

ORDINANCE NO. 288

AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES, 1977 EDITION, HERETOFORE ADOPTED BY THE CITY OF CREEDE, BY REFERENCE, IN ORDINANCE NO. 215

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN.

PART ONE:

Pursuant to the authority conferred by Colorado Revised Statutes of 1973, the City of Creede, Mineral County Colorado, has heretofore adopted, as the Traffic Code for the City of Creede, the MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES, 1977 EDITION, by Ordinance No. 215, the date of passage of which Ordinance was the 10th day of August, 1979. It is the purpose of this Ordinance to amend the Model Traffic Code as heretofore adopted in the following respects: Sec. 21-5 shall be amended as set forth in Part Two hereof; the Model Traffic Code shall further be amended by the addition of a new Article No. XXVII, as set forth in Part Three hereof.

PART TWO:

Sec. 21-5. Restricted use of snowmobiles, skis, toboggans, coasters, skates and similar devices, is amended in its entirety to read as follows:

Sec. 21-5. Restricted use of snowmobiles, toboggans, coasters and similar devices - a) No person shall use any street or highway within this municipality for traveling on toboggans, coasting sleds or similar devices, except as otherwise provided in sub sections (b) and (d) of this section, and it shall be unlawful for any person to use any roadway within this municipality as a sled or toboggan course for the purpose of coasting on sleds, toboggans or similar devices.

b) No person riding in or by means of any coaster, toboggan, toy vehicle or similar device, shall go upon any roadway in this municipality except while crossing a street in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

c) A snowmobile may be operated on streets and highways under the jurisdiction of this municipality only when such operation is authorized by special ordinance or addition to this Code and appropriate notice is given thereof, and then only in the manner and on such streets prescribed by such Ordinance consistent with the provisions of State law.

d) This section shall not apply upon any street or portion thereof set aside as a play street and adequately roped off or otherwise marked for such purpose.

PART THREE:

The Model Traffic Code for the City of Creede be and is hereby amended by the addition of the following new ARTICLE XXVII:

ARTICLE XXVII

OPERATION OF NON-MOTORIZED DEVICES OTHER THAN BICYCLES

Sec. 27-1. Effect of regulations. - a) It is unlawful for any person to do any act forbidden or fail to perform any act required in this Article.

b) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this Article.

c) These regulations shall apply whenever a device (as defined herein) is operated upon any street or highway within this municipality or upon any path or trail therein set aside for the exclusive use of such devices.

Sec. 27-2. "Device" defined. - A device, as used in this Article XXVII, means roller skates, in-line roller-skates, roller skis, skateboards, cross-country skis and similar non-motorized apparatus not equipped with a seat or pedals and designed to carry one person (rider, operator, driver). A "device" is a "vehicle" for purposes of this Code unless the context prohibits or clearly does not intend such definition. A "traffic control device" is defined elsewhere in this Code.

Sec. 27-3. Inspection of devices. - The Chief of Police or other authorized official may inspect any device being used within this municipality to determine if it is in unsafe mechanical condition or fails to meet the requirements of Sec., 27-14 of this Code.

Sec. 27-4. Traffic Laws apply to devices and riders. - Every person riding a device upon a roadway where such travel is permitted shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code, except those provisions of this Code which, by their very nature, can have no application. Said rider shall also comply with special rules set forth in this Article. Whenever the word "vehicle" is used in any of the driving rules set forth in this Code that are or reasonably may be applicable to devices, such term shall include such devices.

Sec. 27-5. Obedience to traffic control devices. - a) Any person operating a device shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a device shall disobey the direction of any such sign, except when such person dismounts from the device to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

Sec. 27-6. Riding on devices. - a) A person propelling a device shall not ride other than in the manner prescribed by the manufacturer.

b) No device shall be used to carry more than one (1) person.

Sec. 27-7. Riding on roadways and bicycle paths. - a) Every person operating a device upon a roadway shall ride as near to the right side of the roadway as practicable, exercising care when passing a standing or parked vehicle. No person operating a device shall pass or overtake a vehicle that is moving in the same direction.

b) Persons riding devices upon a roadway shall not ride abreast.

c) Where a usable path or trail for devices has been provided adjacent to a roadway, riders shall use such path and shall not use the roadway.

Sec. 27-8. Speed. - No person shall operate a device at a speed greater than is reasonable and prudent under the conditions then existing.

Sec. 27-9. Entering or emerging from alley or driveway. - The operator of a device emerging from an alley, driveway or building shall upon approaching the sidewalk or the sidewalk area extending across any

alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Sec. 27-10. Carrying articles. - No person operating a device shall carry any package, bundle or article which prevents the rider from keeping at least one hand free.

Sec. 27-11. Parking. - No person shall stand or leave unattended a device upon a street or upon a sidewalk.

Sec. 27-12. Riding on sidewalks prohibited. - No person shall ride a device upon any sidewalk.

Sec. 27-13. Yield to pedestrians. The operator of any device shall yield the right-of-way to every pedestrian who is lawfully walking in or upon any sidewalk, street or highway.

Sec. 27-14. Equipment on devices. - No person shall operate a device unless it is equipped with all safety features, including brakes, toe-stops and the like, originally installed by the manufacturer.

Sec. 27-15. Clinging to vehicles. - No person riding upon any device shall attach the same or himself to any vehicle or pedestrian upon any street or roadway.

Sec. 27-16. Devices prohibited. - a) Wherever official signs are erected giving notice that devices are prohibited, as authorized in Sec. 23-9 of this Code, no rider shall violate any of the instructions contained thereon.

b) No device shall be operated upon any street or highway within this municipality between one-half hour after sunset and one-half hour before sunrise.

c) No device shall be operated on any state highway within this municipality at any time.

d) No device shall be operated upon North or South Main Streets between the dates of June 1 and September 10, except at the intersection of South Main Street and Third Street and then only for the purpose of crossing south Main Street.

PART FOUR:

At least three copies of the Model Traffic Code for Colorado Municipalities, 1977 Edition, together with the amendments set forth in this Ordinance, are on file at the Office of the City Clerk and may be inspected during regular business hours.

PART FIVE: PENALTIES

It shall be unlawful for any person to violate any of the provisions of the Model Traffic Code, including the provisions of Article 27 as adopted herein and any person violating any of the provisions of the Model Traffic Code or Article XXVII shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof which any violation of any of the provisions of the Model Traffic Code or this Ordinance is committed, continued or permitted and upon conviction of any such violation, such person shall be punished by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

PART SIX:

If any part or parts of the Model Traffic Code or this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of the Model Traffic Code or this Ordinance. The Board of Trustees hereby declares that it would have passed the Model Traffic Code and this Ordinance and each and every part thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

PART SEVEN: Effective date.

This Ordinance shall be published and become effective as provided by law, thirty (30) days subsequent to the publication hereof.

INTRODUCED, READ IN FULL, ADOPTED AND APPROVED AND ORDERED PUBLISHED AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN, HELD ON THE 8 DAY OF Sept., 1992.

CITY OF CREEDE, COLORADO, A TOWN

By [Signature]
Mayor

(SEAL)
ATTEST:

[Signature]
Town Clerk

CERTIFICATE OF PUBLICATION

I certify that the foregoing Ordinance was published in the Mineral County Miner on the _____ day of _____, 1992, and that the same shall become effective thirty (30) days subsequent to such date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said town at my office in Creede, Colorado, this ____ day of _____, 1992.

City Clerk

(SEAL)