

ORDINANCE NO. 2407
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REPEALING ORDINANCE NO. 2383; ADOPTING THE *MODEL TRAFFIC CODE, 2020 EDITION*; SETTING FORTH DELETIONS, MODIFICATIONS, AND ADDITIONS THERETO, INCLUDING MODIFYING THE SPEED LIMIT IN ANY RESIDENCE DISTRICT FROM 30 MILES PER HOUR TO 25 MILES PER HOUR

WHEREAS, on June 7th, 2022, the City Council amended Article 4 of Chapter 10 of the *Brighton Municipal Code* by adopting the *Model Traffic Code, 2020 Edition* through Ordinance No. 2383; and

WHEREAS, the City Council finds and determines that it is necessary, proper, and in the best interests of the public to repeal Ordinance No. 2383 in its entirety in order to eliminate typographic errors and unnecessary ambiguities in Article 4 of Chapter 10 of the *Brighton Municipal Code* that the adoption of Ordinance No. 2383 created; and

WHEREAS, the City Council finds and determines that it is still necessary, proper, and in the best interests of the public to adopt current state codes and regulations and, in particular, to adopt such codes as will facilitate and enable the proper regulation of traffic within the City, including the *Model Traffic Code, 2020 Edition*; and

WHEREAS, the City Council therefore finds that the adoption of the *Model Traffic Code, 2020 Edition* shall enhance, protect, and otherwise further the public health, safety and welfare of the citizens of Brighton, and allow for the proper regulation of traffic within the City of Brighton (the “City”); and

WHEREAS, the City Council also desires to promote transportation safety in the City of Brighton by reducing the speed limit in any residence district in the City from 30 miles per hour to 25 miles per hour; and

WHEREAS, the City Council finds and determines that the reduction of the speed limit to 25 miles per hour in any residence district shall enhance, protect, and otherwise further the public health, safety, and welfare of the citizens of Brighton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Ordinance No. 2383 is hereby repealed in its entirety and replaced by this Ordinance.

Section 2. Article 4 of Chapter 10 of the *Brighton Municipal Code* is hereby amended as follows:

Sec. 10-4-20. – Adoption.

Pursuant to Article V, Sections 5.8, 5.9 and 5.12 of the City Charter, and Part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, and 19 and Appendix I, Definitions, of the 2020 edition of the Model Traffic Code of Colorado, promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article and the Model Traffic Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the Nation. Three (3) copies of the 2020 edition of the Model Traffic Code adopted herein are now filed in the office of the City Clerk and may be inspected during regular business hours.

Sec. 10-4-40. - Penalties.

- (a) It is unlawful for any person to violate any of the provisions adopted in this Article, whether the same is defined herein as a traffic infraction or traffic offense.
- (b) Definitions; generally.
 - (1) When used in this Chapter, the words and phrases deemed shall, for the purposes of this Article, have the meanings respectively ascribed to them in Subsection (c) below, except where the context clearly indicates a different meaning.
 - (2) Whenever any words and phrases used in this Article are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this Article and the 2020 edition of the Model Traffic Code as herein adopted.
 - (3) In the event of any conflict between the Model Traffic Code and the definitions contained in this Article, this Article shall be controlling.

Sec. 10-4-50. - Application.

This Article and the 2020 Model Traffic Code as adopted 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 the City, over which the City has jurisdiction and authority to regulate. The provisions of Sections: 606, Display of unauthorized signs or devices; 1204, Stopping, standing or parking prohibited in specified places; 1211, Limitations on backing; 1401, Reckless driving; 1402, Careless driving; and 1413, Eluding or attempting to elude a police officer; apply not only to public places and ways but also throughout the jurisdiction of the City.

Sec. 10-4-60. - Interpretation.

This Article and the 2020 Model Traffic Code as adopted shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or extent of the provisions of any Article or Section thereof.

Sec. 10-4-70. - Certification.

The City Clerk shall certify to the passage of the ordinance adopting the 2020 edition of the Model Traffic Code and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours.

Sec. 10-4-100. – Additions, deletions, or modifications.

(a) Deletions.

- (1) The 2020 edition of the Model Traffic Code is adopted as set out in Section 10-4-20 save and except the following Articles, Sections, and/or specific sentences from Sections which are declared to be inapplicable to the City and are therefore expressly deleted:

<i>Section</i>	<i>Title</i>
§106(4.5)	Who may restrict right to use highways
§106(5)(a)(I)(B)	Who may restrict right to use highways
§106(5)(a)(I)(C)	Who may restrict right to use highways
§106(5)(a)(I)(E)	Who may restrict right to use highways
§109(13)	Low-power scooters, animals, skis, skates, and toy vehicles on highways
§109.5(3)	Low-speed electric vehicles
§109.6(3)	Class B low-speed vehicles
§114	Removal of traffic hazards
§116(3)	Restrictions on minor drivers under eighteen year of age
§117(4)	Personal mobility devices
§201(8)	Obstruction of view or driving mechanism – hazardous situation
§202(5)	Unsafe vehicles
§203(4)	Unsafe vehicles – spot inspections
§204(4)	When lighted lamps are required
§205(4)	Headlamps on motor vehicles
§206(7)	Tail lamps and reflectors
§207(6)	Clearance and identification
§208(4)	Stop lamps and turn signals
§209	Lamp or flag on projecting load (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§210(4)	Lamps on parked vehicles
§211(8)	Lamps on farm equipment and other vehicles and equipment
§212(5)	Spot lamps and auxiliary lamps
§213(6)	Audible and visual signals on emergency vehicles
§214(6)	Visual signals on service vehicles
§215(9)	Signal lamps and devices – additional lighting equipment

§216(3)	Multiple-beam road lights
§217(2)	Use of multiple-beam lights
§218(2)	Single-beam road-lighting equipment
§219	Number of lamps permitted (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§220(7)	Low-power scooters – lighting equipment – department control – use and operation
§221(11)	Bicycle and personal mobility device equipment
§222(1)(a)	Volunteer firefighters – volunteer ambulance attendants – special lights and alarm systems (last sentence only: “If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.”)
§223(3)	Brakes
§224(6)	Horns or warning devices
§225(3)	Mufflers – prevention of noise
§226(3)	Mirrors – exterior placements
§227(3)	Windows unobstructed – certain materials prohibited – windshield wiper requirements
§228(8)	Restrictions on tire equipment
§229(5)	Safety glazing material in motor vehicles
§230(5)	Emergency lighting equipment – who must carry
§231	Parking lights (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§232(4)	Minimum safety standards for motorcycles and low-power scooters
§233(3)	Alteration of suspension system
§234(4)	Slow-moving vehicles – display emblem
§236(7)	Child restraint systems required – definitions - exceptions
§237(4)	Safety belt systems – mandatory use – exemptions – penalty
§238(3)	Blue and red lights – illegal use or possession
§239(5)	Misuse of a wireless telephone – definitions – penalty – preemption
§240	Low-speed electric vehicle equipment requirements (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§502(6)	Width of vehicles
§503	Projecting loads on passenger vehicles (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§504(7)	Height and length of vehicles
§505(5)	Longer vehicle combinations
§506(4)	Trailers and towed vehicles
§507(6)	Wheel and axle loads
§509(3)	Vehicles weighed – excess removed

§512(3)	Liability for damage to highway
§603(5)	Obedience to official traffic control devices
§604(2)	Traffic control signal legend
§605(3)	Flashing signals
§606(3)	Display of unauthorized signs or devices
§607(2)(a)	Interference with official devices (last sentence only: “Except as otherwise provided in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.”)
§607(2)(b)	Interference with official devices
§608(3)	Signals by hand or signal device
§609(2)	Method of giving hand and arm signals
§610	Unauthorized insignia ((last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§611(2)	Paraplegic persons or persons with disabilities – distress flag
§612(3)	When signals are inoperative or malfunctioning
§701(3)	Vehicles approaching or entering intersection
§702	Vehicle turning left (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§703(5)	Entering through highway – stop or yield intersection
§704	Vehicles entering roadway (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§705(3)(a)	Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle
§706(3)	Obedience to railroad signal
§707(6)	Certain vehicles must stop at railroad grade crossings
§708(6)	Moving heaving equipment at railroad crossing
§709	Stop when traffic obstructed (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§710(4)	Emerging from or entering alley, driveway, or building
§711	Driving on mountain highways
§712(3)	Driving in highway work area (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§801(4)	Pedestrian obedience to traffic control devices and traffic regulations
§802(6)	Pedestrians’ right-of-way in crosswalks
§803(5)	Crossing at other than crosswalks
§805(9)	Pedestrians walking or traveling in a wheelchair on highways
§806	Driving through safety zone prohibited (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)

§807	Drivers to exercise due care (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§808	Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§901(3)	Required position and method of turning
§902(4)	Limitations on turning around
§903(5)	Turning movements and required signals
§1001(4)	Drive on right side – exceptions
§1002(3)	Passing oncoming vehicles
§1003(2)	Overtaking a vehicle on the left
§1004(3)	When overtaking on the right is permitted
§1005(5)	Limitations on overtaking on the left
§1006(4)	One-way roadways and rotary traffic islands
§1007(3)	Driving on roadways laned for traffic
§1008(4)	Following too closely
§1009(3)	Coasting prohibited
§1010(4)	Driving on divided or controlled-access highways (last sentence only: “(4) Any person who violates any provision of this section commits a class A traffic infraction.”)
§1011	Use of runaway vehicle ramps
§1012(3)	High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes
§1013(3)	Passing lane – definitions – penalty
§1101(12)	Speed limits
§1103(5)	Minimum speed regulation
§1104(4)	Speed limits on elevated structures
§1105(2)(c)	Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
§1105(8)(c)	Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
§1201	Starting parked vehicle (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§1202(2)	Parking or abandonment of vehicles
§1203	Ski areas to install signs
§1204(7)	Stopping, standing, or parking prohibited in specified places
§1205(4)	Parking at curb or edge of roadway
§1206(2)	Unattended motor vehicle (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§1207	Opening and closing vehicle doors (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§1208(6)	Parking privileges for persons with disabilities – applicability

§1210	Designated areas on private property for authorized vehicles
§1211(2)	Limitations on backing
§1401(2)	Reckless driving – penalty
§1402(2)	Careless driving - penalty
§1403	Following fire apparatus prohibited (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§1404	Crossing fire hose (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§1405	Riding in trailers (last sentence only: “Any person who violates any provision of this section commits a class B traffic infraction.”)
§1406(5)	Foreign matter on highway prohibited
§1407(3)	Spilling loads on highways prohibited
§1407.5(4)	Splash guards – when required
§1408(3)	Operation of motor vehicles on property under control of or owned by parks and recreation districts
§1409(4)&(9)	Compulsory insurance – penalty
§1411(2)	Use of earphones while driving
§1412(12)	Operation of bicycles and other human-powered vehicles
§1414(2)	Use of dyed fuel on highways prohibited
§1415(4)	Radar jamming devices prohibited – penalty
§1502(5)	Riding on motorcycles – protective helmet
§1503(6)	Operating motorcycles on roadways laned for traffic
§1504	Clinging to other vehicles (last sentence only: “Any person who violates any provision of this section commits a class A traffic infraction.”)
§1701	Municipalities – traffic offenses classified – schedule of fines
§1702	Counties – traffic offenses classified – schedule of fines
§1706	Juveniles – convicted – arrested and incarcerated – provisions for confinement
§1708	Burden of Proof - appeals
§1709	Penalty assessment notice for traffic offenses – violations of provisions by officer – driver’s license
§1710	Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures
§1711	Compliance with promise to appear
§1712	Procedure prescribed not exclusive
§1715	Convictions, judgments, and charges recorded – public inspection
§1901	School buses – equipped with supplementary brake retarders
§1903(6)	School buses – stops – signs – passing
§1904(3)	Regulations for school buses – regulations for discharge of passengers – penalty – exception

(2) All Subsections of the 2020 edition of the Model Traffic Code that categorize violations into classes of traffic infractions, traffic offenses or misdemeanors contrary to the provisions of Section 10-4-40 of this Article; or which set forth a specific penalty for a violation, whether monetary or otherwise are hereby deleted.

(b) Modifications. The 2020 edition of the Model Traffic Code is adopted as set out in Section 10-4-40, provided that the following specified articles, sections, and provisions are modified to read as follows:

"103. Scope and effect of Model Traffic Code - exceptions to provisions."

"(2) The 2020 Model Traffic Code as adopted in Section 10-4-40 applies 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 the City, over which the City has jurisdiction and authority to regulate as set forth in Section 10-4-50 of the Brighton Municipal Code, as the same may be amended from time to time."

"1101. Speed Limits"

"(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

"(c) twenty-five miles per hour in any residence district, as defined in section 42-1-102(80), C.R.S."

"1204. Stopping, standing, or parking prohibited in specified places."

"(2)(b) Within five feet of a fire hydrant;"

(c) Additions. The 2020 edition of the Model Traffic Code is adopted as set out in Section 10-4-40 and in addition thereto shall include the following Articles, Sections, and provisions to read as follows:

"235. Enforcement of standards for commercial vehicles - spot inspections.

Section 3. All sections, subsections, and definitions of Article 4 of Chapter 10 not expressly amended or modified herein remain in full force and effect.

Section 4. As required by C.R.S. § 31-16-203, the first reading of this Ordinance on February 7, 2023 set a public hearing for March 7, 2023, and notice of the hearing was published fifteen and eight days before the hearing.

Section 5. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS
7th DAY OF February, 2023.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY
TITLE ONLY THIS 7th DAY OF March, 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

MICHAEL DAVIS, Assistant City Attorney