move or to attempt to move such vehicle before an authorized release is obtained.

**10.06.120 Impoundment and storage fees; impoundment lot maintained by Town.**

- A. Any motor vehicle stored at a Town-owned impoundment lot at the request of the Police Department for evidentiary purposes, and not removed from the impoundment lot within seventy-two (72) hours of the time the Police Department notifies the owner or agent that the motor vehicle is available for release, shall be subject to an impoundment and storage fee chargeable against the owner of record. Impoundment and storage fees shall accrue beginning seventy-two (72) hours after the time of notice.
- B. The impoundment and storage fees shall consist of the following:
1. The actual cost incurred to tow the motor vehicle;
  2. The cost incurred for storage of the motor vehicle, at the rate of ten dollars (\$10.00) per day; and
  3. Other actual costs incurred by the Town in connection with the impoundment and storage of the vehicle.

**10.06.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any sections of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010.

(Ord. 576 §3, 2010)

## 10.16 - Snowmobiles

<u>Sections</u>	<u>Page</u>
10.16.010 Definitions.....	16
10.16.020 Operation permitted. ....	16
10.16.030 Designated routes.....	16
10.16.040 Prohibited acts.....	17
10.16.050 Model Traffic Code to apply.....	18
10.16.060 Crossing highways.....	18
10.16.070 Excessive noise prohibited.....	18
10.16.080 Helmet, eye protection required.....	18
10.16.090 Liability imposed on parent. ....	19
10.16.100 Liability imposed on owner. ....	19
10.16.110 Enforcement.....	19
10.16.120 Penalty assessment.....	19
10.16.200 Violation - Penalty.....	19

### **10.16.010 Definitions.**

For the purpose of this chapter, the terms defined in this section shall have the meaning as ascribed to them.

“Operate” means to ride in or on and control the operation of the snowmobile.

“Operator” means every person who operates or is in actual physical or constructive control of a snowmobile.

“Owner” means a person, other than a lienholder, having the property in, or title to, a snowmobile, entitled to the use or possession of it.

“Person” means an individual, partnership, corporation and any body or association of individuals.

“Roadway” means that portion of a highway improved, designed or ordinarily used for vehicular traffic.

“Snowmobile” means a self-propelled vehicle primarily designed or altered for travel on snow or ice and supported in part by skis, belts or cleats.

(Prior Code §13-3-1)

### **10.16.020 Operation permitted.**

Snowmobiles may be operated on the streets and alleys of the Town except on U.S. Highway 40 and State Highway 9 in the manner set forth in this chapter. Such operation shall be solely for the purpose of gaining access to the nearest designated snowmobile routes for the purpose of entering and leaving public land adjacent to the Town. (Prior Code §13-3-2)

### **10.16.030 Designated routes.**

The following streets are designated snowmobile routes:

A. For those areas south of U.S. Highway 40;

1. Spruce Street between U.S. Highway 40 and Eagle Avenue;
  2. Eagle Avenue between Spruce Street and First Street;
  3. First Street between Eagle Avenue and Range Avenue;
  4. Range Avenue between First Street and Tenth Street;
  5. Tenth Street between Depot Avenue and Kinsey Avenue;
- B. For those areas north of U.S. Highway 40;
1. Spruce Street between U.S. Highway 40 and Central Avenue;
  2. Central Avenue between Spruce Street and First Street;
  3. First Street between Central Avenue and Kinsey Avenue;
  4. Kinsey Avenue between First Street and Twelfth Street;
  5. Twelfth Street between Kinsey Avenue and Jackson Avenue
  6. Jackson Avenue between Twelfth Street and County Road 22.

(Prior Code §13-3-3)

**10.16.040 Prohibited acts.**

It shall be unlawful to operate a snowmobile in any of the following manners:

- A. On U.S. Highway 40 or State Highway 9 except to cross the highways at the intersection of U.S. Highway 40 and 10<sup>th</sup> Street, U.S. Highway 40 and Spruce Street, and State Highway 9 and Range Avenue, and State Highway 9 and 10<sup>th</sup> Street.
- B. Between the hours of ten (10) p.m. and eight (8) a.m.;
- C. At any place while under the influence of intoxicating beverages, narcotics or habit-forming drugs;
- D. At any place in a careless, reckless or negligent manner so as to endanger any person or property or to cause injury or damage thereto;
- E. On any sidewalk in the Town or areas set apart for the use of pedestrians;
- F. Failure to yield right-of-way to all other vehicles or pedestrians;
- G. Failure to make a complete stop at all intersections, whether controlled or uncontrolled;
- H. For purposes other than using the most direct route to the nearest designated snowmobile route;

- I. To use designated snowmobile routes for any purpose other than going to, or coming from, public lands adjacent to the Town;
- J. Without maintained, required safety equipment and approved muffler systems;
- K. On any portion of any street except the far right portion of the street;
- L. To ride together in any pattern except in single file, including when overtaking other snowmobiles;
- M. On any public or private property without express consent of the owner of it;
- N. In excess of a speed of ten miles per hour;
- O. When between the ages of ten and sixteen years unless such person holds a snowmobile safety certificate or is accompanied by, or under immediate supervision, of someone at least 16 years of age or under supervision of someone of at least fourteen years of age who holds a snowmobile safety certification;
- P. Without displaying a pennant flag of red or blaze orange material, at least thirty-six square inches in area, at a height of not less than five feet from the ground level at any time when the vehicle is operated on public streets;
- Q. Without headlights and taillights on at all times;
- R. In any manner prohibited by the laws of the State of Colorado.

(Prior Code §13-3-4)

**10.16.050 Model Traffic Code to apply.**

Operation of snowmobiles shall be in compliance with Chapter 10.04 of this code so far as applicable to snowmobiles. Operators shall be subject to all of the duties and prohibitions applicable to a driver set forth in Chapter 10.04, except those which, by their very nature, can have no application. Operators shall also comply with the special rules set forth in this chapter. Whenever the word “vehicle” is used in any of the driving rules set forth in said Chapter 10.04, that are applicable to snowmobile operators, such term shall include snowmobiles.(Ord. 342 §1, 1991; Prior Code §13-3-5)

**10.16.060 Crossing highways.**

When crossing U.S. Highway 40 or State Highway 9 as permitted in this chapter, the crossing shall be made at a ninety degree angle to the highway and only after coming to a complete stop and yielding to vehicles and pedestrians which constitute an immediate hazard to such crossing. (Prior Code §13-3-6)

**10.16.070 Excessive noise prohibited.**

Excessive noise shall not be permitted. No snowmobile shall be operated without a conventional exhaust system in working order. Tuned exhausts are not permitted unless used in connection with an operable muffler. (Prior Code §13-3-7)

**10.16.080 Helmet, eye protection required.**

All operators and passengers, including passengers in or on any towed device, shall wear helmets and

adequate eye protection. (Prior Code §13-3-8)

**10.16.090 Liability imposed on parent.**

The parent or guardian of any juvenile shall not authorize or permit any such juvenile to violate any provision of this chapter. (Prior Code §13-3-9)

**10.16.100 Liability imposed on owner.**

The owner of any snowmobile shall not authorize or permit any person to operate the snowmobile in violation of any provision of this chapter. (Prior Code §13-3-10)

**10.16.110 Enforcement.**

Each provision of this chapter may be enforced as any other part of this code except as follows:

- A. Summonses and complaints shall be issued to juveniles. The parent(s) or guardian(s) of any juvenile so charged must appear with the juvenile;
- B. Summonses and complaints shall be issued in cases of driving while ability impaired by drugs or alcohol, driving under the influence of drugs or alcohol, reckless driving, eluding or attempting to elude an officer, in cases of accidents resulting in injury or death to a person or damage to property, and failure to stop in the event of such accident. (Prior Code §13-3-11)

**10.16.120 Penalty assessment.**

The Municipal Court is authorized to promulgate a fine schedule for violations of this chapter which may be charged by penalty assessment procedure but no fine in such fine schedule shall be less than twenty-five dollars per violation. (Prior Code §13-3-12)

**10.16.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §38, 2008; Prior Code §13-3-13)

## 10.17 - Off Highway-Vehicles

<u>Sections</u>	<u>Page</u>
10.17.010 Definitions.....	20
10.17.020 Operation permitted. ....	21
10.17.030 Designated routes.....	22
10.17.040 Prohibited acts.....	22
10.17.045 Exception for utilitarian uses. ....	24
10.17.046 Additional requirements for utilitarian use. ....	24
10.17.050 Model Traffic Code to apply.....	25
10.17.060 Crossing highways. ....	25
10.17.070 Excessive noise prohibited.....	25
10.17.080 Helmet, eye protection required.....	26
10.17.090 Liability imposed on on parent .....	26
10.17.100 Liability imposed on owner. ....	26
10.17.110 Enforcement.....	26
10.17.120 Penalty assessment.....	26
10.17.130 Violation - Penalty.....	26

### 10.17.010 Definitions.

For the purpose of this chapter, the terms defined in this section shall have the meaning ascribed to them:

“Designated Route” means the off-highway vehicle routes designated in Section 10.17.030.

“Essential Service Provider” Means Restaurants, Fuel Stations, Repair or Parts Businesses, Hardware Stores, Grocery Stores, Information Centers, Hospitals, and other such services.

“Neighborhood Electric Vehicle” (NEV’s including Golf carts) also known as LSV (low speed electric vehicle) means any electric propelled vehicle that has not been modified from its original purpose primarily designed to carry one or more people traveling on four (4) or more low pressure tires, whose top speed is not designed for greater than 25 miles per hour, and having side by side seating with a steering wheel for control. It shall be registered according to the applicable laws and regulations of the State of Colorado as a Tax Class C vehicle and all of Title 42 of the Colorado Revised Statute shall apply.

“Off-highway vehicle” or “OHV” means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

- a) Vehicles designed and used primarily for travel on, over, or in the water;
- b) Snowmobiles;
- c) Military vehicles;
- d) Vehicles designed and used to carry disabled persons;
- e) Vehicles designed and used specifically for agricultural, logging, or mining purposes;

f) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.; or

g) UTV's, PTV's, NEV's

“Off-highway vehicle route” means any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel.

“Operate” means to ride in or on and control the operation of an off-highway vehicle.

“Operator” means every person who operates or is in actual physical or constructive control of an off-highway vehicle.

“Owner” means a person, other than a lienholder, having the property in, or title to, an off-highway vehicle, entitled to the use or possession thereof.

“Normal Transportation” means having one or more specific destinations as if operating a normal motor vehicle and using the most direct route possible within the designated routes specified in this chapter (10.17.030).

“Person” means an individual, partnership, corporation and any body or association of individuals.

“Personal Transportation Vehicle” (PTV's including Golf carts) means any motorized vehicle that has not been modified from its original purpose primarily designed to carry one or more people traveling on four (4) or more low pressure tires, whose top speed is not designed for greater than 25 miles per hour, and having side by side seating with a steering wheel for control. It shall be registered according to the applicable laws and regulations of the State of Colorado as a Tax Class C vehicle and all of Title 42 of the Colorado Revised Statute shall apply.

“Possession” means physical custody of an off-highway vehicle by any person or by any owner of a motor vehicle or trailer on or in which an off-highway vehicle is placed for the purpose of transport.

“Roadway” means that portion of a highway, street or alley improved, designed or ordinarily used for vehicular traffic.

“Utility Type Vehicle” (UTV) also known as side by side (expressed SxS) means any recreational or commercial vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of forty (40) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

(Ord. 673 §1, 2017)

#### **10.17.020 Operation permitted.**

Off-highway vehicles may be operated in the manner set forth in this Chapter 10.17 on the streets and alleys of the Town except on U.S. Highway 40 and State Highway 9. Such operation shall be solely for the purpose of gaining access to public land adjacent to the Town

via the nearest designated off-highway vehicle routes and or for normal transportation access to businesses and essential service providers utilizing designated routes only.

(Ord. 673 §1, 2017)

**10.17.030 Designated routes.**

The following streets are designated off-highway vehicle routes:

A. For those areas south of U.S. Highway 40:

1. Pine Street between U.S. Highway 40 and Eagle Avenue;
2. Third Street between U.S. Highway 40 and Range Avenue;
3. Eagle Avenue between Spruce Street and First Street;
4. First Street between Eagle Avenue and Range Avenue;
5. Range Avenue between First Street and Tenth Street;
6. Seventh Street between Range Avenue and State Highway 9;
7. Tenth Street between Depot Avenue and Jackson Avenue;
8. Twelfth Street between Eagle Avenue and U.S. Highway 40; and
9. Eagle Avenue between Tenth Avenue and Fifteen Hundred Block of Eagle Avenue for Fuel/Service access only (route ends).

B. For those areas north of U.S. Highway 40:

1. Pine Street between U.S. Highway 40 and Central Avenue;
2. Central Avenue between Spruce Street and First Street;
3. First Street between Central Avenue and Kinsey Avenue;
4. Third Street between Kinsey Avenue And US Highway 40;
5. Kinsey Avenue between First Street and Tenth Street;
6. Jackson Avenue between Tenth Street and County Road 22; and
7. Twelfth Street between U.S. Highway 40 and Jackson Avenue.

**10.17.040 Prohibited acts.**

It shall be unlawful to operate an off-highway vehicle in any of the following manners:

- A. On U.S. Highway 40 or State Highway 9 except to cross the highways at the intersection of U.S. Highway 40 and 12<sup>th</sup> Street, U.S. Highway 40 and 10<sup>th</sup>

Street, U.S. Highway 40 and 3<sup>rd</sup> Street, US Highway 40 and Pine Street; State Highway 9 and Range Avenue, State Highway 9 and 7<sup>th</sup> Street, and State Highway 9 and 10th Street;

- B. Between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m.; but any off-highway vehicle operated before sunrise or after sunset must have illuminated and in operation at least the lighting equipment required by state law;
- C. At any place while under the influence of intoxicating beverages, narcotics or habit-forming drugs;
- D. At any place in a careless, reckless or negligent manner so as to endanger any person or property or to cause injury or damage thereto;
- E. On any sidewalk or area set apart for the use of pedestrians;
- F. Failure to yield right-of-way to all other vehicles and pedestrians;
- G. Failure to make a complete stop at all controlled intersections;
- H. For purposes other than using the most direct route to the nearest designated off-highway vehicle route;
- I. To use designated off-highway vehicle routes for any purpose other than going to, or coming from, public lands adjacent to the Town or for normal transportation access to businesses and essential service providers;
- J. Without equipment required by C.R.S. 33-14.5-109 and regulations adopted thereunder. At a minimum, the required equipment is:
  - 1. A muffler in constant operation and properly maintained.
  - 2. A spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrestor.
  - 3. A braking system that may be operated by hand or foot, capable of controlling the movement of, and to stop and to hold the off-highway vehicle stationary on any grade upon which it is operated.
  - 4. Any vehicle operated during legal hours but before sunrise or after sunset shall have illuminated at least one headlamp having minimum candlepower of sufficient intensity to reveal persons or objects at a distance of at least 100 feet ahead under normal atmospheric conditions and at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.
- K. On any portion of any street except the far right portion of the street;

- L. To ride together in any pattern except in single file;
- M. On any public or private property without express consent of the owner of such property; or
- N. When between the ages of ten and sixteen years unless such person has in his possession a valid driver's license issued by the State of Colorado or another state; or the person is accompanied by and under the immediate supervision of a person who has in his possession a valid driver's license issued by the State of Colorado or another state. The phrase under immediate supervision shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor.
- O. When under the age of ten years.

(Ord. 673 §1, 2017)

**10.17.045 Exception for utilitarian uses.**

Notwithstanding the restrictions set forth in Section 10.17.030 and Section 10.17.040 A, B, H, I and K, as to where off-highway vehicles may be operated, and notwithstanding the restriction in 10.17.020 as to purpose of use, off-highway vehicles may be operated on the streets and alleys of the Town that are not part of the state highway system as follows, which shall be considered utilitarian uses for purposes of this Chapter:

- A. By employees and agents of governmental entities discharging official duties and in furtherance of the entity's governmental purposes;
- B. During an emergency properly declared by public authority; and
- C. for the following purposes between the hours of 6:00 a.m. and 10:00 p.m.
  - 1. For agricultural purposes.
  - 2. On private land and the public right-of-way immediately adjacent to the private land, by property owners or their agents solely for property maintenance such as snowplowing, weed control, landscaping or tillage.
  - 3. On the public right-of-way to travel between properties owned by the operator or by the operator's principal for the purposes allowed in this Section.

(Ord. 673 §1, 2017)

**10.17.046 Additional requirements for utilitarian use.**

In addition to the other restrictions on use and equipment required by other sections of this chapter, an off-highway vehicle being used for a utilitarian use:

- A. Shall have a headlamp and tail lamp continuously illuminated;
- B. Shall have an operating brake light;

- C. Shall display a pennant flag of red or blaze orange material, at least thirty six square inches in area, at a height of not less than five feet above ground level. Use of a slow moving vehicle sign, visible from the rear of the vehicle, is encouraged.

(Ord. 673 §1, 2017)

**10.17.050 Model Traffic Code to apply.**

For the purposes of this chapter, to regulate the use of off-highway vehicles on streets, and to provide rules of the road:

- A. Operation of off-highway vehicles shall be in compliance with chapter 10.04 of this Code, except as specifically otherwise regulated in this chapter. Operators shall be subject to all of the duties and prohibitions applicable to a driver set forth in chapter 10.04, except those which, by their very nature, can have no application. Operators shall also comply with the special rules set forth in this chapter, which shall control over any regulation in chapter 10.04.
- B. The following terms used in the Model Traffic Code and chapter 10.04 of this Code, shall include the counterpart term of this chapter:
  - 1. The word “vehicle” used in any of the driving rules set forth in chapter 10.04 and the Model Traffic Code shall include off-highway vehicles;
  - 2. Either word, “driver” or “operator,” as used in chapter 10.04 and the Model Traffic Code, shall mean an operator of an off-highway vehicle.

(Ord. 673 §1, 2017)

**10.17.060 Crossing highways.**

When crossing U.S. Highway 40 or State Highway 9 as permitted in this chapter, the crossing shall be made at a ninety degree angle to the highway and only after coming to a complete stop and yielding to vehicles and pedestrians which constitute an immediate hazard to such crossing. (Ord. 673 §1, 2017)

**10.17.070 Excessive noise prohibited.**

Excessive noise shall not be permitted.

- A. It shall be unlawful to operate any OHV that produces excessive noise. All motorized OHV’s operating within the Town shall be operated with a conventional exhaust system in working order. All vehicle exhaust systems must have an operable muffler.
- B. The maximum permissible noise or sound emanating from an off-highway vehicle is 90 decibels (decibel as defined in C.R.S. § 25-12-102(3)). Noise or sound emanating from an off-highway vehicle in excess of said level, measured on the “A” scale on a standard sound level meter having characteristics established by the American National Standards Institute, Publication S1.4 - 1971, and measured at a distance twenty inches (20”) at 45 degrees from the exhaust outlet is a violation of this Article.
- C. The establishment of a standard for maximum permissible noise or sound by reference to decibel level shall not preclude prosecution and determination of guilt under this section,

“Excessive Noise Prohibited,” based solely on the testimony and description of the noise or sound by the complainant or law enforcement official  
(Ord. 673 §1, 2017)

**10.17.080 Helmet, eye protection required.**

All operators and passengers under the age of 18, including passengers in or on any towed device, shall wear helmets and adequate eye protection. (Ord. 673 §1, 2017)

**10.17.090 Liability imposed on parent.**

The parent or guardian of any person under the age of eighteen years shall not authorize or permit any such person under the age of eighteen years to violate any provision of this chapter. (Ord. 673 §1, 2017)

**10.17.100 Liability imposed on owner.**

The owner of any off-highway vehicle shall not authorize or permit any person to operate the off-highway vehicle in violation of any provision of this chapter. (Ord. 673 §1, 2017)

**10.17.110 Enforcement.**

Each provision of this chapter may be enforced as any other part of this code except as follows:

- A. When any summons and complaint is issued to a person under the age of eighteen years, a parent(s) or guardian(s) must appear with such person;
- B. Summonses and complaints shall be issued in cases of driving while ability impaired by drugs or alcohol, driving under the influence of drugs or alcohol, reckless driving, eluding or attempting to elude an officer, in cases of accidents resulting in injury or death to any person or damage to property, and failure to stop in the event of such accident.

(Ord. 673 §1, 2017)

**10.17.120 Penalty assessment.**

The Municipal Court is authorized to promulgate a fine schedule for violations of this chapter which may be charged by penalty assessment procedure but no fine in such fine schedule shall be less than twenty-five dollars per violation. (Ord. 673 §1, 2017)

**10.17.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §39, 2008; Ord. 480 §1, 2003)

## 10.18 – Utility Type Vehicles

### Sections

10.18.010 Definitions.....	27
10.18.020 Terms and Conditions.....	27
10.18.030 Registration.....	28
10.18.040 Equipment Requirements.....	28
10.18.050 Restrictions/Exclusions.....	29
10.18.060 Violations, Fines and Fees.....	29
10.18.070 Indemnification.....	29

### 10.18.010 Definitions.

As used in this Chapter, the following terms shall have the meaning ascribed to them:

“Neighborhood Electric Vehicles” (NEVs including Golf carts) also known as LSV (low speed electric vehicle) means any electric propelled vehicle that has not been modified from its original purpose primarily designed to carry one or more people traveling on four (4) or more low pressure tires, whose top speed is not designed for greater than 25 miles per hour, and having side by side seating with a steering wheel for control. It shall be registered according to the applicable laws and regulations of the State of Colorado as a Tax Class C vehicle and all of Title 42 of the Colorado Revised Statute shall apply.

“Normal Transportation” means having one or more specific destinations as if operating a normal motor vehicle and using the most direct route possible.

“Operator” means the person who is in actual physical control of a vehicle.

“Personal Transportation Vehicles” (PTVs including Golf carts) means any motorized vehicle that has not been modified from its original purpose primarily designed to carry one or more people traveling on four (4) or more low pressure tires, whose top speed is not designed for greater than 25 miles per hour, and having side by side seating with a steering wheel for control. It shall be registered according to the applicable laws and regulations of the State of Colorado as a Tax Class C vehicle and all of Title 42 of the Colorado Revised Statute shall apply.

“Town” means the Town of Kremmling.

“Utility Type Vehicle” (UTV), also known as side by side (expressed SxS), means any recreational or commercial vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of forty (40) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

“Valid driver's license” means any regular and current legal license not subject to revocation or suspension.

### 10.18.020 Terms and conditions of UTV, PTV, and NEV use.

Town of Kremmling Streets and Alleys, except for any State Highway, are open for UTV,

PTV, and NEV use under the following conditions and restrictions:

A. Travel on any State or Federal highway is prohibited except to directly cross such roadway. When Crossing U.S. Highway 40 or State Highway 9 as permitted herein, the crossing shall be made at a 90-degree angle to the highway and only after coming to a complete stop and yielding to vehicles and pedestrians which constitute an immediate hazard to such crossing.

B. A valid driver's license. Every operator of a UTV, PTV or NEV on any Town public street or alley shall be at least sixteen (16) years of age and shall be in possession of a valid driver's license issued to that operator by an authorized state agency.

C. Any UTV, PTV, or NEV operated in accordance within this Chapter shall be used solely for the purpose of normal transportation having a specific destination using the most direct route.

D. All provisions of the Model Traffic code as adopted by the Town and all traffic laws of the State of Colorado governing operation and parking of motor vehicles on Town streets shall apply to the operation and parking of UTVs, PTVs and NTVs, including, without limitation, laws prohibiting the operation of vehicles while intoxicated or under the influence of alcohol or drugs. The provisions of the Model Traffic Code and state law governing motor vehicle required equipment shall not apply and shall be replaced with the equipment requirements set forth in this Chapter. Operators are required to use hand signals when turn indicators are not employed or available, pursuant to the Model Traffic Code. The operator of any UTV, PTV, or NEV on legal routes shall have all the rights and duties applicable to the driver of any other vehicle under the provisions of Colorado statutes and laws except when those provisions cannot be reasonably applied to UTVs, PTVs, or NEVs and except as otherwise specifically provided for in Colorado statutes. It shall be unlawful for any person operating any UTV, PTV, or NEV on Town public streets and alleys to violate any such applicable traffic laws and such person shall be prosecuted either in the municipal court or in the state courts if the violation would be prosecuted in the state courts it will be done as if the operator been operating a motor vehicle.

#### **10.18.030 Registration.**

The owner of any UTV, PTV, or NEV driven within the Town shall obtain either a State Department of Motor Vehicle registration as an NEV or, if other than and NEV, an annual OHV Registration or Non-Resident Permit through Colorado State Parks and Wildlife Division or its successor agency. Such registration or permit must be clearly displayed on the vehicle or in the presence of the driver at all times while operating an OHV on Town streets pursuant to this Chapter.

#### **10.18.040 Equipment Requirements.**

A. Any UTV, PTV, or NEV that operates on any Town public street or alley must have all the following listed equipment installed and such equipment must be operable:

1. Headlamps, which is or are in use at all times before and at dawn and at and after dusk;
2. Tail lamp, which is or are in use at all times before and at dawn and at and

after dusk, and reflector;

3. Stop or brake lamps on the rear;
4. A horn or other audible warning device;
5. A muffler and emissions system as required by the state;
6. Rear view mirror;
7. A windshield or eye protection for and worn by the operator; and
8. A seat belt for and to be worn by each occupant, unless vehicle was manufactured without such restraint.

**10.18.050 Restrictions / Exclusions.**

A. Excessive Noise Prohibited. It shall be unlawful to operate any UTV or PTV that produces excessive noise. All motorized UTVs and PTVs in Town shall be operated with a conventional exhaust system in working order. All vehicle exhaust systems must have an operable muffler.

B. Service vehicles used for the purpose of maintaining sidewalks, parks, common areas and other facilities are exempt and are allowed to operate on Town of Kremmling streets, alleys and sidewalks as required for regular maintenance of such facilities.

**10.18.060 Violations, Fines and Fees**

Any person in violation of any Town of Kremmling or State of Colorado traffic laws will be ticketed and assessed fines that are applicable to said violations. The Town of Kremmling Police Department or any other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this ordinance. With respect to any violation of traffic laws contained in the Kremmling Municipal Code (and Model Traffic Code incorporated therein), the minimum fine shall be fifty dollars (\$50.00).

**10.18.070 Indemnification**

The Town of Kremmling shall not be responsible for any injuries to persons or damages to property arising from the operation of UTVs, PTVs, or NEVs within the Town. All persons operating or occupying such vehicles within the Town shall conclusively be deemed to have waived and released, for valuable consideration, any and all claims, rights or causes of action which they, their heirs, successors or personal representatives may or might have against the Town arising from the operation of such vehicles within the Town, it being the intent of this paragraph that all such vehicles operated within the Town are operated at the sole risk of the operator and passengers of such vehicles. Further, all persons operating UTVs, PTVs, or NEVs, within the Town shall be deemed to have agreed to indemnify and hold the Town harmless from any and all damages or claims made against the Town arising from the operation of such vehicles.

## 10.24 - Recreational Vehicles

<u>Sections</u>	<u>Page</u>
10.24.010 Policy. ....	30
10.24.020 Definitions.....	30
10.24.030 Use allowed.....	30
10.24.040 Placement.....	30
10.24.050 Utilities connection.....	30
10.24.060 Sanitation.....	31
10.24.070 Calculation of time.....	31
10.24.080 Application.....	31
10.24.200 Violation - Penalty.....	31

### **10.24.010 Policy.**

It is declared to be the policy of the Town to permit temporary use of recreational vehicles, as defined herein, for temporary or transient lodging when operated in accordance with the requirements of this chapter. (Ord. 468 §1, 2002)

### **10.24.020 Definitions.**

The following definition shall apply in the interpretation and enforcement of this chapter:

“Recreational vehicle” means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. “Recreational vehicle” includes camping trailers, fifth wheel trailers, motor homes, travel trailers, and truck campers.

“Recreational vehicle” does not include any trailer-unit that has a gross trailer area of more than 400 square feet when set up.

“Recreational vehicle” does not include manufactured housing, factory built housing, or mobile homes.

(Ord. 468 §1, 2002)

### **10.24.030 Use allowed.**

A recreational vehicle may be used as a temporary living quarters when parked on private property, at a residence, for a term not to exceed fourteen days. No more than two (2) recreational vehicles may be used as a temporary living quarters at any residence at any one time. (Ord. 468 §1, 2002)

### **10.24.040 Placement.**

No recreational vehicle shall be parked so that it intrudes on any traveled portion of any street, sidewalk, or on the shoulder of the street where no sidewalk exist, so as to inhibit the free-flow of any traffic. Recreational vehicles may be parked on the Lot or Lots associated with the resident structure on such Lot/Lots. (Ord. 468 §1, 2002)

### **10.24.050 Utilities connection.**

A recreational vehicle used as a temporary living quarters at a residence may attach to the Town’s water system via a hose connected to the residence’s water supply for the purpose of filling/refilling fresh water tanks, but the hose must be physically disconnected at all other times. (Ord. 468 §1, 2002)

**10.24.060 Sanitation.**

No water shall be provided to any recreational vehicle which is not provided with a means of detaining waste water and sewage for proper disposal in or at an approved facility. (Ord. 468 §1, 2002)

**10.24.070 Calculation of time.**

The fourteen days use as a temporary living quarters shall apply to each separate recreational vehicle used as a temporary living quarters that may be parked at a residence. No single recreational vehicle used as a temporary living quarters may be parked at any residence for more than fourteen days in any thirty-day period. (Ord. 468 §1, 2002)

**10.24.080 Application.**

The provisions of this chapter are not intended to apply to recreational vehicles parked in approved recreational vehicle parks; nor is it intended to allow or permit placement of mobile homes, except as otherwise provided by the Code of Kremmling. (Ord. 468 §1, 2002)

**10.24.200 Violation - Penalty.**

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §41, 2008)

## 10.26 – Winter Season Park Restrictions

<u>Sections</u>	<u>Page</u>
10.26.010 Winter season parking restrictions.....	32
10.26.020 Odd/even snow parking zones designated.....	32
10.26.030 Immobilization and impoundment of vehicles authorized.....	33

### **10.26.010 Winter season parking restrictions.**

- A. During the winter season, defined for purposes of this Chapter as beginning November 1 of each year and ending on April 30 of the following year, parking shall be allowed on streets designated as “odd/even parking” zones only as follows:
1. On odd-numbered dates, on the side of the street with odd-numbered addresses, and for streets without numbered addresses, on the north or west side; and
  2. On even-numbered dates, on the side of the street with even-numbered addresses, and for streets without numbered addresses, on the south or east side.
- B. On the streets designated in this Chapter as within the “odd/even parking” zones, it shall be unlawful, when official signs have been erected giving notice of the designation of such streets as being within an “odd/even parking” zone to park a vehicle on dates when parking is not allowed, except in compliance with the directions of a police officer or official traffic control device.
- C. The Public Works Director shall place and maintain signs indicating “odd/even parking” zones at the entrances to the street or part thereof affected and along its length, except where parking is prohibited at all times. Such signs shall conform to the specifications set forth in the manual on uniform traffic control devices.

### **10.26.020 Odd/even snow parking zones designated.**

The following streets and portions of streets constitute “odd/even parking” zones and drivers of vehicles on such streets shall conform to the parking restrictions as set forth in this Chapter:

1. Zone A, Grand West Estates. Includes the following streets:
  - a. Bluff Way.
  - b. Woldford Avenue
  - c. 10<sup>th</sup> Street, north of Jackson Avenue
  - d. 11<sup>th</sup> Street, north of Jackson Avenue
  - e. 12<sup>th</sup> Street, north of Jackson Avenue
2. Zone B, Kremmling Country. Includes the following streets:
  - a. 17<sup>th</sup> Street
  - b. 18<sup>th</sup> Street
  - c. 19<sup>th</sup> Street
  - d. 20<sup>th</sup> Street
  - e. 21<sup>st</sup> Street
  - f. Jackson Avenue, from 17<sup>th</sup> Street to 21<sup>st</sup> Street

- g. Kinsey Avenue, from 20<sup>th</sup> Street to CO Road 22
- h. Central Avenue, from Jackson Avenue to CO Road 22

**10.26.030 Immobilization and impoundment of vehicles authorized.**

Whenever any owner of a motor vehicle fails to respond to a notice of a violation issued pursuant to this Chapter, a police officer is authorized to cause such vehicle to be temporarily immobilized or towed and impounded pursuant to Section 10.06.110 of this Code.

**Title 11**

**RESERVED**