

## **TITLE 10**

### **Vehicles and Traffic**

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## CHAPTER 10.04

### Traffic Code

#### 10.04.010 Model Traffic Code adopted.

Pursuant to Part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 *Model Traffic Code for Colorado*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, 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 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 shall be maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of the code may also be purchased through the Clerk's office at a reasonable price. (Ord. 284 §1, 1979; Ord. 470 §1, 1996; Ord. 484 §1, 1997; Ord. 2 §1, 2003; Ord. 4 §1, 2003)

#### 10.04.020 Additions or modifications to Model Traffic Code.

The Model Traffic Code adopted pursuant to this Chapter is subject to the following additions or modifications:

(1) Article I, Subsections 1101(2)(a) through 1101(2)(e) are deleted in their entirety and substituted by the following:

"1101(2)(a–e): Except as otherwise posted, the lawful speed in Georgetown shall be twenty miles per hour."

(2) Article I, Section 1204(2)(d) is changed to read:

"(d) Within fifteen feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway;"

(3) Article I, Section 1701, "Municipalities - traffic offenses classified - schedule of fines," is amended to read as follows:

"1701. Traffic violations classified.

"(1) The term 'traffic violation' shall refer to either 'traffic infractions' as defined in paragraph (2), or to 'traffic offenses' as defined in paragraph (3) below.

"(2) It is a 'traffic infraction' for any person to violate any of the provisions of this code, except those violations specifically listed in paragraph (3). Traffic infractions are civil matters to be tried before the court without right to jury trial, and no person found liable for a traffic infraction shall be punished by imprisonment.

"(3) Violation of the following provisions of this code shall be deemed a misdemeanor 'traffic offense,' and the defendant shall have the right to demand a jury trial and may be punished by imprisonment:

- "(a) 107, obedience to police officers;
- "(b) 228(7) and (8), altering or destroying tire markings and selling vehicle for highway use with noncomplying tires;
- "(c) 233, alteration of suspension systems;
- "(d) 235, minimum standards for commercial vehicles;
- "(e) 507, wheel and axle loads;
- "(f) 508, gross weight of vehicles and loads;
- "(g) 509, vehicles weighed – excess removed;
- "(h) 510, permit for excess size and weight and manufactured homes;
- "(i) 607, interference with official devices;
- "(j) 611, paraplegic persons or persons with disabilities—distress flag;
- "(k) 712, driving in highway work area;
- "(l) 806, driving through safety zone prohibited;
- "(m) 808, drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities;
- "(n) 1010, driving on divided or controlled-access highways;
- "(o) 1101, driving twenty-five or more miles per hour in excess of a speed limit;
- "(p) 1105, speed contests;
- "(q) 1401, reckless driving;
- "(r) 1402, careless driving;
- "(s) 1403, following fire apparatus prohibited;
- "(t) 1404, crossing fire hose;
- "(u) 1406(1)(b), foreign matter on highway prohibited (burning material);
- "(v) 1408, operation of motor vehicles on property under control of or owned by parks and recreation districts;
- "(w) 1409, compulsory insurance;
- "(x) 1413, eluding or attempting to elude a police officer;

"(y) 1704, offenses by persons controlling vehicles;

"(z) 1903, school buses – stops – signs – passing;

"(aa) 1904, regulations for school buses – regulations on discharge of passenger – penalty – exception."

(4) Article I, Section 1702, "Counties – traffic offenses classified – schedule of fines," is deleted.

(5) Article I, Section 1704, "Offenses by persons controlling vehicles," is amended to read as follows:

"1704. Violations by persons controlling vehicles.

"No owner or any other person employing or otherwise directing the driver of any vehicle shall require or knowingly permit the operation of such vehicle upon a highway or street in any manner contrary to law or this code."

(6) Article I, Section 1705, "Person arrested to be taken before the proper court," is amended to read as follows:

"1705. Person arrested to be taken before the proper court.

"(1) Whenever a person is arrested for any traffic violation under this code and not promptly released pursuant to subsection (2) below, the arrested person shall be taken without unnecessary delay before the municipal court judge.

"(2) A person arrested for a traffic offense may be released by the arresting authority if such authority is satisfied that adequate grounds do not exist to sustain an alleged traffic offense, or the arresting authority is satisfied that the arrestee will obey a summons commanding his or her appearance in the municipal court at a later date. If a person is released under the latter circumstances, he shall be given a summons and complaint to appear at a specified date and time in the municipal court, and shall sign a written acknowledgment of receipt of same and a promise to appear at the place, date and time specified.

"(3) The municipal court judge shall provide a bail bond schedule for utilization in the release of persons arrested for traffic offenses."

(7) Article I, Section 1707, "Summons and complaint or penalty assessment notice for traffic offenses – release – registration," is amended in its following parts to read as follows:

"1707. Summons and complaint and/or penalty assessment notice for traffic violations.

"(1) Summonses and complaints issued under this code shall comply with the standards and format as prescribed by the Colorado Municipal Court Rules of Procedure, and shall additionally include the following information: the license number of the vehicle involved, if any; the number of the defendant's driver's license, if any; the date the summons and complaint are served on the defendant; shall be signed by the officer issuing the summons and complaint;

and shall contain a place for the defendant to sign for receipt of the summons and complaint and defendant's promise to appear in the municipal court on a date and time specified.

"(3)(a) Whenever a penalty assessment notice for a traffic violation is issued, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for such offense, the amount of any surcharge, the number of points, if any, prescribed for such offense pursuant to section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in the municipal court at a specified time and place in the event such penalty and surcharge, if any, thereon is not paid; shall be signed by the peace officer; and shall contain a place for such defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty and surcharge, if any, prescribed thereon within twenty days, as well as such other information as may be required by ordinance and C.M.C.R. to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge, if any, thereon not be paid within the time allowed by ordinance or court order.

"(5) Whenever a defendant refuses to accept service of a summons and complaint and/or penalty assessment notice, tender of such summons and complaint and/or penalty assessment notice by a peace officer to the defendant shall constitute service thereon upon the defendant.

"(7) A penalty assessment notice shall not be issued and shall not apply to traffic violations when it appears that:

"(a) the defendant exceeded the reasonable and prudent speed by more than twenty-four miles per hour; or

"(b) the alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another, or in injury or death to any person; or

"(c) the defendant has, in the course of the same transaction, violated more than one provision of this code, one or more of which are not specified in the penalty and surcharge schedules as established in Chapter 10.04 of the Municipal Code."

(8) Article I, Section 1709, "Penalty assessment notice for traffic offenses — violations of provisions by officer — driver's license," is deleted in its entirety.

(9) Article I, Section 1710, "Failure to pay penalty for traffic offenses — procedures," is amended to read as follows:

"1710. Failure to pay penalty for traffic infractions - procedures.

"(1) Unless a person who has been cited for a traffic infraction timely pays the penalty assessment and surcharge, if any, thereon, such person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

"(2) If the violator answers that he is guilty or liable, or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

"(3) If the violator denies the allegations in the complaint, a trial on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in section 18-1-405, C.R.S. If the violator is found guilty or liable at such final hearing, or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

"(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge, if any, thereon."

(10) Article I, Section 1716, "Notice to appear or pay fine – failure to appear – penalty," is amended to read as follows:

"1716. Notice to appear or pay fine – failure to appear – penalty.

"(1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

"(2) Any person who fails to appear when directed on a summons or penalty assessment notice for a traffic offense may be subject to a bench warrant and punished for contempt of court.

"(3) Any person who violates this section commits a traffic offense."

(11) Article I, Section 1717, "Conviction – attendance at driver improvement school," is amended to read as follows:

"1717. Conviction – attendance at driver improvement school. Whenever a person has been convicted or found liable for violating any provision of this code or other law regulating the operation of vehicles on highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation, may require the defendant, at his own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Unless otherwise provided by law, such school shall be approved by the court."

(12) A new Section 1718, "Notice on illegally parked vehicles" is added to Article I of the code, to read as follows:

"1718. Notice on illegally parked vehicles. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the peace officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice."

(13) A new Section 1719, "Failure to comply with notice on parked vehicle," is added to Article I of the code, to read as follows:

"1719. Failure to comply with notice on parked vehicle. If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle, as provided in Section 1718, by appearance and payment at the municipal court, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of the municipal court shall send a notice by mail to the registered owner of the vehicle to which the original notice was affixed, setting forth the violation and the time, date and place where it occurred and directing payment of the penalty assessment and surcharge thereon, if any, within twenty days from the issuance of the notice. In the event such notice is disregarded, the town may exercise any other available legal remedy, including the issuance of a summons and complaint commanding the violator to appear in court."

(14) A new Section 1720, "Presumption in reference to illegal parking," is added to Article I of the code, to read as follows:

"1720. Presumption in reference to illegal parking. In any prosecution charging a violation of any provision governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint or penalty assessment was parked in violation of any such regulation, together with proof that the defendant named in the complaint or penalty assessment was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred."

(Ord. 284 §2, 1979; Ord. 470 §2, 1996; Ord. 497 §4, 1999; Ord. 4 §2, 2003; Ord. 6 §1, 2003; Ord. 01 §1, 2005)

#### **10.04.030 Application.**

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and every other public way, 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 and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways, but also throughout this municipality. (Ord. 284 §4, 1979; Ord. 470 §4, 1999)

#### **10.04.040 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 this Chapter and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 284 §7, 1979; Ord. 470 §7, 1996)

**10.04.050 No operation or parking of unregistered or unlicensed vehicle.**

(a) No person who owns a vehicle which must be registered pursuant to Title 42, Article 3, C.R.S., and which either is not so registered or does not have attached thereto and displayed thereon the number plates assigned thereto by the Colorado Department of Revenue for current registration year, shall permit the vehicle to be operated or parked on any right-of-way in the Town.

(b) No person shall operate or park an unregistered or unlicensed vehicle as described in Subsection (a) above on any right-of-way in the Town. (Ord. 497 §4, 1999)

**10.04.060 Prohibited vehicles designated.**

Vehicles equipped with lugs, flanges or caterpillar treads are prohibited on the streets and alleys of the Town. (Ord. 497 §4, 1999)

**10.04.065 Motor vehicle noise prohibited.**

(a) Sound levels not to be exceeded. No person shall operate any motor vehicle, or combination of motor vehicles, at any time or place within the Town when such operation exceeds the noise sound pressure levels for the category of motor vehicle specified in the table set forth in this Section. The standards in the table shall apply to all noise emitted from a motor vehicle, including any and all equipment thereon, but excepting audible backup safety warning devices and engine compression brake devices.

(b) Approved exhaust mufflers required.

It shall be unlawful for any person to drive or move any motor vehicle which is not equipped with an approved exhaust muffler satisfying the requirements of this Section, and/or to modify or change an approved exhaust muffler, air intake muffler or any other sound-reducing device in such a manner that the noise emitted from the motor vehicle exceeds the sound pressure levels as established in the table set forth below in this Section, or is increased above the sound pressure level of the vehicle as originally manufactured. Muffler cut-outs, bypasses or other devices which increase sound pressure levels or change the original manufactured exhaust system of any motor vehicle shall be considered a violation of this Section.

TABLE  
Maximum Permissible Noise Levels

<b>Motor Vehicle Type</b>	<b>Maximum dB(A) at speed limit 35 mph or less</b>	<b>Maximum dB(A) at speed limit greater than 35 mph</b>
Vehicles operating on a public highway or street and weighing 6000 pounds or more manufacturer's gross vehicle weight and manufactured before January 1, 1973	88 dB(A)	90 dB(A)
Vehicles operating on a public highway or street and weighing 6000 pounds or more manufacturer's gross vehicle weight and manufactured on or after January 1, 1973	86 dB(A)	90 dB(A)
Any motorcycle operating on a public highway or street and manufactured before January 1, 1973	88 dB(A)	90 dB(A)
Any motorcycle operating on a public highway or street and manufactured on or after January 1, 1973	86 dB(A)	90 dB(A)
Any other motor vehicle or self-propelled recreational vehicle primarily designed for off-highway use operating on a public highway or street	82 dB(A)	86 dB(A)
Any vehicle motor being operated on private or public property not designated as a highway or street	78 dB(A)	78 dB(A)

(c) Sound level measurements.

(1) Sound level measurements made pursuant to this Section shall be made with a sound level meter of standard design using the A-weighting network/scale when wind velocity at the time and place of measurement is not more than five (5) miles per hour without a windscreen, or twenty-five (25) miles per hour with a wind screen .

(2) Sound level measurements for a motor vehicle operating on a public highway or street shall be measured at a distance of twenty-five (25) feet from the center of the lane of travel, except for motor vehicles traveling on Interstate Highway 70, when sound level measurements shall be measured at a distance of fifty (50) feet from the center of the lane of travel.

(3) Sound level measurements for a motor vehicle operating on private property, or public property not designated as a highway or street, shall be measured at any point along the property line enclosing the subject property.

(4) When in any case it is determined that the ambient sound level at a receiving premises equals or exceeds the maximum allowable sound pressure level specified in the table contained in this Section, then the ambient sound level of the receiving premises is the standard which cannot be exceeded by the subject or offending noise.

(d) Exemptions. The maximum allowable sound pressure levels set forth in this Section shall not apply to:

(1) Sounds emitted from any siren, whistle, bell or audible warning device lawfully used by an emergency vehicle or on construction equipment or any alarm system; provided, however, that burglar alarms or construction equipment alarms or warning devices not terminated within ten (10) minutes after being activated shall be deemed a nuisance and unlawful.

(2) The operation of construction vehicles and/or equipment at a duly permitted construction site between the hours of 8:00 a.m. and 7:30 p.m., unless the building permit issued for the construction site specifies a longer or shorter time period, and except that in no event shall sound pressure levels from construction vehicles and/or equipment exceed eighty (80) dB(A).

(e) General prohibitions. The following noise-making activities shall be prohibited:

(1) Vehicle horns and audible warning devices. No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident, or is reasonably necessary to inform or warn of a vehicle presence, inclusive of audible back-up safety warning devices.

(2) Trash compacting and collection. No person shall operate any trash-compacting mechanism on any motor vehicle between the hours of 10:00 p.m. and 6:30 a.m. when such compacting or collection activity takes place on any premises, other than a public premises, adjacent to or across the street or alley from a residential premises.

(f) Definitions. As used in this Section, the following terms shall mean as follows:

*Ambient sound level* shall mean the A-weighted sound level of all sound associated with a given environment, exceeded ninety percent (90%) of the time ( $L_{90}$ ), measured and being a composite of sounds from many sources during the period of observation while the sound from the noise source of interest is not present.

*A-weighted sound pressure level* shall mean the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A).

*Decibel* shall mean a logarithmic unit of measurement used in measuring magnitude of sound. The symbol is dB.

*Emergency vehicle* shall mean a motor vehicle that has sound warning devices such as whistles, sirens and bells which can lawfully be used when responding to an emergency or police activity, or which are required by state or federal regulations.

*Motor vehicle* shall mean any vehicle which is self-propelled and primarily used for transporting persons or property upon public or private roadways, inclusive of motorcycles. The term *motor vehicle* shall not include snowplows or snowblower vehicles, mechanical streetsweepers or vehicles used exclusively on stationary rails.

*Muffler, approved exhaust type* shall mean an apparatus consisting of a series of chambers, baffle plates or other mechanical devices designed for the purpose of receiving and transmitting exhaust gases and which reduces sound emanating from such an apparatus by at least twenty (20) decibels in the A-weighting network dB(A) from the nonmuffled condition.

*Noise* shall mean sound that is unwanted and which causes or tends to cause annoyance and/or adverse psychological or physiological effects on human beings, or disturbs the peace and quiet of persons on a receptor premises.

*Sound* shall mean an oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

*Sound level meter* shall mean an apparatus or instrument, including a microphone, amplifier, attenuator, output meter and frequency weighting networks, for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, publication S1.4-1971, entitled "Specification for Sound Level Meters", or its current successor publication.

*Sound pressure level* shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter ( $20 \times 10^{-5}$  Newtons/meter<sup>2</sup>), and is expressed in decibels (dB). (Ord. 3 §1, 2002; Ord. 2 §1, 2003; Ord. 01 §2, 2005)

#### **10.04.070 Penalties.**

(a) It is unlawful for any person to violate any of the provisions of the Model Traffic Code for Colorado Municipalities (MTC), as amended by Section 10.04.020 above, or the traffic and vehicle ordinances contained in this Chapter. The penalties set forth below shall apply to such violations. Fines and surcharges shall be paid to the Clerk of the Municipal Court.

(b) **Minimum mandatory fine.** Any person convicted of or found liable for any violation under the MTC or the traffic and vehicle ordinances in this Chapter shall be punished by a fine of not less than the amount of the penalty assessment as set forth in Section 10.04.080(c) for each violation for which the person is convicted. If no penalty assessment is set forth in Section 10.04.080(c) for a violation, then the minimum fine and surcharge for such violation shall be one hundred twenty dollars (\$120.00) and eighteen dollars (\$18.00), respectively. Minimum fines and surcharges are mandatory and shall not be suspended or reduced by any court, unless the court finds that extenuating circumstances and justice manifestly so require. The court may also stay the execution of any minimum mandatory fine and surcharge for no longer than ninety (90) days, or pending an appeal or a rehearing.

(c) **Maximum penalty.**

(1) In criminal traffic offense actions, the maximum penalty for each conviction shall be a fine not to exceed one thousand dollars (\$1,000.00) or a term of imprisonment not to exceed one (1) year, or both such fine and imprisonment.

(2) In civil traffic infraction actions, the maximum penalty for each violation shall be a monetary fine not to exceed one thousand dollars (\$1,000.00).

(d) **Discretion within minimum and maximum penalties.** For each violation of the MTC or a traffic or vehicle ordinance for which a defendant is found liable or convicted, the court may set a fine, or for criminal violations, a fine and imprisonment, so long as the fine is not less than the minimum set in Subsection (b) of this Section. The court may suspend any part of a term of imprisonment, as well as that part of a fine which exceeds the minimum set in Subsection (b) of this Section. Whenever a conviction or finding of liability after a trial is for a violation for which a penalty assessment is available under the schedule in Subsection 10.04.080(c), it is the policy of the Board of Selectmen that the penalty imposed by the court for that violation be no less severe than the twenty-day penalty assessment figure for that violation, unless extenuating circumstances and justice manifestly so require. The reason for this policy is to save judicial and administrative expenses by encouraging defendants to elect to pay penalty assessments.

(e) Double penalties and surcharge. Penalties and surcharges imposed for speeding violations shall be doubled if the violation occurs within a maintenance, repair or construction area designated in accordance with the provisions of the Model Traffic Code. Additionally, penalties and surcharges shall be doubled for any moving violation occurring within a school zone. (Ord. 497 §4, 1999; Ord. 4 §§3, 4, 2003; Ord. 1 §2, 2006)

**10.04.080 Penalty assessment.**

(a) Notice. Except as otherwise specifically provided, a peace officer shall issue a penalty assessment for all traffic infractions under the MTC, as amended by Section 10.04.020. Whenever a peace officer issues a summons and complaint for an alleged criminal traffic offense under the MTC which is listed in the schedule set forth in Subsection (c) of this Section, the peace officer may instead offer a penalty assessment notice. Notwithstanding the foregoing, no penalty assessment notice shall be issued or offered when: (1) the defendant exceeds the reasonable and prudent speed by more than twenty-four (24) miles per hour; or (2) the violation caused, or contributed to the cause, of an accident resulting in damage to property of another in an amount not less than two hundred dollars (\$200.00), or in injury or death to any person; or (3) more than one (1) violation is alleged, one (1) or more of which are not specified in the penalty schedule set forth in this Section; or (4) when the officer issuing the notice knows, or reasonably believes, that the alleged violator or vehicle has been involved in a criminal violation of any law of the Town for which there has been a conviction in a court of competent jurisdiction, and for which the sentence or judgment (be it fine or imprisonment) remains as yet unsatisfied. No person shall be entitled to elect to pay a penalty assessment under Subsection (b) of this Section unless an offer of a penalty assessment notice has been made under this Subsection.

(b) Election. Any person offered a penalty assessment notice under Subsection (a) above may elect to pay the penalty assessment and appropriate surcharge instead of proceeding to trial on the alleged violation. The amount of the penalty assessment and surcharge shall be as provided in the schedule set forth in Subsection (c) of this Section. Payment of a penalty assessment and corresponding surcharge constitutes complete satisfaction of the alleged violation if the prescribed payment is postmarked or received at Town Hall within twenty (20) days following service of a penalty assessment on the person for the alleged violation. Payment of a penalty assessment and surcharge constitutes an acknowledgment of liability for the violation described in the summons or citation. If the person offered a penalty assessment notice elects not to make full and timely payment thereunder, an action on the alleged violation shall proceed as otherwise provided by law.

(c) Schedule. The following schedule sets forth the penalty assessments and surcharges which may be offered for violations of this Chapter and of the MTC. In the event a penalty assessment and surcharge is not paid within twenty (20) days following service thereof for a violation, the penalty assessment shall increase as set forth herein unless the Municipal Court finds that extenuating circumstances and justice require a lesser penalty.

Violation	If Paid Within 20 Days	Min. if Paid After 20 Days	Surcharge
<b>General</b>			
MTC 109	\$25.00	\$40.00	\$6.00
MTC 109.5	25.00	40.00	6.00

<b>Equipment</b>			
MTC 201	85.00	85.00	12.75
MTC 202	85.00	85.00	12.75
MTC 204	40.00	40.00	6.00
MTC 205	25.00	40.00	6.00
MTC 206	25.00	40.00	6.00
MTC 207	25.00	40.00	6.00
MTC 208	25.00	40.00	6.00
MTC 209	40.00	40.00	6.00
MTC 210	25.00	40.00	6.00
MTC 211	25.00	40.00	6.00
MTC 212	25.00	40.00	6.00
MTC 213	40.00	40.00	6.00
MTC 214	25.00	40.00	6.00
MTC 215	25.00	40.00	6.00
MTC 215.5	25.00	40.00	6.00
MTC 216	25.00	40.00	6.00
MTC 217	40.00	40.00	6.00
MTC 218	25.00	40.00	6.00
MTC 219	25.00	40.00	6.00
MTC 220	25.00	40.00	6.00
MTC 221	25.00	40.00	6.00
MTC 222	25.00	40.00	6.00
MTC 223	40.00	40.00	6.00
MTC 224	25.00	40.00	6.00
MTC 225	25.00	40.00	6.00
MTC 225(1.5)	500.00	600.00	90.00
MTC 226	25.00	40.00	6.00
MTC 227(1)	120.00	120.00	18.00
MTC 227(2)	25.00	40.00	6.00
MTC 228(1), (2), (3), (5) or (6)	40.00	40.00	6.00
MTC 229	25.00	40.00	6.00
MTC 230	25.00	40.00	6.00
MTC 231	25.00	40.00	6.00
MTC 232	40.00	40.00	6.00
MTC 233	180.00	180.00	27.00
MTC 234	25.00	40.00	6.00
MTC 235	120.00	120.00	18.00
MTC 236	80.00	120.00	18.00
MTC 237	25.00	40.00	6.00
<b>Size, Weight and Load</b>			
MTC 502	120.00	180.00	27.00
MTC 503	25.00	40.00	6.00
MTC 504	120.00	180.00	27.00
MTC 505	120.00	180.00	27.00
MTC 506	25.00	40.00	6.00
MTC 507	360.00	360.00	54.00
MTC 508	360.00	360.00	54.00
MTC 509	120.00	120.00	18.00
MTC 510(9)(a)	85.00	85.00	12.75
MTC 512(1)	180.00	180.00	27.00
<b>Violation</b>	<b>If Paid Within 20 Days</b>	<b>Min. if Paid After 20 Days</b>	<b>Surcharge</b>
<b>Signals, Signs and Markings</b>			
MTC 603	85.00	85.00	12.75
MTC 604	85.00	85.00	12.75
MTC 605	85.00	85.00	12.75
MTC 606	40.00	40.00	6.00

MTC 607	80.00	120.00	18.00
MTC 608	40.00	40.00	6.00
MTC 609	40.00	40.00	6.00
MTC 610	25.00	40.00	6.00
MTC 611	240.00	240.00	36.00
MTC 612	85.00	85.00	12.75

**Rights-of-Way**

MTC 701	85.00	85.00	12.75
MTC 702	85.00	85.00	12.75
MTC 703	85.00	85.00	12.75
MTC 704	85.00	85.00	12.75
MTC 705	120.00	120.00	18.00
MTC 706	85.00	85.00	12.75
MTC 707	85.00	85.00	12.75
MTC 708	55.00	85.00	12.75
MTC 709	85.00	85.00	12.75
MTC 710	85.00	85.00	12.75
MTC 711	85.00	85.00	12.75
MTC 712	85.00	85.00	12.75

**Pedestrian**

MTC 801	25.00	40.00	6.00
MTC 802	40.00	40.00	6.00
MTC 803	25.00	40.00	6.00
MTC 805	25.00	40.00	6.00
MTC 806	85.00	85.00	12.75
MTC 807	85.00	85.00	12.75
MTC 808	85.00	85.00	12.75

**Turning and Stopping**

MTC 901	85.00	85.00	12.75
MTC 902	85.00	85.00	12.75
MTC 903	85.00	85.00	12.75

**Driving, Overtaking and Passing**

MTC 1001	85.00	85.00	12.75
MTC 1002	85.00	85.00	12.75
MTC 1003	85.00	85.00	12.75
MTC 1004	85.00	85.00	12.75
MTC 1005	85.00	85.00	12.75
MTC 1006	85.00	85.00	12.75
MTC 1007	85.00	85.00	12.75
MTC 1008	85.00	85.00	12.75
MTC 1009	85.00	85.00	12.75
MTC 1010	85.00	85.00	12.75
MTC 1011	240.00	240.00	36.00
MTC 1012	80.00	120.00	18.00
MTC 1903(1)(a)	100.00	200.00	16.60

<b>Violation</b>	<b>If Paid Within 20 Days</b>	<b>Min. if Paid After 20 Days</b>	<b>Surcharge</b>
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**Speeding**

MTC 1101 (1-4 mph over limit)	25.00	40.00	6.00
MTC 1101 (5-9 mph over limit)	85.00	85.00	12.75
MTC 1101 (10-19 mph over limit)	120.00	120.00	18.00
MTC 1101 (20-24 mph over limit)	240.00	240.00	36.00
MTC 1101(3)	85.00	85.00	12.75

MTC 1103	40.00	40.00	6.00
MTC 1104	40.00	40.00	6.00
<b>Parking</b>			
MTC 1201	40.00	40.00	6.00
MTC 1202	25.00	40.00	6.00
MTC 1204	25.00	40.00	6.00
MTC 1205	25.00	40.00	6.00
MTC 1206	25.00	40.00	6.00
MTC 1207	25.00	40.00	6.00
MTC 1208(5), (6), (7) or (9)	160.00	240.00	36.00
MTC 1211	40.00	40.00	6.00
<b>Other MTC Offenses</b>			
MTC 1403	40.00	40.00	6.00
MTC 1405	25.00	40.00	6.00
MTC 1406(1)(a), (2), (3) or (4)	55.00	85.00	12.75
MTC 1407	85.00	85.00	12.75
MTC 1407.5	55.00	85.00	12.75
MTC 1411	25.00	40.00	6.00
MTC 1412	40.00	40.00	6.00
MTC 1414	25.00	40.00	6.00
MTC 1415	500.00	1,000.00	150.00
MTC 1704	40.00	40.00	6.00
MTC 1901	55.00	85.00	12.75
MTC 1903(2) and (5)	40.00	40.00	6.00
MTC 1904(1)	240.00	240.00	36.00
<b>Motorcycles</b>			
MTC 1502	40.00	40.00	6.00
MTC 1503	40.00	40.00	6.00
MTC 1504	40.00	40.00	6.00
<b>Georgetown Ordinances</b>			
G.M.C.			
10.04.050	25.00	40.00	6.00
10.04.060	80.00	120.00	18.00
10.04.065(a)	50.00	75.00	11.25
10.04.065(b)	50.00	75.00	11.25
10.04.065(e)(1) or (2)	50.00	75.00	11.25

(Ord. 497 §4, 1999; Ord. 3 §2, 2002; Ord. 4 §5, 2003; Ord. 6 §2, 2003; Ord. 1 §3, 2005; Ord. 1 §1, 2006)

#### **10.04.090 Points assessment reduction.**

(a) If a person receives a penalty assessment notice for a violation of the Model Traffic Code for Colorado Municipalities, as amended by Section 10.04.020 above, and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for such violation under the point system schedule adopted at Section 42-2-127, C.R.S., as amended, shall be reduced as follows:

- (1) For a violation having an assessment of three (3) or more points, the points shall be reduced by two (2) points.
- (2) For a violation having an assessment of two (2) points, the points shall be reduced by one (1) point.

(b) The point reductions as provided for in this Section shall only be valid in accordance with the authority provided to municipalities under Section 42-2-127(5.6), C.R.S., and in the event such statute is amended and/or repealed, this Section shall correspondingly be amended and/or repealed. (Ord. 497 §4, 1999)

#### **10.04.100 Surcharge for traffic offenses.**

Pursuant to Section 24-4.2-109, C.R.S., as amended, a surcharge shall be levied and collected on all traffic offenses resulting in a plea or admission of guilt or liability, or a conviction or finding of guilt or liability after trial, inclusive of pleas or admissions entered pursuant to a deferred sentence. The amount of all surcharges shall be set forth within the schedule found at Section 10.04.080(c) of this Chapter. Funds collected under this provision shall be applied toward the cost of Town law enforcement activities and agencies. (Ord. 497 §4, 1999)

#### **10.04.110 Parental notification.**

Whenever a minor driver receives a summons or penalty assessment notice for a traffic offense or traffic infraction, the minor's parent or legal guardian or, if the minor is without parents or guardian, the person who signed the minor driver's application for a license shall immediately be notified by the Municipal Court Clerk of such summons or penalty assessment notice. A failure to provide such notice shall not in any way diminish or limit the jurisdiction of the Court over the juvenile or the traffic violation or infraction. (Ord. 497 §4, 1999)

## **CHAPTER 10.12**

### **Aircraft**

#### **10.12.010 Takeoffs and landings prohibited.**

Subject to the exception contained in Section 10.12.020, all aircraft takeoffs and landings are prohibited within the municipal limits of the Town, and no owner or operator of any airplane or aircraft of any nature whatsoever shall take off or land within the municipal limits of the Town. If any owner or operator violates the provisions of this Chapter, it shall constitute a general misdemeanor and, upon conviction, said owner or operator may be fined one thousand dollars (\$1,000.00) and/or imprisoned in jail for up to one (1) year. (Ord. 313 §1, 1980; Ord. 2 §1, 2003)

#### **10.12.020 Exceptions; emergency aircraft and emergencies.**

(a) Exceptions are hereby granted to the prohibition on landing and takeoff contained in the preceding Section to permit the landing and takeoff of aircraft in emergency situations, and the landings and takeoffs of emergency aircraft (e.g., "Flight for Life"), or such other aircraft operations when authorized by vote of a majority of the Board of Selectmen for purposes deemed by the Board to be beneficial to the Town.

(b) The aforesaid exceptions shall include but not be limited to landings and takeoffs in connection with functions promoting the general well-being of the Town through public events or otherwise. (Ord. 334, 1982; Ord. 2 §1, 2003)

## CHAPTER 10.16

### Towing and Storage

#### 10.16.010 Purpose.

The Board of Selectmen hereby declares that the purpose of this Chapter is to provide procedures for the removal, storage and disposal of abandoned and illegally parked motor vehicles. (Ord. 386, 1986)

#### 10.16.020 Definitions.

As used in this Chapter, unless the context otherwise required:

*Abandoned motor vehicle* means:

a. Any motor vehicle left unattended on private property for a period of twenty-four (24) hours or longer without the consent of the owner or lessee of such property or his or her legally authorized agent;

b. Any motor vehicle left unattended on public property, including any portion of a street, highway or right-of-way open to the general use of the public within the Town limits, for a period of seventy-two (72) hours or longer unless the owner or driver has conspicuously affixed thereto a dated notice indicating his or her intention to return or has otherwise notified the Marshal's office of his or her intention to remove the same within seventy-two (72) hours;

c. Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent or the Marshal's office and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two (72) hours of the time the Marshal's office notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Marshal's office requested the storage, the provisions governing public tows contained in this Chapter apply as of the time of abandonment, and the Marshal's office shall be deemed the responsible law enforcement agency. Otherwise the private tow provisions of this Chapter apply as of the time of abandonment.

*Appraisal* means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this State or by any employee of the Colorado State Patrol or by the Marshal's office.

*Department* means the Colorado Motor Vehicle Division.

*Disabled motor vehicle* means any motor vehicle which is stopped or parked, either attended or unattended, upon a street, highway or right-of-way generally open to the use of the public and which is, due to any mechanical failure or any inoperability because of a collision, fire or any other such injury, temporarily inoperable under its own power.

*Impound lot* means a parcel of real property at which motor vehicles are stored under appropriate protection.

*Inoperable vehicle* means any vehicle that has been junked, wrecked or is wholly or partially dismantled or is unable to perform the functions or purposes for which it was originally constructed, or:

- a. Does not have affixed thereto a current license plate, registration or emissions inspection sticker;
- b. The vehicle or parts thereof have been placed upon jacks, blocks, chains or supports other than its wheels for a period in excess of thirty (30) consecutive days; or
- c. The vehicle lacks one (1) or more parts necessary for the lawful operation of the vehicle upon the public streets and ways for a period of thirty (30) consecutive days.

*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 motor vehicle or inoperable vehicle not requested by the Marshal's office.

*Public property* means any real property having its title, ownership, use or possession held by the Town, federal government, State, or any county, municipality or governmental entity of this State.

*Public tow* means any tow of an abandoned motor vehicle or inoperable vehicle requested by a law enforcement agency. (Ord. 386, 1986; Ord. 403 §1(part), 1988; Ord. 2 §1, 2003)

#### **10.16.030 Abandonment of motor vehicles; public tow.**

(a) No person shall abandon any motor vehicle upon public property. Any police officer or authorized code enforcement officer who finds a motor vehicle which he or she has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed by the owner, operator or possessor thereof, or may cause the same to be removed and placed in storage in any impound lot designated or maintained by the Marshal's office.

(b) Whenever any police officer finds a motor vehicle, attended or unattended, standing upon any portion of a street, alley or highway, or right-of-way generally open to the use of the public in such a manner as to constitute an obstruction to the safe passage of traffic or proper highway maintenance, such officer is authorized to cause the motor vehicle to be moved to eliminate any such obstruction; and neither the officer nor anyone acting under his or her direction shall be liable for any damage to such motor vehicle occasioned by such removal. (Ord. 386, 1986; Ord. 2 §1, 2003)

#### **10.16.040 Report of abandoned motor vehicles; owner's opportunity to request hearing; public tow.**

(a) Report of abandoned motor vehicle.

(1) As soon as possible, but in no event later than ten (10) working days after having an abandoned motor vehicle towed, the Marshal's office shall file a report with the Colorado

Department of Revenue by first class or certified mail or personal delivery, or by internet communication, which report shall be on a form prescribed and supplied by the Department. A copy of the report shall also be filed with the Town Clerk.

(2) The report shall contain the following information:

a. The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, the identity of the responsible law enforcement agency, and the business address, telephone number, name and signature of a representative from the Marshal's office;

b. If applicable, the identity of the towing 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

c. A description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state, and expiration date of the license plate, the vehicle identification number and a list of the names and addresses of any known drivers.

(b) The Marshal's office, upon receipt of the report from the Colorado Department of Revenue required by Section 42-4-1804(2), C.R.S., 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 under this Chapter. The Marshal's office shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(c) The Marshal's office, within ten (10) working days of the receipt of the report from the Colorado Department of Revenue required by Section 42-4-1804(2), C.R.S., 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 Section 42-4-1806, C.R.S., and Section 10.16.080 of this Chapter, 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. 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 the motor vehicle by filing a written request for the same with the Town Clerk. Such request shall be made in writing to the Clerk's office within twenty (20) days of the date of the certified notice sent by the Marshal. Such hearing shall be conducted by the Police Judge pursuant to the provisions of Section 10.16.050. In the event it is determined by the Police Judge that the vehicle was inappropriately towed, all towing charges and storage fees assessed against the vehicle shall be forgiven and/or paid by the Town. (Ord. 386, 1986; Ord. 2 §1, 2003)

#### **10.16.050 Conduct of hearing.**

(a) A hearing shall be conducted before the Police Judge or his or her designated representative within seventy-two (72) hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays and Town holidays are to be excluded from the calculation of the forty-eight-hour period. The Police Judge's

designated representative shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the Police Judge shall be the legality of the impoundment of the motor vehicle, including whether there was probable cause to impound the vehicle in question. *Probable cause to impound* shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

(b) The Police Judge shall conduct the hearing in an informal manner and shall not be bound 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 Marshal's office shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the Police Judge shall issue his or her decision. A copy of such decision, or a summary thereof, shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The Police Judge's decision in no way affects any criminal proceeding in connection with the impound in question, and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the Police Judge is final. Failure of the registered or legal owner, or his or her agent, to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing. (Ord. 386, 1986)

#### **10.16.060 Abandonment of motor vehicles; private tow.**

(a) No person shall abandon any motor vehicle upon private property other than his or her own. 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, and no longer than thirty (30) minutes, notify the Colorado Department of Revenue and Marshal's office as to the name of the operator and the location of the impound lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate, and the vehicle identification number. Upon such notification, the Marshal's office shall assign the vehicle a case number and ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this Chapter 10.16. The Marshal's office shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

(c) Reports.

(1) An operator shall, as soon as possible, but in no event later than ten (10) working days after a vehicle has been towed, report to the Department of Revenue by first class or certified mail, personal delivery, or internet communication, that the vehicle has been towed and provide the date possession was taken, the storage location of the vehicle and the location from which it was towed, and the identity of any law enforcement agency that has advised that the vehicle has not been reported stolen. The report shall be on a form prescribed and/or supplied by the Department of Revenue. The report shall also identify the operator, the operator's business address, telephone number and carrier number assigned by the Public Utilities Commission.

(2) The operator shall also, within ten (10) working days from the date of the tow, determine if there is an owner or lien holder represented in the Department of Revenue records and, if so, notify the same by certified mail or personal delivery of the following:

a. 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, and the identity of any law enforcement agency determining that the vehicle was not reported stolen;

b. 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, where applicable; and

c. A description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate, the vehicle identification number and a list of names and addresses of any known drivers.

d. The claim, if any, of a lien under Section 42-4-2105, C.R.S.; and

e. That, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark in the notice, the motor vehicle is subject to sale. (Ord. 386, 1986; Ord. 2 §1, 2003)

**10.16.070 Appraisal of abandoned motor vehicles; sale.**

(a) Public tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the Marshal's at a public or private sale held not less than thirty (30) nor more than sixty (60) days after the date the notice required by Section 10.16.040(c) was mailed; except if the vehicle is a collector's item as defined under state law, in which event no sale shall be held for at least ninety (90) days.

(b) Private tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a private tow shall be appraised and sold by the operator in a commercially reasonable manner at a public or private sale held not less than thirty (30) days nor more than sixty (60) days after the date the notice required by Section 10.16.060(c)(2) was mailed; except if the vehicle is a collector's item as defined under state law, in which event no sale shall be held for at least ninety (90) days.

(c) If the appraised value of an abandoned motor vehicle sold pursuant to this Section 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 Colorado certificate of title. The operator or Marshal's office making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 10.16.040 (for public tow abandoned motor vehicles) or Section 10.16.060 (for private tow abandoned motor vehicles), 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 operator or Marshal's office making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the Police Department and shall deliver a copy of such report of sale to the purchaser of the motor vehicle.

(d) If the appraised value of an abandoned motor vehicle sold pursuant to this Section is more than two hundred dollars (\$200.00), the sale may be made for any intended use by the purchaser thereof. The operator or Marshal's office making the sale shall cause to be executed and delivered a

bill of sale, together with a copy of the report described in Section 10.16.040 (for public tow abandoned motor vehicles) or Section 10.16.060 (for private tow abandoned motor vehicles) and an application for a Colorado certificate of title signed by a legally authorized representative of the operator or Marshal's office conducting the sale, to the person purchasing such motor vehicle. (Ord. 386 §1, 1986; Ord. 2 §1, 2003)

#### **10.16.080 Liens upon towed motor vehicles.**

Whenever an operator recovers, removes or stores a motor vehicle upon instructions in writing from the owner of record thereof or any other legally authorized person in control of such motor vehicle, from the owner or lessee of real property upon which a motor vehicle is illegally parked or his or her agent, or from the Marshal's office, such operator shall have a possessory lien upon such motor vehicle and its attached accessories or equipment for all costs of recovery, towing and storage. The priority, perfection, sale and foreclosure of the operator's lien shall be in accordance with the provisions of Sections 42-4-1806 through 42-4-1808 and/or 42-4-2105 through 42-4-2107, C.R.S., as applicable, unless the terms thereof are specifically amended herein. (Ord. 386, 1986; Ord. 2 §1, 2003)

#### **10.16.090 Proceeds of sale.**

(a) If the sale of any motor vehicle, personal property 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 his or her lien, 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. Such charges shall be assessed in the manner provided for in Paragraph (b)(1) of this Section.

(b) If the sale of any motor vehicle and its attached accessories or equipment produces an amount greater than the sum of all charges of the operator who has perfected his or her lien:

(1) The proceeds shall first satisfy the operator's charges as follows: The cost of towing the abandoned motor vehicle with a maximum charge not greater than the charge specified by the Public Utilities Commission for nonconsensual tows; 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; and the storage of the abandoned motor vehicle to be charged at the rate of four dollars (\$4.00) per day for a maximum of sixty (60) days. In the case of an abandoned motor vehicle weighing in excess of ten thousand (10,000) pounds, the provisions of this Paragraph (1) shall not apply and the operator's charges shall be determined by negotiated agreement between the operator and the Marshal's office.

(2) Any balance then remaining shall be paid to the Marshal's office to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle and any other costs of the Marshal's office, including administrative costs, taxes, fines and penalties due.

(3) Any balance then remaining shall be forwarded to the Colorado Department of Revenue for disbursement pursuant to Section 42-4-1810(2)(c) and (d), C.R.S.

(c) The provisions of Paragraphs (b)(1) and (b)(2) of this Section shall not apply if the Town has entered into a towing contract which provides for different charges by the operator. (Ord. 397, 1982; Ord. 2 §1, 2003)

